

Town of Archer Lodge

AGENDA

**Regular Council Meeting & Public Hearing on
Amending the Code of Ordinances,
Town of Archer Lodge, NC, in accordance with
State Law as referenced below:**



1. Chapter 30, Articles II, III, IV, VI, Section 30-421 and Appendices

**Monday, November 2, 2020 @ 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. CONSENT AGENDA:

4 - 175

- 4.a. Approval of Minutes:
 - 04 May 2020 Virtual Regular Council Meeting Minutes
 - 18 May 2020 Virtual Special Meeting Minutes
 - 01 June 2020 Regular Council Meeting Minutes
 - 15 June 2020 Work Session Minutes
 - 15 June 2020 Special Meeting Minutes
 - 13 July 2020 Regular Council Meeting Minutes
 - 03 Aug 2020 Regular Council Meeting Minutes
 - 08 Sept 2020 Regular Council Meeting Minutes
 - [Regular Council - 04 May 2020 - DRAFT](#)
 - [Special Meeting - 18 May 2020 - DRAFT](#)
 - [Regular Council - 01 Jun 2020 - DRAFT](#)
 - [Work Session - 15 Jun 2020 - DRAFT](#)

[Special Meeting - 15 Jun 2020 - DRAFT](#)
[Regular Council - 13 Jul 2020 - DRAFT](#)
[Regular Council - 03 Aug 2020 - DRAFT](#)
[Regular Council - 08 Sep 2020 - DRAFT](#)

5. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS:

- 176 - 282 5.a. **PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Articles II, III, IV, VI, Section 30-421 - Sedimentation, Erosion Control and Stormwater Management and Appendices addressing:**
- ordinance applicability
 - special use procedures/permits
 - zoning compliance procedures/permits
 - site plans
 - design standards
 - other related provision
1. Open Public Hearing
 2. Staff Report and Planning Board Recommendations
 3. Public Comments
 4. Close Public Hearing
 5. Governing Body
- **Discussion and Consideration of Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2020-11-1 Amending Chapter 30, Articles II, III, IV, VI, Section 30-421 and Appendices**

[Staff Report and Consistency Statement](#)
[AL2020-11-1 Ordinance Amending Chapter 30, Articles II, III, IV, VI, Section 30-421 and Appendices](#)

- 283 - 288 5.b. Discussion and Consideration of Adopting a Resolution Approving Dedication of Trail in Vinson Park Subdivision
(Resolution# AL2020-11-02a)
[Staff Report - Dedication of Trail in Vinson Park Subdivision](#)
[AL2020-11-02a Resolution Approving Dedication of Trail in Vinson Park Subdivision](#)
- 289 5.c. Discussion and Consideration of Approving a Resolution Adopting the 2021 Holiday Schedule (Resolution# AL2020-11-02b)
[AL2020-11-02b Resolution Adopting the 2021 Holiday Schedule](#)
- 290 5.d. Discussion and Consideration of Approving a Resolution Adopting the 2021 Town Council Meeting Schedule (Resolution# AL2020-11-02c)
[AL2020-11-02c Resolution Adopting the 2021 Town Council Meeting Schedule](#)

- 291 5.e. Discussion and Consideration of Adopting Budget Amendment
 (BA 2021 01) for Fiscal Year ending June 30, 2021
 [BA 2021 01](#)

6. TOWN ATTORNEY'S REPORT:

7. TOWN ADMINISTRATOR'S REPORT:

8. FINANCIAL/TOWN CLERK'S REPORT:

- 292 - 294 8.a. September 30, 2020 Interim Financials & Year-to-Date Comparison
 (FY20 compared to FY21)
 [SEPTEMBER 2020 - ALL FUNDS](#)
 [SEPTEMBER 2020 - YTD COMP](#)
- 8.b. Audit Update for Period Ending June 30, 2020
- 8.c. Joint Meeting with the Archer Lodge Planning Board
 Monday, November 16, 2020
 Archer Lodge Community Center
 6:30 p.m.

9. PLANNING/ZONING REPORT:

- 295 - 298 9.a. Planning | Zoning | Projects | Updates
 [Current Planning Zoning Report 10.29.20](#)
- 9.b. Code Enforcement

10. MAYOR'S REPORT:

11. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

12. ADJOURNMENT:



**Virtual Regular Council Meeting &
Public Hearings Minutes on Amending the Code
of Ordinances, Town of Archer Lodge, NC, in
accordance with State Law as referenced below:**

1. *Chapter 2, Article II - Boards and Commissions, pertaining to Board of Adjustment*
2. *Chapter 2, Article II - Boards and Commissions, pertaining to Planning Board*
3. *Chapter 30, Article II - Zoning, pertaining to amendments procedures*

Monday, May 4, 2020

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry (Remotely)
Council Member Bruton (Remotely)
Council Member Jackson (Remotely)
Council Member Purvis (Remotely)
Council Member Wilson (Remotely)

STAFF PRESENT:

Mike Gordon, Town Administrator
Chip Hewett, Town Attorney (Remotely)
Kim P. Batten, Finance Officer/Town Clerk
Julie Maybee, Town Planner
Joyce Lawhorn, Deputy Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:36 p.m. in the C. L. Gobble Conference Room located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present via Webex Video Conferencing. Council Member Jackson offered the invocation.

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Mayor Pro Tem Castleberry, Council Member Bruton, Council Member Jackson, Council Member Purvis, Council Member Wilson and Attorney Hewett attended remotely via Webex Video Conferencing.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No changes or additions noted.

Moved by: Council Member Wilson
Seconded by: Council Member Jackson

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. PUBLIC HEARINGS, DISCUSSION AND CONSIDERATION:

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

- a) **PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Board of Adjustment (BOA)**
1. **Open Public Hearing**
 2. **Staff Report and Planning Board Recommendations**
 3. **Public Comments**
 4. **Close Public Hearing**
 5. **Governing Body**
 - **Discussion and Consideration of Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2020-05-1 Amending Chapter 2, Article II, BOA**

1. Mayor Mulhollem asked for a motion to **Open the Public Hearing.**

2. Staff Report and Planning Board Recommendations

Ms. Maybee read the Staff Report and Planning Board Recommendations for the Proposed Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions, Provisions Pertaining to the Board of Adjustment (BOA) and appears as follows:

Staff Report Page | 1



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

Town Council Agenda Item: 4.a.

To: Town Council
From: Julie Maybee, Town Planner
Date: April 29, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney and Brough Law Firm
Re: Proposed Revision of Chapter 2 - Administration, Article II. - Boards and Commissions, provisions pertaining to the Board of Adjustment

Background Information:

North Carolina laws have changed, or in the process of changing, that affect the Board of Adjustment. Revisions to the Code of Ordinances, Town of Archer Lodge, NC, Chapter 2, Article II. - Boards and Commissions, are proposed to comply with the state laws, streamline and clarify provisions pertaining to the Board of Adjustment.

Changes in laws are referenced in the revised text footnotes.

Planning Board Recommendations:

On March 25, 2020, the Planning Board, upon making consistency statement findings (see page 11 of staff report) in accordance with NC General Statutes, unanimously recommended approval of the ordinance revisions (excluding text in blue font) as stated below:

CHAPTER 2. BOARDS AND COMMISSIONS, ARTICLE II:

DIVISION 2. Board of Adjustment Established; Rules

Sec. 2-40. - Appointment and Terms.

- (a) The Town has five members that serve on the Planning Board. Until the ordinance from which this division is amended, the Planning Board shall also serve as the Board of Adjustment. Two appointed members of the Town Council shall serve on the Board of Adjustment as alternate members. Said alternate members shall have all the powers as regular members and may fill in for regular members as needed in meetings.
- (b) Members of the Board of Adjustment shall be appointed for three-year terms.
- (c) Members may be appointed to successive terms without limitation.
- (d) The Board shall consist of five regular members and two alternate members, each to be appointed for three years. In appointing the original members of such Board, or in the filling of vacancies caused by the expiration of the terms of existing members, the Council may appoint certain members for less than three years to the end; that thereafter the terms of all members shall not expire at the same time. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. All regular members and alternate members shall be citizens and residents of the Town of Archer Lodge.

Sec. 2-41. - Board Officers. (Was Sec. 2-44. - Board Officers.)

- (a) At its first regular meeting of each calendar year, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. A Secretary shall be appointed by the Town Council. Any elected person shall serve in these capacities for terms of one year. Any appointed Secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.
- (b) The Chairperson or any member temporarily acting as Chairperson may administer oaths to witnesses coming before the board.
- (c) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
- (d) The Board of Adjustment shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

Sec. 2-42. - Powers and Duties of Board. (Was Sec. 2-45. - Powers and Duties of Board.)

- (a) The Board of Adjustment shall hear and decide:
 - (1) Appeals from any order, decision, requirement, or interpretation made by the Town, inclusive of the flood prevention ordinance;
 - (2) Applications for variances;

- (3) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines;
- (4) Applications for conditional use permits; and
- (5) Any other matter the Board is required to act upon by any other ordinance.

Sec. 2-43. - Meetings and Quorum. (Was Sec. 2-41. – Meetings and Sec. 2-42 - Quorum.)

- (a) The Board of Adjustment shall meet frequently enough so that it can act as expeditiously as possible consistent with the need of to follow regularly established procedures and obtain the necessary information to make sound decisions. In the alternative, the Board may adopt an annual schedule of regular meetings.
- (b) All meetings of the Board of Adjustment shall be open to the public, and the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.
- (c) A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board of Adjustment to take official action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in section 2-56 - Voting (c), shall be counted as present for purposes of determining whether a quorum is present.

Division 3. Decisions Made by the Board of Adjustment

Sec. 2-46. - Appeals.

- (a) An appeal from any final administrative order or decision of the Town staff charged with enforcement of the Zoning Ordinance may be taken to the Board of Adjustment by any person with standing. Standing is defined in section 2-53 - Standing below. An appeal is taken by filing with the Town Clerk and the Board of Adjustment a written notice of appeal specifying the grounds. A notice of appeal shall be considered filed with the town and the Board of Adjustment when delivered to the Town Clerk. A fee shall be paid to the Town of Archer Lodge for each appeal to cover advertising and administrative costs. ¹
- (b) The Town staff who made the decision shall give written notice to the owner of the property and the applicant by personal delivery, e-mail or first-class mail. ²
- (c) The property owner, applicant or other party with standing shall have thirty days from the receipt of written notice to file an appeal. If delivery of the decision is by first class mail, the time to appeal shall be 33 days³ unless the appellant provides evidence of the date of delivery. ⁴
- (d) The Town staff who made the decision shall send all documents and exhibits constituting the record of the decision being appealed to the Board of Adjustment, the person who made the appeal and the owner of the property. ⁵
- (e) An appeal stays all actions by the Town enforcing the requirements of the Zoning Ordinance unless the Town staff who made the decision files an affidavit with the Board stating the facts of the case and how a stay of enforcement will cause imminent peril to life or property or that a stay would interfere with ordinance enforcement because the violation is transitory. If the enforcement action is

¹ Amended to comply with G.S. 160A-388 (b1) last amended in July 2019 and before that in 2013 (Not including S.L. 2019-111 adopting Chapter 160D and other statutes. This parenthetical is not repeated in the following footnotes, but it also applies to the following footnotes.)

² Amended to comply with G.S. 160A-388 (b1)(2)

³ Amended to comply with G.S. 160A-388 (e2)(2)

⁴ Amended to comply with G.S. 160A-388 (b1)(3)

- not stayed by Johnston County Superior Court, the person appealing may file a request that the Board hear the matter in 15 calendar days. The 15 day deadline is mandatory.⁶
- (f) After receipt of notice of an appeal, the Board of Adjustment clerk shall schedule the time for a hearing which shall be at the next regular or special meeting, but in no case later than 60 days from the filing of notice of appeal.
 - (g) Written notice of the appeal shall be sent to the Appellant, property owner, applicant and all abutting property owners by the Town staff following the procedures in Section 2-52.- Notice of Hearings.⁷
 - (h) Upon request the Chair may issue subpoenas to persons or for the production of documents as provided in Section 2- 51(e).⁸
 - (i) The staff who made the decision, or the current incumbent in that position shall appear as a witness at the hearing.⁹
 - (j) The Board shall hear the appeal following the procedural rules in Division 2 below, beginning at Section 2-51. Before witness testimony the Board shall hear and rule on any objections to documents in the record, or any staff report provided to the Board.¹⁰
 - (k) The Board shall determine contested facts. The decision of the board shall be based on competent, material and substantial evidence in the record. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall issue a written decision containing the Board's decisions as to contested facts and the application of the facts to the standards of the Zoning Ordinance. To this end, the Board of Adjustment shall have all the powers of the staff from whom the appeal is taken.¹¹
 - (l) The Board shall make its decision in a reasonable time following the requirements of Section 2- 57(c).¹²
 - (m) When an appeal is taken to the Board of Adjustment, the designated Town staff shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

Sec. 2-47. – Variances.

- (a) A complete application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Town Clerk or designee.
- (b) When presented to the Board of Adjustment at the hearing, the application for a variance shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with section 2-47 and the other requirements of this chapter. If the staff proposes a finding or conclusion that the application fails to comply with section 2-47, the report shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- (c) The staff shall advertise the hearing in accord with the requirements of Section 2-52 - Notice of Hearings below.
- (d) The Board shall hold a hearing following the requirements of Division 4 below.
- (e) A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in unnecessary hardships for the applicant upon a showing of all of the following:

⁶ Amended to comply with G.S. 160A-388 (b1)(6)

⁷ Amended to comply with G.S. 160A-388 (a2)

⁸ Amended to comply with G.S. 160A-388 (g)

⁹ Amended to comply with G.S. 160A-388 (b1)(8)

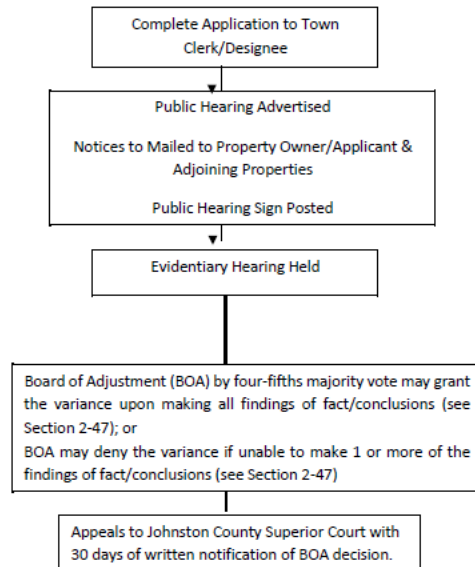
¹⁰ Amended to comply with common law. Also, a requirement of new Chapter 160D.

¹¹ Amended to comply with G.S. 160A-388 (e2) (1) and G.S. 160A-393 (Amended July 2019, and 2013)

¹² Amended to comply with G.S. 160A-388 (b1)(7); GS 160A-388(e2)(1)

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; and
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (f) In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
- (g) A variance shall run with the land.
- (h) The nature of the variance and any conditions attached to it shall be entered on the face of the certificate of zoning compliance, or the certificate of zoning compliance may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance. No change in permitted uses may be authorized by variance.
- (i) A fee shall be paid to the Town of Archer Lodge for a variance as set forth in the Town of Archer Lodge, NC annual fee schedule adopted by the Town Council.
- (j) The Board will first consider whether the application is complete. A motion to deny a variance may be made on the basis that the application is incomplete. Such a motion shall include a statement of the specific reasons or findings of fact that support it.
- (k) If a motion to grant a variance is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to deny the variance shall be in order. If Board finds that any one or more of the four criteria set forth in section 2-47 "Variances," are not satisfied the variance cannot be granted. A motion to deny may be adopted as the Board's decision if supported by more than one-fifth of the Board's membership.
- (l) Before granting a variance, the Board must take a separate vote and vote affirmatively (by a four-fifths majority) on each of the four required findings stated in section 2-47. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in section 2-47 shall include a statement of the specific reasons or findings of fact supporting such motion.

Flow Chart Variances



Sec. 2-48. - Interpretations of Zoning Map. (Was Sec. 2-48. - Interpretations.)

- (a) The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the town, they shall be handled as provided in Division 4 below.
- (b) An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the clerk. The application shall contain sufficient information to enable the board to make the necessary interpretation.
- (c) Where uncertainty exists as to the boundaries as shown on the Town of Archer Lodge official zoning map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - (2) Boundaries indicated as approximately following lot lines, Town limits, shall be construed as following such lines, limits or boundaries;
 - (3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and

- (4) Where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the official Town of Archer Lodge.

Sec. 2-49. - Conditional Use Permits - See Chapter 30.

Division 4. Quasi-Judicial (QJ) Hearing Procedures

Sec. 2-51. - Hearing Required on BOA Decisions (QJ).

- (a) Before deciding on an appeal or an application for a variance, the Board of Adjustment shall hold a hearing on the appeal, on a conditional-use permit, or petition from the Town to revoke a conditional-use permit.
- (b) The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence. Only persons with standing as defined in section 2-53. Standing may cross-examine adverse witnesses, present witnesses and arguments to the Board, make motions and objections and generally act as an advocate for their matter.¹³
- (c) The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay, including the presentation of repetitive or irrelevant testimony.
- (d) The hearing Board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of sixty (60) days or more elapses between hearing dates.
- (e) Subpoenas.--The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under section 2-53 -Standing, may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties¹⁴
- (f) Objections: Before witness testimony the Board shall hear and rule on any objections to documents in the record, or any staff report provided to the Board.¹⁵

Sec. 2-52 - Notice of Hearing. (Was Sec. 2-52. - Notice of Hearing on Appeals and Applications.)

- (a) Written Notices shall be given to the appellant or applicant, the property owner if different from the applicant, any other person who makes a written request for such notice by mailing to such persons a written notice not earlier than 25 days before or later than ten days before the hearing.
- (b) In all cases notice shall be given to abutting property owners by mailing via first class mail a written notice not earlier than 25 days or later than ten days before the hearing to those persons and addresses shown on the most current Johnston County tax listing.

¹³ Amended to comply with G.S. 160A-388 (b1)(1),(3),(4),(6), (g) and 160A-393(d)

¹⁴ Amended to comply with G.S. 160A-388(g)

¹⁵ Amended to comply with common law. Also, a requirement of new Chapter 160D.

- (c) Within the same period of time given in (a), a notice shall be published in a newspaper circulated in the area stating the date, time, and place of the hearing, reasonably identify the property that is the subject of the application or appeal, and give a brief description of the action requested or proposed
- (d) Within the same time period the Town will post a prominent notice on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way.
- (e) Within the same time period, the notice shall be published on the Town's website.

Sec. 2-53. - Standing. (New Section)¹⁶

The following persons shall have standing to file an appeal, request a variance or participate as a party in an action before the Board.

- (a) Any person meeting any of the following criteria:
 - (1) Has an ownership interest in the property that is the subject of the action, a leasehold interest in the property that is the subject of the action, or an interest created by easement, restriction, or covenant in the property that is the subject of the action.
 - (2) Has an option or contract to purchase the property that is the subject of the action.
 - (3) Was an applicant for an administrative decision or map interpretation by the staff.
- (b) Any other person who will suffer special damages as the result of the action before the Board.
- (c) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to bring or challenge action and the association was not created in response to the particular development or issue that is the before the Board.
- (d) The Town of Archer Lodge by action of the Town Council.

Sec. 2-54. - Evidence and Burden of Proof. (Was Sec. 2-53. – Evidence and Sec. 2-49. - Burden of Proof)

- (a) The provisions of this section apply to all hearings before the Board of Adjustment.
- (b) All persons who intend to present evidence to the Board shall be sworn by the Chair or acting chair.¹⁷
- (c) All findings and conclusions necessary to the decision shall be based upon reliable, competent and material evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available.¹⁸
- (d) The term "competent evidence,"¹⁹ as used in this Ordinance, shall not preclude reliance by the board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the N.C. Courts (i) except for the items noted in sub-subdivisions 1, 2 and 3 of this section below that are conclusively incompetent, the evidence was admitted without objection or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the board to rely upon it. The term "competent evidence," as used in this subsection, shall, regardless of the lack of a timely objection, not be deemed to include the opinion testimony of lay witnesses as to any of the following:

¹⁶ *Id.*

¹⁷ Amended to comply with G.S. 160A-388 (f)

¹⁸ Amended to comply with G.S. 160A-388 (e2)(1)

¹⁹ Amended to comply with G.S. 160A-393 (k)(3)

- (1) The use of property in a particular way would affect the value of other property.
- (2) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
- (3) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- (e) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions of law required for variances and conditional use permits, as well as the burden of persuasion on those issues remains with the applicant or proponent, except as noted in Division 3 above.

Sec. 2-55. - Modification of Application at Hearing. (Was Sec. 2-54. - Modification of Application at Hearing.)

- (a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application in writing, including the plans and specifications submitted. In the alternative, the Board may continue the hearing so that the application and/or plans may be revised and submitted to the Town.
- (b) Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the clerk.

Sec. 2-56. - Voting. (Was Sec. 2-43 - Voting.)

- (a) All actions of the Board of Adjustment shall be taken by majority vote, except decisions on granting or denying a variance which requires the concurring vote of four-fifths of the regular membership of the Board (excluding vacant seats or members who are disqualified from voting).²⁰
- (b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.
- (c) A member may be excused from participation and voting on a particular issue by majority vote of the remaining members if the members participation or voting would violate any party's constitutional right to an impartial decision maker. Impermissible violations of due process include, but are not limited to, the following²¹:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue;
 - (2) If the matter at issue involves the member's own official conduct;
 - (3) If a member has a close personal, family, business or other associational ties to a party that the member cannot reasonably be expected to exercise sound judgment. (A close familial relationship means a spouse, parent, child, brother, sister, grandparent or grandchild, including the step, half and in-law relationships.)²²; or
 - (4) If the member has a fixed opinion about the subject of a hearing that is not susceptible to change by the evidence presented, or
 - (5) The member has had an undisclosed ex parte communication with a party to the hearing.
- (d) A motion to allow a member to be excused from voting or excused from the remainder of the meeting may be by any Board member. If an objection is raised to a member's participation and that member

²⁰ Amended to comply with G.S. 160A-388 (e)(1)

²¹ Amended to comply with G.S. 160A-388 (e)(2)

²² 160D-109(d), eff. 1/1/2021.

does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- (e) All hearings of the Board shall be open to the public. The clerk shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk.

Sec. 2-57. - Board Action. (Was Sec. 2-50. - Board Action on Appeals and Variances and Sec. 2-56. - Written Decisions)

- (a) Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and conclusions of law and their application to the applicable ordinance standards.
- (b) The written decision shall be signed by the chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- (c) The Board shall make its decision in a reasonable time. The Board may continue a hearing to another time. The Board may conduct the public testimony phase of the hearing at one meeting and make findings of fact and conclusions of law at another meeting. The parties may agree to continuances, subject to Board approval.²³

Sec. 2-58.- Record on Appeals. (Was Sec. 2-55. - Record.)

- (a) A recording should be made of all hearings required by sections 2-42 and 2-51 and such recordings shall be kept until the minutes are adopted or any appeal is concluded, but in no case for no less than 30 days. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (b) Whenever practical, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept for at least two years, or until any appeal is concluded.

Sec. 2-59. - Appeals to Johnston County Superior Court.

Every quasi-judicial decision shall be subject to review by the Johnston County Superior Court by proceedings in the nature of certiorari. A petition for review shall be filed with the Clerk of Superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with section 2-57. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

Planning Board Consistency Statement:

The Planning Board finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Board of Adjustment, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Board of Adjustment in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Staff Recommendations:

Staff concurs with the Planning Board's recommendations.

Requested Town Council Action:

Staff respectfully requests that the Town Council: (1) conduct a public hearing; (2) consider the Planning Board's recommendations; (3) deliberate and make consistency statement findings (draft Town Council Consistency Statement included on page 12 of staff report; and (4) approve the ordinance revisions (see draft Town Council #AL2020-05-1 Ordinance).

DRAFT TOWN COUNCIL CONSISTENCY STATEMENT:

The Town Council finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Board of Adjustment, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Board of Adjustment in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

In addition, Ms. Maybee noted the following:

- Updating ordinances to comply with NC General Statutes was mentioned at the February 29, 2020 Budget Planning Retreat and would become priority especially with Chapter 160D, a new chapter of the General Statutes, must be completed by January 2021.
- The existing BOA ordinance was revised to outline and clarify their rules and procedures making it easier for citizens and the BOA to comply with the NC General Statutes.

3. Mayor Mulhollem asked if there were any Public Comments.

There were no public comments submitted to the Town Clerk at this time.

4. Mayor Mulhollem asked for a motion to Close the Public Hearing.

5. Mayor Mulhollem opened the floor for the Governing Body Discussion session:

Consistency Statement

- No discussion regarding the Consistency Statement.

Ordinance# AL2020-05-1

- Mentioned Section 2-43 (a) typo error ...need of to follow...
- Discussed Section 2-46 (f) and Section 2-56 (e) change "Clerk" to "Secretary" for consistency.
- Discussed Section 2-48 (c) (4) remove official and add the words "Zoning Map" to the end of the sentence.
- Discussed Section 2-54 (d) (2) "increase in vehicular traffic" was "too subjective." Ms. Maybee shared that a decision would be ruled if it was competent evidence at the meeting and would seek NCDOT's opinion as well.
- Mentioned Section 2-56 (d) add - ...the remainder of the meeting may be made by any Board...

In closing, Ms. Maybee mentioned that she will make the corrections as noted above, but with regards to voting, this amendment is only referencing the Board of Adjustment.

Having no further discussion, Mayor Mulhollem asked for a motion to adopt the Consistency Statement as written and presented by Staff.

The Adopted Archer Lodge Town Council Consistency Statement appears as follows:

The Town Council finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Board of Adjustment, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Board of Adjustment in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Having adopted the Consistency Statement, Mayor Mulhollem asked for a motion to Adopt Ordinance# AL2020-05-1 Amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Board of Adjustment with the changes as discussed by Town Council and Town Attorney Hewett.

The Adopted Ordinance# AL2020-05-1 with changes discussed appears as follows:

ORDINANCE# AL2020-05-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 2 - ADMINISTRATION, ARTICLE II, BOARD AND COMMISSIONS

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 2 - Administration, Article II - Board and Commissions, as follows:

Delete ordinance text in its entirety in Division 2 and Division 3, and replace with the following:

DIVISION 2. Board of Adjustment Established; Rules

Sec. 2-40. - Appointment and Terms.

(a) The Town has five members that serve on the Planning Board. Until the ordinance from which this division is amended, the Planning Board shall also serve as the Board of Adjustment. Two appointed members of the Town Council shall serve on the Board of Adjustment as alternate members. Said alternate members shall have all the powers as regular members and may fill in for regular members as needed in meetings.

(b) Members may be appointed to successive terms without limitation.

(c) The Board of Adjustment shall consist of five regular members and two alternate members, each to be appointed for three-year terms, except as allowed otherwise below. In appointing the original members of such Board, or in the filling of vacancies caused by the expiration of the terms of existing members, the Council may appoint certain members for less than three years to the end; that thereafter the terms of all members shall not expire at the same time. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special board meeting and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. All regular members and alternate members shall be citizens and residents of the Town of Archer Lodge.

Sec. 2-41. - Board Officers.

(a) At its first regular meeting of each calendar year, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. All elected person shall serve in these capacities for terms of one year. The Town Council shall appoint a certified municipal clerk to serve as Secretary to the Board of Adjustment. Any appointed Secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.

(b) The Chairperson or any member temporarily acting as Chairperson may administer oaths to witnesses coming before the Board.

(c) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.

(d) The Board of Adjustment shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

MAY 4, 2020

VIRTUAL REGULAR COUNCIL MEETING

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Sec. 2-42. - Powers and Duties of Board.

- (a) The Board of Adjustment shall hear and decide:
 - (1) Appeals from any order, decision, requirement, or interpretation made by the Town, inclusive of the flood prevention ordinance;
 - (2) Applications for variances;
 - (3) Questions involving interpretations of the Zoning Map, including disputed district boundary lines and lot lines;
 - (4) Applications for conditional use permits; and
 - (5) Any other matter the Board is required to act upon by any other ordinance.

Sec. 2-43. - Meetings and Quorum.

- (a) The Board of Adjustment shall meet frequently enough so that it can act as expeditiously as possible consistent with the need to follow regularly established procedures and obtain the necessary information to make sound decisions. In the alternative, the Board may adopt an annual schedule of regular meetings.
- (b) All meetings of the Board of Adjustment shall be open to the public, and the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.
- (c) A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board of Adjustment to take official action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in section 2-56 – Voting (c), shall be counted as present for purposes of determining whether a quorum is present.

Division 3. Decisions Made by the Board of Adjustment

Sec. 2-46. - Appeals.

- (a) An appeal from any final administrative order or decision of the Town staff charged with enforcement of the Zoning Ordinance may be taken to the Board of Adjustment by any person with standing, as defined in section 2-53.- Standing below. An appeal is taken by filing a written notice of appeal specifying the grounds with the Board of Adjustment Secretary. A notice of appeal shall be considered filed with the Town and the Board of Adjustment when delivered to the Board of Adjustment Secretary. For each appeal, a fee shall be paid to the Town of Archer Lodge to cover advertising and administrative costs. ¹
- (b) The Town staff who made the decision shall give written notice to the owner of the property and the applicant by personal delivery, e-mail or first-class mail. ²

¹ Amended to comply with G.S. 160A-388 (b1) last amended in July 2019 and before that in 2013 (Not including S.L. 2019-111 adopting Chapter 160D and other statutes. This parenthetical is not repeated in the following footnotes, but it also applies to the following footnotes.)

² Amended to comply with G.S. 160A-388 (b1)(2)

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- (c) The property owner, applicant or other party with standing shall have thirty days from the receipt of written notice to file an appeal. If delivery of the decision is by first class mail, the time to appeal shall be 33 days³ unless the appellant provides evidence of the date of delivery. ⁴
- (d) The Town staff who made the decision shall send all documents and exhibits constituting the record of the decision being appealed to the Board of Adjustment, the person who made the appeal and the owner of the property. ⁵
- (e) An appeal stays all actions by the Town enforcing the requirements of the Zoning Ordinance unless the Town staff who made the decision files an affidavit with the Board stating the facts of the case and how a stay of enforcement will cause imminent peril to life or property or that a stay would interfere with ordinance enforcement because the violation is transitory. If the enforcement action is not stayed by Johnston County Superior Court, the person appealing may file a request that the Board hear the matter in 15 calendar days. The 15 day deadline is mandatory. ⁶
- (f) After receipt of notice of an appeal, the Board of Adjustment Secretary shall schedule the time for a hearing which shall be at the next regular or special meeting, but in no case later than 60 days from the filing of notice of appeal.
- (g) Written notice of the appeal shall be sent to the appellant, property owner, applicant and all abutting property owners by the Town staff following the procedures in section 2-52.- Notice of Hearings. ⁷
- (h) Upon request, the Chair may issue subpoenas to persons or for the production of documents as provided in section 2- 51(e). ⁸
- (i) The staff who made the decision, or the current incumbent in that position, shall appear as a witness at the hearing. ⁹
- (j) The Board shall hear the appeal following the procedural rules in division 2 below, beginning at section 2-51. Before witness testimony the Board shall hear and rule on any objections to documents in the record, or any staff report provided to the Board. ¹⁰
- (k) The Board shall determine contested facts. The decision of the Board shall be based on competent, material and substantial evidence in the record. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall issue a written decision containing the Boards decisions as to contested facts and the application of the facts to the standards of the Zoning Ordinance. To this end, the Board of Adjustment shall have all the powers of the Town staff from whom the appeal is taken. ¹¹
- (l) The Board shall make its decision in a reasonable time following the requirements of Section 2-57(c). ¹²
- (m) When an appeal is taken to the Board of Adjustment, the designated Town staff shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

Sec. 2-47. - Variances.

³ Amended to comply with G.S. 160A-388 (e2)(2)

⁴ Amended to comply with G.S. 160A-388 (b1)(3)

⁵ Amended to comply with G.S. 160A-388 (b1)(5)

⁶ Amended to comply with G.S. 160A-388 (b1)(6)

⁷ Amended to comply with G.S. 160A-388 (a2)

⁸ Amended to comply with G.S. 160A-388 (g)

⁹ Amended to comply with G.S. 160A-388 (b1)(8)

¹⁰ Amended to comply with common law. Also, a requirement of new Chapter 160D.

¹¹ Amended to comply with G.S. 160A-388 (e2) (1) and G.S. 160A-393 (Amended July 2019, and 2013)

¹² Amended to comply with G.S. 160A-388 (b1)(7); GS 160A-388(e2)(1)

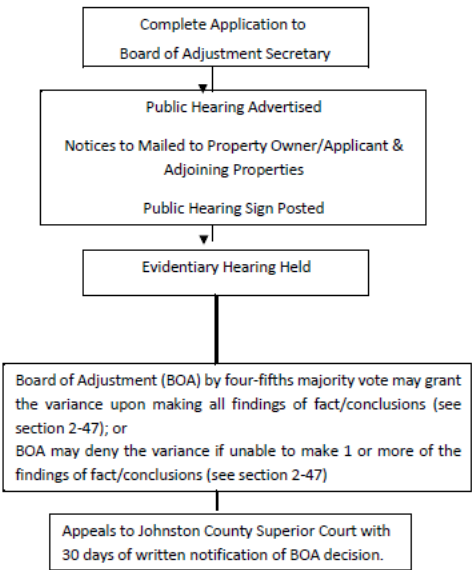
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- (a) A complete application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Board of Adjustment Secretary.
- (b) When presented to the Board of Adjustment at the hearing, the application for a variance shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with section 2-47 and the other requirements of this chapter. If the staff proposes a finding or conclusion that the application fails to comply with section 2-47, the report shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- (c) The Town staff shall advertise the hearing in accordance with the requirements of section 2-52 - Notice of Hearings below.
- (d) The Board shall hold a hearing following the requirements of division 4 below.
- (e) A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in unnecessary hardships for the applicant upon a showing of all of the following:
 - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
 - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; and
 - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (f) In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
- (g) A variance shall run with the land.
- (h) The nature of the variance and any conditions attached to it, shall be entered on the face of the certificate of zoning compliance, or the certificate of zoning compliance may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance. No change in permitted uses may be authorized by variance.
- (i) A fee shall be paid to the Town of Archer Lodge for a variance as set forth in the Town of Archer Lodge, NC annual fee schedule adopted by the Town Council.
- (j) The Board will first consider whether the application is complete. A motion to deny a variance may be made on the basis that the application is incomplete. Such a motion shall include a statement of the specific reasons or findings of fact that support it.
- (k) If a motion to grant a variance is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to deny the variance shall be in order. If the Board finds that any one or more of the four criteria set forth in section 2-47 - "Variances," are not satisfied, the variance cannot be granted. A motion to deny may be adopted as the Board's decision if supported by more than one-fifth of the Board's membership.
- (l) Before granting a variance, the Board must take a separate vote and vote affirmatively (by a four-

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fifths majority) on each of the four required findings stated in section 2-47. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in section 2-47 shall include a statement of the specific reasons or findings of fact supporting such motion.

Flow Chart Variances



Sec. 2-48. - Interpretations of Zoning Map.

- (a) The Board of Adjustment is authorized to interpret the Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Town, they shall be handled as provided in division 4 below.
- (b) An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Board of Adjustment Secretary. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

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- (c) Where uncertainty exists as to the boundaries shown on the Town of Archer Lodge official Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - (2) Boundaries indicated as approximately following lot lines, Town limits, shall be construed as following such lines, limits or boundaries;
 - (3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and
 - (4) Where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the Town of Archer Lodge Zoning Map.

Sec. 2-49. - Conditional Use Permits - See Chapter 30

Division 4. Quasi-Judicial (QJ) Hearing Procedures

Sec. 2-51. - Hearing Required on BOA Decisions (QJ).

- (a) Before deciding on an appeal or an application for a variance, the Board of Adjustment shall hold a hearing on the appeal, on a conditional-use permit, or petition from the Town to revoke a conditional-use permit.
- (b) The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence. Only persons with standing, as defined in section 2-53 – Standing, may cross-examine adverse witnesses, present witnesses and arguments to the Board, make motions and objections and generally act as an advocate for their matter.¹³
- (c) The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay, including the presentation of repetitive or irrelevant testimony.
- (d) The Board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of sixty (60) days or more elapses between hearing dates.
- (e) Subpoenas.–The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing, as defined under section - 2-53-Standing, may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties¹⁴
- (f) Objections: Before witness testimony, the Board shall hear and rule on any objections to documents

¹³ Amended to comply with G.S. 160A-388 (b1)(1),(3),(4),(6), (g) and 160A-393(d)

¹⁴ Amended to comply with G.S. 160A-388(g)

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in the record, or any Town staff report provided to the Board.¹⁵

Sec. 2-52. - Notice of Hearing.

- (a) Written notices shall be given to the appellant or applicant, the property owner, if different from the applicant, any other person who makes a written request for such notice, by mailing to such persons a written notice not earlier than 25 days before or later than ten days before the hearing.
- (b) In all cases, notice shall be given to abutting property owners by mailing, via first class mail, a written notice not earlier than 25 days or later than ten days before the hearing to those persons and addresses shown on the most current Johnston County tax listing.
- (c) Within the same period of time given in (a), a notice shall be published in a newspaper circulated in the area stating the date, time, and place of the hearing, reasonably identify the property that is the subject of the application or appeal, and give a brief description of the action requested or proposed.
- (d) Within the same time period, the Town will post a prominent notice on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way.
- (e) Within the same time period, the notice shall be published on the Town's website.

Sec. 2-53. - Standing.¹⁶

The following persons shall have standing to file an appeal, request a variance, or participate as a party in an action before the Board.

- (a) Any person meeting any of the following criteria:
 - (1) Has an ownership interest in the property that is the subject of the action, a leasehold interest in the property that is the subject of the action, or an interest created by easement, restriction, or covenant in the property that is the subject of the action.
 - (2) Has an option or contract to purchase the property that is the subject of the action.
 - (3) Was an applicant for an administrative decision or map interpretation by the Town staff.
- (b) Any other person who will suffer special damages as the result of the action before the Board.
- (c) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to bring or challenge action and the association was not created in response to the particular development or issue that is the before the Board.
- (d) The Town of Archer Lodge by action of the Town Council.

Sec. 2-54. - Evidence and Burden of Proof.

- (a) The provisions of this section apply to all hearings before the Board of Adjustment.
- (b) All persons who intend to present evidence to the Board shall be sworn by the Chair or Acting Chair.¹⁷

¹⁵ Amended to comply with common law. Also, a requirement of new Chapter 160D.

¹⁶ *Id.*

¹⁷ Amended to comply with G.S. 160A-388 (f)

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- (c) All findings and conclusions necessary to the decision shall be based upon reliable, competent and material evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available. ¹⁸
- (d) The term "competent evidence,"¹⁹ as used in this Ordinance, shall not preclude reliance by the Board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the N.C. Courts (i) except for items noted in sub-subdivisions 1, 2 and 3 of this section below that are conclusively incompetent, the evidence was admitted without objection or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the board to rely upon it. The term "competent evidence," as used in this subsection, shall, regardless of the lack of a timely objection, not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - (1) The use of property in a particular way would affect the value of other property;
 - (2) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
 - (3) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- (e) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions of law required for variances and conditional use permits, as well as the burden of persuasion on those issues remains with the applicant or proponent, except as noted in division 3 above.

Sec. 2-55. - Modification of Application at Hearing.

- (a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application in writing, including the plans and specifications submitted. In the alternative, the Board may continue the hearing so that the application and/or plans may be revised and submitted to the Town.
- (b) Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Board of Adjustment Secretary.

Sec. 2-56. - Voting.

- (a) All actions of the Board of Adjustment shall be taken by majority vote, except decisions on granting or denying a variance which requires the concurring vote of four-fifths of the Board membership (excluding vacant seats or members who are disqualified from voting).²⁰
- (b) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.
- (c) A member may be excused from participation and voting on a particular issue by majority vote of the remaining members if the members participation or voting would violate any party's constitutional right to be an impartial decision maker. Impermissible violations of due process include, but are not limited to, the following²¹:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue;

¹⁸ Amended to comply with G.S. 160A-388 (e2)(1)

¹⁹ Amended to comply with G.S. 160A-393 (k)(3)

²⁰ Amended to comply with G.S. 160A-388 (e)(1)

²¹ Amended to comply with G.S. 160A-388 (e)(2)

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- (2) If the matter at issue involves the member's own official conduct;
- (3) If a member has a close personal, family, business or other associational tie to a party that the member cannot reasonably be expected to exercise sound judgment. (A close familial relationship means a spouse, parent, child, brother, sister, grandparent or grandchild, including the step, half and in-law relationships.)²²; or
- (4) If the member has a fixed opinion about the subject of a hearing that is not susceptible to change by the evidence presented, or
- (5) The member has had an undisclosed ex parte communication with a party to the hearing.
- (d) A motion to allow a member to be excused from voting or excused from the remainder of the meeting may be made by any Board member. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection.
- (e) All hearings of the Board shall be open to the public. The Board of Adjustment Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk.

Sec. 2-57. - Board Action.

- (a) Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and conclusions of law and their application to the applicable ordinance standards.
- (b) The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Board of Adjustment Secretary. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- (c) The Board shall make its decision in a reasonable time. The Board may continue a hearing to another time. The Board may conduct the public testimony phase of the hearing at one meeting and make findings of fact and conclusions of law at another meeting. The parties may agree to continuances, subject to Board approval. ²³

Sec. 2-58. - Record on Appeals.

- (a) A recording should be made of all hearings required by sections 2-42 and 2-51 and such recordings shall be kept until the minutes are adopted or any appeal is concluded, but in no case for less than 30 days. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (b) Whenever practical, all documentary evidence presented at a hearing, as well as all other types of physical evidence, shall be made a part of the record of the proceedings and shall be kept for at least two years, or until any appeal is concluded.

Sec. 2-59. - Appeals to Johnston County Superior Court.

Every quasi-judicial decision shall be subject to review by the Johnston County Superior Court by

²² 160D-109(d), eff. 1/1/2021.

²³ Amended to comply with G.S. 160A-388 (b1)(7); GS 160A-388(e2)(1)

ORDINANCE# AL2020-05-1

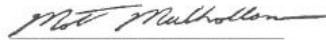
proceedings in the nature of certiorari. A petition for review shall be filed with the Clerk of Superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with section 2-57. When first-class mail is used to deliver a notice, three (3) days shall be added to the time to file the petition.

Section 2. This ordinance shall become effective upon adoption.

DULY ADOPTED, THIS 4TH DAY OF MAY 2020.

TOWN OF ARCHER LODGE

(SEAL)


Matthew B. Mulhollem, Mayor



ATTEST:

Kim D. Batten, Town Clerk

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Approved to Open the Public Hearing at 6:42 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson

Seconded by: Council Member Bruton

Approved to Close the Public Hearing at 6:54 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson

Seconded by: Council Member Purvis

Adopted the Consistency Statement as presented.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson

Seconded by: Council Member Wilson

Adopted Ordinance# AL2020-05-1 Amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Board of Adjustment with the changes as discussed by Town Council and Town Attorney Hewett.

CARRIED UNANIMOUSLY

b) PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Planning Board (PB)

1. **Open Public Hearing**
2. **Staff Report and Planning Board Recommendations**
3. **Public Comments**
4. **Close Public Hearing**
5. **Governing Body**
 - **Discussion and Consideration of Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2020-05-2 Amending Chapter 2, Article II, PB**

1. Mayor Mulhollem asked for a motion to Open the Public Hearing.

2. Staff Report and Planning Board Recommendations

Ms. Maybee read the Staff Report and Planning Board Recommendations for the Proposed Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions, Provisions Pertaining to the Planning Board (PB) and appears as follows:

Staff Report Page | 1



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollen

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

Town Council Agenda Item: 4.b.

To: Town Council
From: Julie Maybee, Town Planner
Date: April 29, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm
Re: Proposed Revision of Chapter 2. Article II. - Boards and Commissions, provisions pertaining to the Planning Board

Background Information:

North Carolina laws have changed, or in the process of changing, that affect the Planning Board. Revisions to the Code of Ordinances, Town of Archer Lodge, Chapter 2, Article II. - Boards and Commissions, are proposed to comply with the state laws, streamline and clarify provisions pertaining to the Planning Board.

Changes in laws are referenced in the revised text footnotes.

Planning Board Recommendations:

On March 25, 2020, the Planning Board, upon making consistency statement findings (see page 4 of staff report) in accordance with NC General Statutes, unanimously recommended approval of the ordinance revisions as stated below:

DIVISION 1. Planning Board.

Sec. 2-30. - Appointment and Terms.

- (a) The Planning Board has five members. Until the ordinance from which this division is amended, the Planning Board shall also serve as the Board of Adjustment.
- (b) Members of the Planning Board shall be appointed for three-year terms.
- (c) Members may be appointed to successive terms without limitation.
- (d) The Board shall consist of five regular members, each to be appointed for three years. In appointing the original members of such board, or in the filling of vacancies caused by the expiration of the terms of existing members, the Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. All regular members shall be citizens and residents of the Town of Archer Lodge.

Sec. 2-31. - Board Officers.

- (a) At its first regular meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. A Secretary shall be appointed by the Town Council. Any elected person shall serve in these capacities for terms of one year. Any appointed secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.
- (b) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
- (c) The Board shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

Sec. 2-32. - Powers and Duties of Board.

- (a) The Planning Board shall hear and decide:
 - (1) Subdivisions (See Section 30-345 and following),
 - (2) Review and make a recommendation to the Town Council on any changes to the zoning and subdivision ordinance or zoning map, per sections 30-36 and 30-132. Every recommendation shall be accompanied by a written, adopted statement explaining how the recommendation of the Board is: (i) Reasonable and in the public interest, and (ii) In compliance with the Comprehensive Pam and any other adopted Town plans bearing on the matter¹,
 - (3) Review and make a recommendation to the Town Council on any proposed Comprehensive Plan, or amendment to the Plan, or other Town Plan as requested by the Town Council. The recommendation shall be accompanied by a written, adopted statement explaining how the recommendation of the Board is: (i) Reasonable and in the public interest, and (ii) In compliance with the Comprehensive Plan and any other adopted Town plans bearing on the matter².
 - (4) Any other matter the Board is required to act upon by any other ordinance or as requested by Town Council.
- (b) The Planning Board shall propose rules and regulations governing its procedures and operations not inconsistent with the provisions of this division. The Town Council will approve the rules and any amendments.

Sec. 2-33 – Meetings and Quorum.

¹ Required by N.C. Gen. Stat. 160A-383, Purposes in View (2016)

² Required by N.C. Gen. Stat. Chap. 160D, Art. 5 Planning Sections 160D-501 through 160D-503 (2019, eff. 1/1/2020)

- (a) The Planning Board shall meet every other month unless meetings are cancelled for lack of business, emergency, or other valid reason. Special meetings may be called as provide in Gen. Stat. §160A-71, Regular and special meetings; recessed and adjourned meetings; procedure.
- (b) All meetings of the Board shall be open to the public, and the agenda for each Board meeting shall be made available in advance of the meeting. A notice of the meeting shall be published in a local newspaper and be posted at town hall as provided in N.C. Gen. Stat. section 160A-71.
- (c) A quorum for the Planning Board shall consist of three or more members. A quorum is necessary for the Board to take official action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in section in N.C. Gen. Stat. section 160A-75 shall be counted as present for purposes of determining whether a quorum is present.

Sec. 2-34. - Voting.

- (a) The concurring vote of a majority of the regular membership (excluding vacant seats) shall be necessary to make any decision,
- (b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.
- (c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances: ³
 - (1) If the member has a direct, substantial and readily identifiable financial interest in the outcome of the matter at issue;
 - (2) If the matter at issue involves the member's own official conduct;
 - (3) If a member has such close personal family, business or other associational ties to an applicant or issue.
- (d) A motion to allow a member to be excused from voting or excused from the remainder of the meeting may be made by any member of the Board.
- (e) All meetings of the Board shall be open to the public. The clerk shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a matter shall not be considered "members of the board" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Planning Board Consistency Statement:

The Planning Board finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Planning Board, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Planning Board in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Staff Recommendations:

Staff concurs with the Planning Board's recommendations.

Requested Town Council Action:

Staff respectfully requests that the Town Council: (1) conduct a public hearing; (2) consider the Planning Board's recommendations; (3) deliberate and make consistency statement findings (draft Town Council Consistency Statement included on page 5 of staff report); and (4) approve the ordinance revisions (see draft Town Council #AL2020-05-2 Ordinance).

DRAFT TOWN COUNCIL CONSISTENCY STATEMENT:

The Town Council finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Planning Board, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Planning Board in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

3. Mayor Mulhollem asked if there were any Public Comments.
There were no public comments submitted to the Town Clerk at this time.

4. Mayor Mulhollem asked for a motion to **Close the Public Hearing.**

5. Mayor Mulhollem opened the floor for the **Governing Body Discussion** session:

Consistency Statement

- No discussion regarding the Consistency Statement

Ordinance# AL2020-05-2

- Mentioned Section 2-32 (a) (2) typo error ...with the Comprehensive Plan and any...
- Recommended striking first sentence in Section 2-34 (e) "All meetings of the Board shall be open to the public." since it appears in Section 2-33 (b). Attorney Hewett agreed to strike because of the redundancy.
- Further discussed changing "Clerk" to "Secretary" as was mentioned in Agenda item 4.a. Attorney Hewett mentioned that when the Planning Board adopts their rules and procedures, then the title may be addressed. (ex: Secretary, also known as Clerk to the Board)

In closing, Ms. Maybee mentioned that she will make the corrections as noted above.

Having no further discussion, Mayor Mulhollem asked for a motion to adopt the Consistency Statement as written and presented by Staff.

The Adopted Archer Lodge Town Council Consistency Statement appears as follows:

The Town Council finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Planning Board, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Planning Board in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Having adopted the Consistency Statement, Mayor Mulhollem asked for a motion to Adopt Ordinance# AL2020-05-2 Amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Planning Board with the changes as discussed by Town Council and Town Attorney Hewett.

The Adopted Ordinance# AL2020-05-2 with changes discussed appears as follows:

ORDINANCE# AL2020-05-2

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 2 - ADMINISTRATION, ARTICLE II, BOARD AND COMMISSIONS**

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 2 - Administration, Article II - Board and Commissions, as follows:

Delete ordinance text in its entirety in Division 1, and replace with the following:

DIVISION 1. Planning Board.

Sec. 2-30. - Appointment and Terms.

- (a) The Planning Board has five members. Until the ordinance from which this division is amended, the Planning Board shall also serve as the Board of Adjustment.
- (b) Members may be appointed to successive terms without limitation.
- (c) The Planning Board shall consist of five regular members, each to be appointed for three-year terms, except as allowed otherwise below. In appointing the original members of such Board, or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. All regular members shall be citizens and residents of the Town of Archer Lodge.

Sec. 2-31. - Board Officers.

- (a) At its first regular meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. All elected person shall serve in these capacities for terms of one year. A certified municipal clerk shall be appointed by the Town Council as Secretary to the Planning Board. Any appointed secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.
- (b) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
- (c) The Board shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

Sec. 2-32. - Powers and Duties of Board.

- (a) The Planning Board shall hear and decide:
 - (1) Subdivisions (See section 30-345 and following),
 - (2) Review and make a recommendation to the Town Council on any changes to the Zoning and Subdivision Ordinance or Zoning Map, per sections 30-36 and 30-132. Every recommendation shall be accompanied by a written, adopted statement explaining how the recommendation of the Board is: (i) Reasonable and in the public interest, and (ii) In compliance with the Comprehensive Plan and any other adopted Town plans bearing on the matter¹.

¹ Required by N.C. Gen. Stat. 160A-383, Purposes in View (2016)

ORDINANCE# AL2020-05-2

- (3) Review and make a recommendation to the Town Council on any proposed Comprehensive Plan, or amendment to the Plan, or other Town Plan as requested by the Town Council. The recommendation shall be accompanied by a written, adopted statement explaining how the recommendation of the Board is: (i) Reasonable and in the public interest, and (ii) In compliance with the Comprehensive Plan and any other adopted Town plans bearing on the matter².
- (4) Any other matter the Board is required to act upon by any other ordinance or as requested by Town Council.
- (b) The Planning Board shall propose rules and regulations governing its procedures and operations not inconsistent with the provisions of this division. The Town Council will approve the rules and all amendments.

Sec. 2-33 – Meetings and Quorum.

- (a) The Planning Board shall meet every other month, unless meetings are cancelled for lack of business, emergency, or other valid reason. Special meetings may be called in accordance with N. C. Gen. Stat. §160A-71, regular and special meetings; recessed and adjourned meetings; procedure.
- (b) All meetings of the Board shall be open to the public, and the agenda for each Board meeting shall be made available in advance of the meeting. A notice of the meeting shall be published in a local newspaper and be posted at Town Hall in accordance with N.C. Gen. Stat. §160A-71.
- (c) A quorum for the Planning Board shall consist of three or more members. A quorum is necessary for the Board to take official action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in N.C. Gen. Stat. §160A-75 shall be counted as present for purposes of determining whether a quorum is present.

Sec. 2-34. - Voting.

- (a) The concurring vote of a majority of the regular membership (excluding vacant seats) shall be necessary to make any decision.
- (b) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.
- (c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances: ³
 - (1) If the member has a direct, substantial and readily identifiable financial interest in the outcome of the matter at issue;
 - (2) If the matter at issue involves the member's own official conduct;
 - (3) If a member has such close personal family, business or other associational ties to an applicant or issue.
- (d) A motion to allow a member to be excused from voting or excused from the remainder of the meeting may be made by any member of the Board.
- (e) The Planning Board Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk. For the purposes

² Required by N.C. Gen. Stat. Chap. 160D, Art. 5 Planning Sections 160D-501 through 160D-503 (2019, eff. 1/1/2020)

³ Required by G. S. 160D-109

ORDINANCE# AL2020-05-2

of this subsection, vacant positions on the Board and members who are disqualified from voting on a matter shall not be considered "members of the board" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Section 2. This ordinance shall become effective upon adoption.

DULY ADOPTED, THIS 4TH DAY OF MAY 2020.

TOWN OF ARCHER LODGE

(SEAL)


Matthew B. Mulhollem, Mayor



ATTEST:


Kim P. Batten, Town Clerk

Moved by: Council Member Jackson
Seconded by: Council Member Wilson
Approved to Open the Public Hearing at 7:22 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Approved to Close the Public Hearing at 7:25 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Council Member Wilson
Adopted the Consistency Statement as presented.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Council Member Wilson
Adopted Ordinance# AL2020-05-2 Amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Planning Board with the changes as discussed by Town Council and Town Attorney Hewett.

CARRIED UNANIMOUSLY

- c) **PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article II, Pertaining to Amendments**
1. **Open Public Hearing**
 2. **Staff Report and Planning Board Recommendations**
 3. **Public Comments**
 4. **Close Public Hearing**
 5. **Governing Body**
 - **Discussion and Consideration of Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2020-05-3 Amending Chapter 30, Article II, Pertaining to Amendments**

1. Mayor Mulhollem asked for a motion to **Open the Public Hearing.**

2. Staff Report and Planning Board Recommendations

Ms. Maybee read the Staff Report and Planning Board Recommendations for the Proposed Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article II, Pertaining to Amendments and appears as follows:

Staff Report Page | 1



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

Town Council Agenda Item: 4.c.

To: Town Council
From: Julie Maybee, Town Planner
Date: April 29, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm
Re: Proposed Revision of Chapter 30. Article II. - Zoning, provisions pertaining to amendment procedures

Background Information:

North Carolina laws have changed, or in the process of changing, that affect text and map amendments. In accordance with State Laws, revisions to the Code of Ordinances, Town of Archer Lodge, Chapter 30, Article II. - Zoning, are proposed to clarify/streamline and update amendment provisions.

Changes in laws are referenced in the revised text footnotes.

Planning Board Recommendations:

On March 25, 2020, the Planning Board, upon making consistency statement findings (see page 4 of staff report) in accordance with NC General Statutes, unanimously recommended approval of the ordinance revisions as stated below:

DIVISION 1. Generally.

Sec. 30-36. - Amendments.

- (a) *Who may propose an amendment; Fee.* This article, including the zoning map, may be amended only by the Town Council, according to the procedures of this section. Proposed amendments may be initiated by the property owners or their agents, Town Council, Planning Board, Zoning Administrator or Mayor of the Town. Proposed amendments to the text of this article may also be initiated by any resident or property owner within the jurisdiction covered by this article. A fee in accordance with the adopted fee schedule shall be paid to the Town for each application not initiated by an officer or agency of the Town to cover the costs of advertising and other administrative expenses involved. No application shall be deemed complete and no amendment shall be advertised until such fee is paid.
- (b) *Procedures.*
 - (1) *Map amendments.* Except for amendments initiated by the Town Council, Planning Board, staff or Mayor, no proposed amendment to the zoning map shall be considered by the Town Council, nor a public hearing held until an application containing the following information is submitted by the applicant:
 - a. A statement of the present zoning regulations or district boundary.
 - b. The name and signature of the applicant.
 - c. The tax parcel number of the lot proposed to be rezoned.
 - d. The names and addresses of the owners of the lot in question.
 - e. The names of the owners and use of each abutting property.
 - f. A completed application form with fee paid.
 - g. The applicant shall provide any additional information related to the proposed amendment requested in writing by the Zoning Administrator, Planning Board or Town Council. The Zoning Administrator shall transmit the original application to the Town Council and the original application shall be filed in the office of the Town Clerk after consideration by the Town Council.
 - (2) *Text amendments.* A petition for amendment to the text of this article shall consist of:
 - a. A completed application form.
 - b. A written justification for the requested amendment including consistency of the proposal with Town planning policies.
 - c. Any other information deemed necessary by the Zoning Administrator or Planning Board.
- (c) *Planning Board review.* After a complete application is submitted, the Planning Board shall have 65 days to make a written recommendation concerning the amendment.
- (d) *Statement of Consistency* with adopted plans. In accordance with G.S. § 160A-383, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval by the governing board.
- (e) *Public hearing procedures.*
 - (1) *Notifications*
 - a. *Published Notices:* Notice of the public hearing shall be published in a newspaper of general circulation in the Town area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the hearing date. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

- (2) *Mailed Notices*
 - a. Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
 - b. If a zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, the Town may, as an alternative method of notification, elect to publish notice of the hearing as required by G.S. § 160A-364. Such notification shall not be less than one-half of a newspaper page in size. The advertisement shall be effective only for owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent tax listing for the affected property, shall be notified according to the first class mail provisions listed above.
- (3) *Posting of hearing notices.* When a zoning map amendment is proposed the Town shall post a notice of the public hearing on the site proposed for the rezoning or on an adjacent right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice of interested persons.
- (4) No amendment shall be adopted by the Town Council until they have held a public hearing on the amendment. The public hearing may be held after the Council receives a recommendation from the Planning Board, or if no recommendation is forthcoming, the public hearing may be held after the Planning Board's 65 day deadline has elapsed.
- (5) *Town Council statement.* After the public hearing and prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a written statement describing whether its action is consistent with an adopted comprehensive plan. Such statement shall explain why the council considers the action taken to be reasonable and in the public interest.
- (6) *Limitation on Down-Zoning.*¹ No amendment to zoning text or map that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
 - a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
 - b. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (7) No denied zoning application can be resubmitted within one year.
- (f) *Citizen Comments:*

If any resident or property owner in the Town submits a written statement regarding a proposed zoning map or text amendment to the Town Clerk at least two business days prior to the proposed vote on such change, the Town clerk shall deliver the written statement(s) to the Town Council with the meeting agenda or, if received later, to the Council before the meeting.

*Protest petitions.*²

¹ Required by G.S. 160A-384 (a) (2009)

² Repealed by S.L. 2015-160 see G.S. §160A-385. Replace by a requirement to allow citizen comments.

DIVISION 3. Overlaying Zoning Districts.

Sec. 30-132. - Amendments to Overlay District Boundaries.

Amendments to the boundary of an overlay district shall be made consistent with section 30-36. Requests to expand an existing overlay district boundary shall only be considered where such request abuts, adjoins, or is contiguous to, the established overlay district boundary.

Planning Board Consistency Statement:

The Planning Board finds that the proposed amendments to Chapter 30, Zoning & Subdivisions, Article II, Division 1, Section 30-36 and Division 3, Section 30-132, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for amendments to the text and map amendments in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Staff Recommendations:

Staff concurs with the Planning Board's recommendations.

Requested Town Council Action:

Staff respectfully requests that the Town Council: (1) conduct a public hearing; (2) consider the Planning Board's recommendations; (3) deliberate and make consistency statement findings (draft Town Council Consistency Statement included on page 5 of staff report); and (4) approve the ordinance revisions (see draft Town Council #AL2020-05-3 Ordinance).

DRAFT TOWN COUNCIL CONSISTENCY STATEMENT:

The Town Council finds that the proposed amendments to Chapter 30, Zoning and Subdivisions, Article II, Division 1, Section 30-36, and Division 3, Section 30-132, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for text and map amendments in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

3. Mayor Mulhollem asked if there were any Public Comments.
There were no public comments submitted to the Town Clerk at this time.

4. Mayor Mulhollem asked for a motion to **Close the Public Hearing.**

5. Mayor Mulhollem opened the floor for the **Governing Body Discussion** session:

Consistency Statement

- No discussion regarding the Consistency Statement.

Ordinance# AL2020-05-3

- Questioned if the Town has a Zoning Administrator and Ms. Maybee explained that it is an employee who is designated to serve in that capacity and is normally the Town Planner. She noted that this position would be clarified under Chapter 160D amendments.
- Questioned Section 30-36 (c) After a complete application is submitted, the Planning Board shall have 65 days to make a written recommendation...

Much discussion followed regarding the 65 day period as it pertained to the Town having a part-time Town Planner with limited hours; the adopted meeting schedule of the Planning Board; and the possibility of organizing meetings for groups such as the Archer Lodge Technical Review Committee or Johnston County's Environmental Health Department, if their review is needed. Following the discussion, Council agreed to change Section 30-36 (c) to read: "Planning Board shall issue a decision as quickly as possible but no later than 65 days from the date of filing unless otherwise extended by the Town Council."

- Mentioned Section 30-36 (e) (3) typo error last sentence ...the Town shall post sufficient notices to provide reasonable notice of to interested persons.

In closing, Ms. Maybee reminded everyone that these text amendments only pertain to text and map amendments and she will make corrections as noted above.

Having no further discussion, Mayor Mulhollem asked for a motion to adopt the Consistency Statement as written and presented by Staff.

The Adopted Archer Lodge Town Council Consistency Statement appears as follows:

The Town Council finds that the proposed amendments to Chapter 30, Zoning and Subdivisions, Article II, Division 1, Section 30-36, and Division 3, Section 30-132, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for text and map amendments in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Having adopted the Consistency Statement, Mayor Mulhollem asked for a motion to Adopt Ordinance# AL2020-05-3 - Amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Article II, Pertaining to Amendments with the changes as discussed by the Town Council and Town Attorney Hewett.

The Adopted Ordinance# AL2020-05-3 with changes discussed appears as follows:

ORDINANCE# AL2020-05-3

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 – ZONING & SUBDIVISIONS, ARTICLE II. - ZONING**

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 - Zoning & Subdivisions, Article II – Zoning, as follows:

Delete ordinance text in its entirety in Division 1, Sec. 30-36, and Division 3, Section 30-132 and replace with the following:

DIVISION 1. Generally.

Sec. 30-36. - Amendments.

- (a) *Who may propose an amendment; Fee.* This article, including the Zoning Map, may be amended only by the Town Council, according to the procedures of this section. Proposed amendments may be initiated by the property owners or their agents, Town Council, Planning Board, Zoning Administrator or Mayor of the Town. Proposed amendments to the text of this article may also be initiated by any resident or property owner within the jurisdiction covered by this article. A fee in accordance with the adopted fee schedule shall be paid to the Town for each application not initiated by an officer or agency of the Town to cover the costs of advertising and other administrative expenses involved. No application shall be deemed complete and no amendment shall be advertised until such fee is paid.
- (b) *Procedures.*
 - (1) *Map amendments.* Except for amendments initiated by the Town Council, Planning Board, staff or Mayor, no proposed amendment to the zoning map shall be considered by the Town Council, nor a public hearing held until an application containing the following information is submitted by the applicant:
 - a. A statement of the present zoning regulations or district boundary.
 - b. The name and signature of the applicant.
 - c. The tax parcel number of the lot proposed to be rezoned.
 - d. The names and addresses of the owners of the lot in question.
 - e. The names of the owners and use of each abutting property.
 - f. A completed application form with fee paid.
 - g. The applicant shall provide any additional information related to the proposed amendment requested in writing by the Zoning Administrator, Planning Board or Town Council. The Zoning Administrator shall transmit the original application to the Town Council and the original application shall be filed in the office of the Town Clerk after consideration by the Town Council.
 - (2) *Text amendments.* A petition for amendment to the text of this article shall consist of:
 - a. A completed application form.
 - b. A written justification for the requested amendment including consistency of the proposal with Town planning policies.
 - c. Any other information deemed necessary by the Zoning Administrator or Planning Board.

ORDINANCE# AL2020-05-3

- (c) *Planning Board review.* After a complete application is submitted, the Planning Board shall issue a decision as quickly as possible but no later than 65 days from the date of filing unless otherwise extended by the Town Council.
- (d) *Statement of consistency with adopted plans.* In accordance with G.S. § 160A-383, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan, as applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with a comprehensive plan or any other officially adopted plan, as applicable, shall not preclude consideration or approval by the Town Council.
- (e) *Public hearing procedures.*
 - (1) *Notifications*
 - a. *Published Notices:* Notice of the public hearing shall be published in a newspaper of general circulation in the Town area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the public hearing date. In computing such period, the day of publication is not to be included, but the day of the public hearing shall be included.
 - (2) *Mailed Notices*
 - a. Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land, as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land, as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
 - b. If a zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, the Town may, as an alternative method of notification, elect to publish notice of the public hearing as required by G.S. § 160A-364. Such notification shall not be less than one-half of a newspaper page in size. The advertisement shall be effective only for owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent tax listing for the affected property, shall be notified in accordance with the first class mail provisions listed above.
 - (3) *Posting of hearing notices.* When a Zoning Map amendment is proposed, the Town shall post a notice of the public hearing on the site proposed for the rezoning or on an adjacent right-of-way. When multiple parcels are included within a proposed Zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.
 - (4) No amendment shall be adopted by the Town Council until they have held a public hearing on the amendment. The public hearing may be held after the Town Council receives a recommendation from the Planning Board, or if no recommendation is forthcoming, the public hearing may be held after the Planning Board's 65 day deadline or the Town Council's extension, if provided, has elapsed.
 - (5) *Town Council statement.* After the public hearing, and prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a written statement describing whether its action is consistent with an adopted Comprehensive Plan. Such statement shall explain why the Town

ORDINANCE# AL2020-05-3

Council considers the action taken to be reasonable and in the public interest.

(6) *Limitation on Down-Zoning.*¹ No amendment to zoning text or map that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- b. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

(7) No denied zoning application can be resubmitted within one year.

(f) *Citizen Comments:*
 If any resident or property owner in the Town submits a written statement regarding a proposed zoning map or text amendment to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver the written statement(s) to the Town Council with the meeting agenda or, if received later, to the Town Council before the meeting.

*Protest petitions.*²

DIVISION 3. Overlaying Zoning Districts.

Sec. 30-132. - Amendments to Overlay District Boundaries.

Amendments to the boundary of an overlay district shall be made consistent with section 30-36. Requests to expand an existing overlay district boundary shall only be considered where such request abuts, adjoins, or is contiguous to, the established overlay district boundary.

Section 2. This ordinance shall become effective upon adoption.

DULY ADOPTED, THIS 4TH DAY OF MAY 2020.

TOWN OF ARCHER LODGE


 Matthew B. Mulhollem, Mayor

ATTEST:

 Kim P. Batten, Town Clerk

(SEAL)



¹ Required by G.S. 160A-384 (a) (2009)
² Repealed by S.L. 2015-160 see G.S. §160A-385. Replace by a requirement to allow citizen comments.

- Moved by: Council Member Wilson
 Seconded by: Council Member Jackson
Approved to Open the Public Hearing at 8:00 p.m.

CARRIED UNANIMOUSLY
- Moved by: Council Member Jackson
 Seconded by: Council Member Wilson
Approved to Close the Public Hearing at 8:04 p.m.

CARRIED UNANIMOUSLY
- Moved by: Council Member Bruton
 Seconded by: Council Member Jackson
Adopted the Consistency Statement as presented.

CARRIED UNANIMOUSLY
- Moved by: Council Member Wilson
 Seconded by: Council Member Jim Purvis
Adopted Ordinance# AL2020-05-3 Amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Article II, Pertaining to Amendments with the changes as discussed by Town Council and Town Attorney Hewett.

CARRIED UNANIMOUSLY

- 5. TOWN ATTORNEY'S REPORT:**
- a) Attorney Hewett reported the following:**
- Commended Ms. Maybee for the fantastic job on preparing the materials for the meeting.
 - Commended the Town Council for their use of the virtual meeting technology.
 - Mentioned that the General Assembly will be enacting new legislation that modifies the rules and specific guidance regarding remote meetings during a State of Emergency and will advise when the new law passes.

6. MAYOR'S REPORT:

a) Mayor Mulhollem reported the following:

- Thanked Ms. Maybee and Staff for providing all materials needed for the Public Hearings.
- Thanked Council for their patience in remote participation for the virtual Regular Town Council meeting and remaining productive.

Mayor Mulhollem read a Proclamation and proclaimed the week of May 3 - 9, 2020 as the 51st Annual Professional Municipal Clerks Week and extended his appreciation to Ms. Batten, Ms. Lawhorn, and all Professional Municipal Clerks for the vital services they perform. Everyone applauded.

The Professional Municipal Clerks Week Proclamation appears as follows:



7. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

- a) Council Member Wilson commended Ms. Batten and Ms. Lawhorn for their work and Ms. Maybee for all the work she put into getting the materials together for the meeting.**
-
- b) Council Member Jackson echoed the prior remarks and thanked Staff for having patience with him in completing town matters in a timely manner.**
-
- c) Council Member Purvis also echoed the sentiments for Staff and their preparation for the meetings.**

d) Mayor Pro Tem Castleberry also echoed sentiments for Staff.

e) Council Member Bruton echoed sentiments for Staff and that she appreciated them. She hoped that all stay safe.

8. ADJOURNMENT:

a) Having no further business.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Adjourned meeting at 8:42 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



**Virtual Special Meeting - Minutes
for the Purposes of:**

1. *Proposed Budget Presentation for FY 2021 &*
2. *Discussion and Consideration of Items*
3.a., 3.b., 3.c. and 3.d. below

Monday, May 18, 2020

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry (Remotely)
Council Member Bruton (Remotely)
Council Member Jackson (Remotely)
Council Member Purvis (Remotely)
Council Member Wilson (Remotely)

STAFF PRESENT:

Mike Gordon, Town Administrator
Chip Hewett, Town Attorney (Remotely)
Julie Maybee, Town Planner
Kim P. Batten, Finance Officer/Town Clerk
Joyce Lawhorn, Deputy Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Due to technical difficulties, Mayor Mulhollem called the meeting to order at 6:52 p.m. in the C. L. Gobble Conference Room located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present via Webex Video Conferencing. Council Member Jackson offered the invocation.

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Mayor Pro Tem Castleberry, Council Member Bruton, Council Member Jackson, Council Member Purvis, Council Member Wilson, and Attorney Hewett attended remotely via Webex Video Conferencing.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. PRESENTATION:

- a) Budget Presentation for Fiscal Year Ending June 30, 2021 ~**
Teresa Bruton, Budget Officer/Council Member
Mike Gordon, Town Administrator
Kim Batten, Finance Officer/Town Clerk

Budget Officer/Council Member Bruton began the presentation with reading the FY2020-2021 Proposed Annual Budget Message which appears as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James L. (Jim) Purvis, III
Mark B. Wilson

**Annual Budget Message
2020-2021 Fiscal Year Budget**

To: Honorable Mayor and Members of the Archer Lodge Town Council
Archer Lodge, North Carolina

From: Teresa M. Bruton, Budget Officer

Date: May 18, 2020

For your review and consideration, I am pleased to submit the 2020-2021 proposed Annual Budget for the Town of Archer Lodge. The proposed \$1,534,850 Annual Budget is comprised of the General Fund 10, Capital Reserve Fund 30, Park Reserve Fund 31, and the Public Safety Reserve Fund 32. The 2020-2021 proposed budget is based on ideas and objectives discussed during the Town Council's annual budget retreats, combined with cautious consideration of the Town's ability to fund these ideas and objectives with limited revenue sources.

While maintaining the Town's current tax rate of \$0.22 / \$100 value, the proposed 2020-2021 budget is lower than the Town's current 2019-2020 Amended Budget for all funds. The lower proposed budget amount is due to the anticipated decrease in state shared revenues resulting from the economic situation caused by the COVID-19 pandemic. It should also be noted that the balanced budget for all funds was prepared in accordance with NC General Statue §159-11.

The table below compares the proposed projected revenues for the General Fund in www.archerlodgenc.gov

next year's budget to the current year projected revenues, as amended, and the prior year actual revenues from the Audit Report for the period ending June 30, 2019.

General Fund 10 Revenue Sources:	Prior Year (FY 2018-2019) Actual Revenues	Current Year (FY 2019-2020) Revenues as Amended	Proposed Projected Revenues (FY 2020-2021)
Ad Valorem Taxes	\$ 674,603.00	\$ 825,500.00	\$ 846,000.00
Unrestricted Intergovernmental	\$ 411,905.00	\$ 385,010.00	\$ 341,710.00
Restricted Intergovernmental	\$ 154,054.00	\$ 63,000.00	\$ 83,000.00
Permits and Fees	\$ 7,880.00	\$ 6,140.00	\$ 5,140.00
Investment Earnings	\$ 24,602.00	\$ 17,000.00	\$ 16,000.00
Miscellaneous	\$ 25.00	\$ 6,700.00	\$ -
Transfer From Other Funds	\$ 202,049.00	\$ 67,919.00	\$ 64,000.00
Installment Loan	\$ 400,000.00	\$ -	
Total Revenues / Estimated Resources	\$ 1,875,118.00	\$ 1,371,269.00	\$ 1,355,850.00

DETAILS OF THE GENERAL FUND PROJECTED REVENUES

- Due to the COVID-19 pandemic, projected retail sales tax revenues were reduced by 25.0%
- Electric franchise sales tax revenues were projected to increase 1.0%, but other franchise taxes, such as video programming and telecommunications, were projected to decrease
- Annual alcohol beverage distribution from NCDOR were projected to remain constant
- Surplus from the Johnston County Alcohol Beverage Control were projected to increase
- Due to a couple of new subdivisions and an increase in the fee-in-lieu of recreation to \$1,500 / lot, approximately \$30,000 was projected to be collected in the General Fund and transferred to the Park Reserve Fund
- Due to the economy's downward turn, a reduction in investment earnings was projected
- In accordance with State Law and to cover the Town's associated expenses, the fee amounts on the Fee Schedule have been reviewed and updated
- As detailed in the table below, it was projected that the Ad Valorem Tax collection rate will be between 97.0% - 98.0%, even though it is typically above 99.0%

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Date	Type	Net Assessed Value	Provided By	Levy \$0.22 / \$100
12/31/2019	Motor Vehicles	\$ 48,235,193	Jo Co Tax Office	\$ 106,117
08/30/2019	Public Service Companies	\$ 2,034,635	NC Dept of Rev	\$ 4,476
05/04/2020	Real and Personal Property	\$ 340,026,344	Jo Co Tax Office	\$ 748,058
07/01/2020	TOTAL	\$ 390,296,172		\$ 858,651
PROPOSED	AD VALOREM	TAXES	CONSERVATIVE	\$ 844,000

A summary of the proposed 2020-2021 expenditures for each Department is provided on a comparative basis in the table below with the current year budget, as amended, and the prior year actual expenditures from the Audit Report for the period ending June 30, 2019:

General Fund 10 Expenditures:	Prior Year (FY 2018-2019) Actual Expenditures	Current Year (FY 2019-2020) Expenditures as Amended	Proposed Anticipated Expenditures (FY 2020-2021)
General Government	\$ 380,211.00	\$ 448,803.00	\$ 452,014.00
Public Safety	\$ 271,616.00	\$ 336,500.00	\$ 334,000.00
Transportation	\$ 17,112.00	\$ 78,500.00	\$ 53,000.00
Economic & Physical Development	\$ 93,945.00	\$ 142,129.00	\$ 156,767.00
Cultural and Recreation	\$ 102,832.00	\$ 45,000.00	\$ 45,000.00
Debt Service	\$ 43,563.00	\$ 145,337.00	\$ 145,069.00
Capital Outlay	\$ 600,000.00	\$ -	\$ -
Transfer To Other Funds	\$ 527,375.00	\$ 175,000.00	\$ 170,000.00
Total Estimated/Appropriated	\$ 2,036,654.00	\$ 1,371,269.00	\$ 1,355,850.00

DETAILS OF THE GENERAL FUND PROJECTED EXPENDITURES

- With estimated Ad Valorem Tax revenues of \$844,000, the Archer Lodge Fire District Tax portion of the Archer Lodge Tax Rate (\$0.09 / \$0.22) will result in the Archer Lodge Volunteer Fire Department receiving approximately \$329,000
- An increase in the anticipated Town Administrator hours to 1400 / year, including membership in the Local Government Employees' Retirement System (LGERS)
- A 1.5% Cost of Living Adjustment (COLA) that will become effective July 1, 2020 for all Archer Lodge full-time and part-time employees

www.archerlodgenc.gov

- Potential Performance-Based Merit increases of up to 2.0% that will become effective the first payroll in January 2021 for all Archer Lodge full-time and part-time employees
- A 1.0% increase in the Town's NC 401-K contributions for all Archer Lodge full-time employees
- ALVM - Property & Liability Insurance, Flag Replacements, Sidewalk and Gravel Parking area with 3 - 5 bumpers
- Annual Outdoor Events and Decorations
- The Town's 20.0% cost share for curb and gutter and sidewalk along Buffalo Road
- A 23.0% increase for the Financial Statements preparation and Auditing services
- "Go Live" with Permitting & Code Enforcement Edmunds GovTech Software
- Continuation of recreational support with the Archer Lodge Community Center
- Continuation of contracting with The Brough Law Firm for ordinance updates
- Continuation of Park Reserve Transfer of three cents (\$0.03) of Ad Valorem tax revenues
- Continuation of Public Safety Reserve Fund Transfer of \$25,000
- Removal of the \$25,000 Capital Reserve Fund transfer for this fiscal year
- The Debt Service Payments for the Town's individual loans are itemized in the table below:

Loan	Lender	FY 2019-2020	FY 2020-2021	FY 2021-2022
Town Hall	BB&T Gov't	\$ 42,426	\$ 41,290	\$ 40,153
Park Loan	M/M G. Smith	\$ 66,000	\$ 64,000	\$ 62,000
Town Hall Expansion	KS Bank	\$ 36,817	\$ 39,774	\$ 38,829
TOTAL		\$ 145,243	\$145,064	\$140,982

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The proposed budget for the Town's other funds are noted in the tables below:

Capital Reserve Fund 30:	Proposed Estimated Revenues (FY 2020-2021)	Proposed Estimated Expenditures (FY 2020-2021)
Investment Earnings	\$ 4,200.00	
Transfer from General Fund 10	\$ -	
Transfer to General Fund 10		\$ 4,200.00
Revenue Totals = Expenditure Totals	\$ 4,200.00	\$ 4,200.00

Park Reserve Fund 31:	Proposed Estimated Revenues (FY 2020-2021)	Proposed Estimated Expenditures (FY 2020-2021)
Investment Earnings	\$ 2,400.00	
Transfer from General Fund 10	\$ 145,000.00	
Transfer to General Fund 10		\$ 64,000.00
Park Development		\$ 83,400.00
Revenue Totals = Expenditure Totals	\$ 147,400.00	\$ 147,400.00

Public Safety Reserve Fund 32:	Proposed Estimated Revenues (FY 2020-2021)	Proposed Estimated Expenditures (FY 2020-2021)
Investment Earnings	\$ 2,400.00	
Transfer from General Fund 10	\$ 25,000.00	
Public Safety Development		\$ 27,400.00
Revenue Totals = Expenditure Totals	\$ 27,400.00	\$ 27,400.00

Total Proposed Annual Budget for All Funds (FY 2020-2021)	Total Proposed Estimated Revenues for All Funds	Total Proposed Estimated Expenditures for All Funds
Revenue Totals = Expenditure Totals	\$ 1,534,850.00	\$ 1,534,850.00

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As you may recall, the NC Parks and Recreation Authority approved a \$500,000 matching grant from the Parks and Recreation Trust Fund (PARTF) for the Archer Lodge Town Park Project in the fall of 2019. Since the grant agreement extends from December 1, 2019 to November 30, 2022, a period longer than one fiscal year, the Town adopted a Capital Project Ordinance: Archer Lodge Town Park (Ordinance No. AL2020-03-1) on March 2, 2020, which is provided for informational purposes only in the budget books as Fund 41. Please note that the Town has not received any invoices for Fund 41. Thus, while expenses are being incurred from the engineers and landscape architectures diligently working on the park plans, no transactions exist within the fund. However, it is anticipated that Fund 41 will show activity during fiscal year 2020-2021.

In the future, financial stability will be maintained through Archer Lodge's ongoing efforts to provide quality services in the most efficient and cost-effective manner possible. Financial stability has been, and will continue to be, achieved through establishing and following sound financial management designed to protect the public's finances and provide accountability to the taxpayers. This budget, considered a reliable financial plan for the 2020-2021 fiscal year, reflects a balance between current economic realities while working within our financial constraints.

I wish to extend my personal gratitude for the hard work provided by the Town Staff assisting with the preparation of the proposed budget. I also want to thank Mayor Mulhollem and the Archer Lodge Town Council for their leadership and continuing support. I am confident that the upcoming fiscal year will be another year of progress and improvement for our rural community, and I welcome your comments and suggestions as you review the attached information in the days ahead.

Respectfully submitted,

Teresa M. Bruton
Budget Officer

Signature: *Teresa Bruton*
Email: teresa.bruton@archerlodgenc.gov

Signature:
Email: teresa.bruton@archerlodgenc.gov

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Following the reading of the Budget Message, Ms. Batten provided Town Council with their Proposed Budget Books and directed them to the Proposed Annual Budget Ordinance for FY2020-2021 which appears as follows:

Town of Archer Lodge, North Carolina	
ANNUAL BUDGET ORDINANCE	
Fiscal Year July 1, 2020 to June 30, 2021	
BE IT ORDAINED by the Town Council of the Town of Archer Lodge, Johnston County, North Carolina, pursuant to §159-7 thru §159-17, that: (1) the sum of estimated net revenues and appropriated fund balance in each fund shall be equal to expenditures in each fund for Fiscal Year 2020~2021; and (2) departmental expenditures for the fiscal year shall not exceed the estimated departmental totals as depicted below and on the following pages: General Fund 10 = \$1,355,850; Capital Reserve Fund 30 = \$4,200; Park Reserve Fund 31= \$147,400; and Public Safety Reserve Fund 32 = \$27,400; all funds totaling a Budget Ordinance of \$1,534,850 ; and (3) Revenues from the Ad Valorem Property Tax shall be levied in the amount of \$0.22 per \$100 evaluation consisting of \$0.09 Archer Lodge Fire District Tax (appropriated in Public Safety for the Archer Lodge Fire Department), \$0.03 Park Reserve Fund 31 Designation and General Fund 10 receiving the balance of \$0.10.	
General Fund 10	
General Fund 10 Revenues:	Amount
Ad-Valorem Property Taxes	\$ 846,000
State Sales Tax Distributions	135,510
Unrestricted Intergovernmental Revenues	206,200
Restricted Intergovernmental Revenues	53,000
Permits and Fees	5,140
Fee in Lieu of Recreation	30,000
Investment Earnings	16,000
Transfer in from Park Reserve Fund	64,000
Total Revenues	\$ 1,355,850
General Fund 10 Expenditures:	
General Government	\$ 452,014
Public Safety	334,000
Transportation/Streets - Public Works	53,000
Planning and Zoning	156,767
Parks and Recreation	45,000
Debt Service	145,069
Interfund Transfers to Cap Res Fund, Park Res Fund & Public Safety Res Fund	170,000
Total Expenditures	\$ 1,355,850
Revenues Over (Under) Expenditures	-

Town of Archer Lodge, North Carolina
ANNUAL BUDGET ORDINANCE
Fiscal Year July 1, 2020 to June 30, 2021

Capital Reserve Fund 30	
	Amount
Capital Reserve Fund 30 Revenues:	
Investment Earnings	4,200
Total Revenues	\$ 4,200
Capital Reserve Fund 30 Expenditures:	
N/A	
Total Expenditures	\$ -
Revenues Over (Under) Expenditures	\$ 4,200
Interfund Transfers:	
Transfer from General Fund 10	\$ -
Transfer to General Fund 10	\$ (4,200)
Total Other Financing Sources (Uses):	\$ (4,200)
Total Revenues Over (Under) Expenditures and Other Financing Sources (Uses)	\$ -

Town of Archer Lodge, North Carolina
ANNUAL BUDGET ORDINANCE
Fiscal Year July 1, 2020 to June 30, 2021

Park Reserve Fund 31	
	Amount
Park Reserve Fund 31 Revenues:	
Investment Earnings	2,400
Total Revenues	\$ 2,400
Park Reserve Fund 31 Expenditures:	
Recreation Development	83,400
Total Expenditures	\$ 83,400
Revenues Over (Under) Expenditures	\$ (81,000)
Interfund Transfers:	
Transfer from General Fund 10	\$ 145,000
Transfer to General Fund 10	\$ (64,000)
Total Other Financing Sources (Uses):	\$ 81,000
Total Revenues Over (Under) Expenditures and Other Financing Sources (Uses)	\$ -

Town of Archer Lodge, North Carolina	
ANNUAL BUDGET ORDINANCE	
Fiscal Year July 1, 2020 to June 30, 2021	
Public Safety Reserve Fund 32	
	Amount
Public Safety Reserve Fund 32 Revenues:	
Investment Earnings	\$ 2,400
Total Revenues	\$ 2,400
Public Safety Reserve Fund 32 Expenditures:	
Public Safety Development	(27,400)
Total Expenditures	\$ (27,400)
Revenues Over (Under) Expenditures	\$ (25,000)
Interfund Transfers:	
Transfer from General Fund 10	\$ 25,000
Total Other Financing Sources (Uses):	\$ 25,000
Total Revenues Over (Under) Expenditures and Other Financing Sources (Uses)	\$ -

DULY ADOPTED THIS _____ DAY OF JUNE 2020

TOWN OF ARCHER LODGE

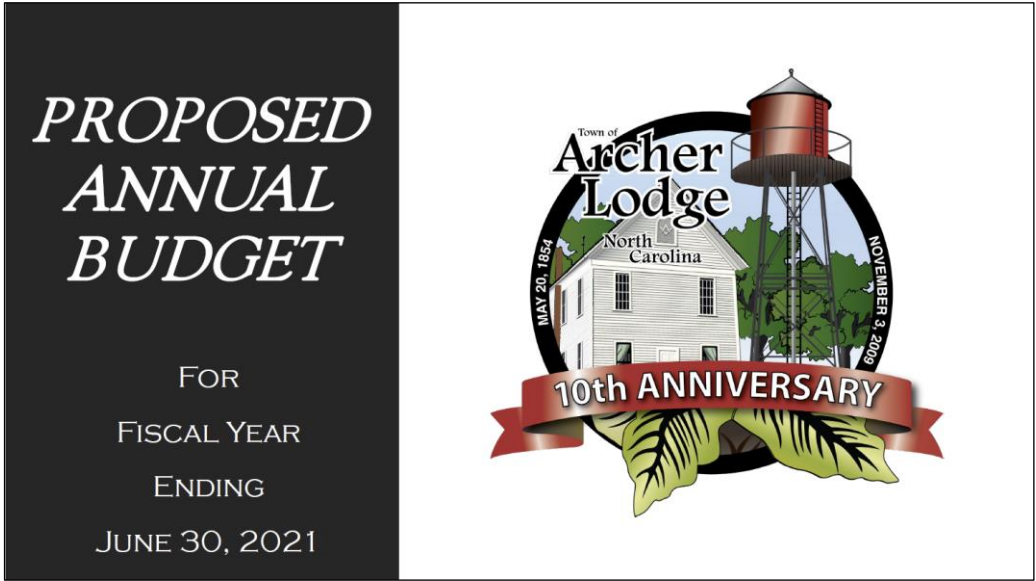
Matthew B. Mulhollem, Mayor

ATTEST:

Teresa M. Bruton, Budget Officer

Kim P. Batten, Town Clerk

Ms. Batten then shared a PowerPoint Presentation highlighting the General Fund, Capital Reserve Fund, Park Reserve Fund, Public Safety Reserve Fund, Archer Lodge Town Park Project Fund and changes to the Fee Schedule which appears as follows:



Town of Archer Lodge	\$0.10	45%
Archer Lodge Fire Tax	\$0.09	41%
Park Reserve Fund	\$0.03	14%



TOWN OF ARCHER LODGE TAX RATE

NO CHANGE!

- Ad Valorem tax collections projected to be slower and stayed conservative
- Sales tax revenues reduced by 25%
- Projections on alcohol related revenues were increased
- Electric franchise sales tax revenues slight increase
- Projections in investment earnings were reduced
- Removal of Annual Capital Reserve Designation

COVID-19 Pandemic Affects Budget

General Fund 10



General Fund 10 Revenue Sources:	Proposed Projected Revenues (FY 2020-2021)
Ad Valorem Taxes	\$ 846,000.00
Unrestricted Intergovernmental	\$ 341,710.00
Restricted Intergovernmental	\$ 83,000.00
Permits and Fees	\$ 5,140.00
Investment Earnings	\$ 16,000.00
Miscellaneous	\$ -
Transfer From Other Funds	\$ 64,000.00
Installment Loan	
Total Revenues / Estimated Resources	\$ 1,355,850.00

General Fund 10

General Fund 10 Expenditures:	Proposed Anticipated Expenditures (FY 2020-2021)
General Government	\$ 452,014.00
Public Safety	\$ 334,000.00
Transportation	\$ 53,000.00
Economic & Physical Development	\$ 156,767.00
Cultural and Recreation	\$ 45,000.00
Debt Service	\$ 145,069.00
Capital Outlay	\$ -
Transfer To Other Funds	\$ 170,000.00
Total Estimated/Appropriated	\$ 1,355,850.00



Capital Reserve Fund 30:	Proposed Estimated Revenues (FY 2020-2021)	Proposed Estimated Expenditures (FY 2020-2021)
Investment Earnings	\$ 4,200.00	
Transfer from General Fund 10	\$ -	
Transfer to General Fund 10		\$ 4,200.00
Revenue Totals = Expenditure Totals	\$ 4,200.00	\$ 4,200.00

Capital Reserve Fund 30

Park Reserve Fund 31

Park Reserve Fund 31:	Proposed Estimated Revenues (FY 2020-2021)	Proposed Estimated Expenditures (FY 2020-2021)
Investment Earnings	\$ 2,400.00	
Transfer from General Fund 10	\$ 145,000.00	
Transfer to General Fund 10		\$ 64,000.00
Park Development		\$ 83,400.00
Revenue Totals = Expenditure Totals	\$ 147,400.00	\$ 147,400.00

Public Safety Reserve Fund 32:	Proposed Estimated Revenues (FY 2020-2021)	Proposed Estimated Expenditures (FY 2020-2021)
Investment Earnings	\$ 2,400.00	
Transfer from General Fund 10	\$ 25,000.00	
Public Safety Development		\$ 27,400.00
Revenue Totals = Expenditure Totals	\$ 27,400.00	\$ 27,400.00

*Public Safety
Reserve Fund 32*

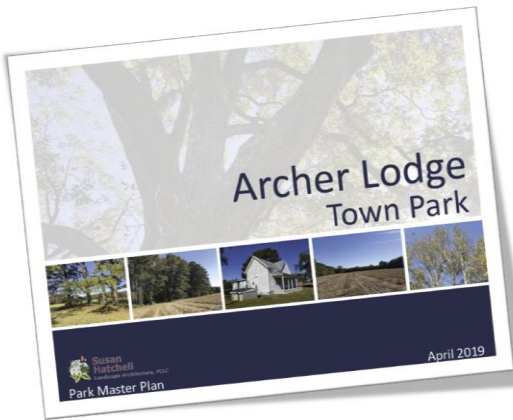
Total Proposed Annual Budget for All Funds (FY 2020-2021)	Total Proposed Estimated Revenues for All Funds	Total Proposed Estimated Expenditures for All Funds
Revenue Totals = Expenditure Totals	\$ 1,534,850.00	\$ 1,534,850.00



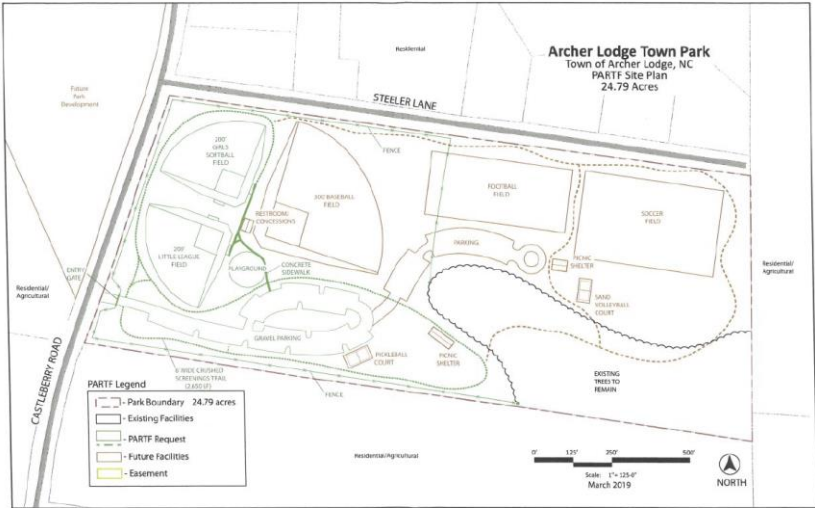
Highlights – General Fund 10

- * Town Administrator – Increase in Hours; Join LGERS
- * July 1, 2020 – COLA 1.5% (full-time & part-time)
- * January 1, 2021 – Performance-Based Merit up to 2% (full-time & part-time)
- * ALVM – Property & Liability Insurance, Flags, Sidewalk & Gravel Parking Lot with bumpers for 3-5 spaces
- * July 1, 2020 – 1% increase in Employer’s portion of NC401-K
- * Annual Outdoor Events (Fall, Spring)
- * Funds to Increase Christmas Decorations – allocated to ALCC
- * 20% Cost Share with NCDOT for Curb, Gutter and Sidewalks
- * Auditing Services/Financial Statements – 23% Increase
- * Permitting & Code Enforcement Software Implementation
- * Continuation of: ALCC Support for Recreation, The Brough Law Firm (P&Z Dept), Park Reserve Transfer & Public Safety Reserve Transfer

ARCHER LODGE TOWN PARK PROJECT FUND 41 - NC PARTF GRANT



PARTF Grant: \$500,000
Archer Lodge Funds: \$500,000
Agreement Period:
Dec 1, 2019 – Nov 30, 2022



FEE
SCHEDULE
CHANGES

FISCAL YEAR
2020-2021

Previous Fee Schedule:

Rezoning Fees	
Less than 3 Acres	\$ 375.00
3.01- 6.00 Acres	\$ 625.00
6.01 + Acres	\$ 1,250.00 +\$ 20.00/acre
Land Use	
Special Use Permits/Conditional Use Permits	\$ 250.00
Zoning Permit – Single-Family Residential construction & manufactured home	\$ 100.00
Zoning Compliance/Zoning Certification Letter	\$ 25.00
Zoning Permit — Accessory Structures and residential additions	\$ 25.00
Zoning Permit for a Home Occupation	\$ 75.00

Proposed Fee Schedule:

Land Use Public Hearing Item Fees:	
Rezoning (Map Amendment) – Less than 3 Acres	\$ 750.00
Rezoning (Map Amendment) – 3.01- 6.00 Acres	\$ 750.00
Rezoning (Map Amendment) – 6.01 + Acres	\$ 1,250.00 +\$ 20.00/acre
Special Use Permit/Conditional Use Permit	\$ 750.00
Annexation Petition – Voluntary	\$ 750.00
Zoning Compliance Permit Fees: (One, Two Family, and Related Accessory Uses/Structures)	
Stick Built or Modular home (detached single family)	\$ 100.00
Double Wide Manufactured Home on an Individual Lot or In a Manufactured Home Park	\$ 100.00
Duplex	\$ 125.00
Zoning Compliance Re-inspection/Zoning Certification Letter	\$ 25.00
Accessory Building, Structure, Pool Use on Lands Used for Residential Purposes	\$ 25.00
Residential Addition/Deck	\$ 25.00
Home Occupation Including Home Occupation Sign	\$ 75.00

Previous Fee Schedule:

Open Space	
Fee-in-Lieu of Recreation (Subdivision inside Town Limits)	\$1,000.00/lot
Fee-in-Lieu of Recreation (Subdivision outside Town Limits upon Petition for Annexation)	\$ 400.00/lot (Equivalent to Johnston County)

Proposed Fee Schedule:

Open Space Fees:	
Fee-in-Lieu of Recreation (Major Subdivision inside Town Limits)	\$ 1,500.00/lot
Fee-in-Lieu of Recreation (Major Subdivision outside Town Limits upon Petition for Annexation)	\$ 1,500.00/lot

Previous Fee Schedule:

Zoning Ordinance Amendment	
Propose an Amendment (text)	\$ 250.00
Board of Adjustment	
Appeals *The Board of Adjustment, in its discretion, may waive any and all appeal fees for prevailing parties	\$ 250.00 plus amount of fine, if appeal fails*
Variance	\$ 250.00

Proposed Fee Schedule:

Ordinance Amendment Fees:	
Text Amendment	\$ 750.00
Board of Adjustment Fees:	
Appeals	\$ 375.00
Interpretations	\$ 375.00
Variance	\$ 375.00



After the presentation, the following items were mentioned:

- Implementation of the permitting software to aid the Planning/Zoning department
- Fee schedule - some increases due to associated costs of running legal ads, notices, printing signs, and cost of labor.
- Fee in Lieu of Recreation increase - due to the upcoming costs of providing recreation in town and due to the County's consideration of increasing their fee, this budget shows an increase.
- Recreation - ALCC Board wishes to pass their financial burdens over to the Town in the future.
- Appreciation to Staff and Council Member Bruton for their preparation of the Budget.

Mayor Mulhollem asked Council Members to please contact Staff with any questions or concerns regarding the proposed budget.

3. DISCUSSION AND POSSIBLE ACTION ITEMS:

Prior to beginning Agenda Item #3 and for the record, Mayor Mulhollem asked Town Attorney Hewett to explain Items: 3.a., 3.b. and 3.c. Attorney Hewett conveyed the following about newly passed legislation §166A-19.24:

- *Governor Cooper signed §166A-19.24 during the Virtual Regular Town Council meeting held on Monday, May 4, 2020 at 6:30 p.m.*
- *Three Public Hearings were held at the Virtual Regular Town Council meeting with Council acting based on those hearings.*
- *New law added a requirement that written comments may be submitted at any time between the notice of the public hearing and 24 hours after the public hearing.*
- *Unknowing about the enacted time frame for written comments, Attorney Hewett had general discussions with Mayor Mulhollem and Mike Gordon, Town Administrator, regarding the action taken on the three ordinances at the Virtual Regular Council meeting.*
- *For clarity and to allow the public one day for written comments, Attorney Hewett recommended the following to Town Council:*
 1. *Make a motion to reconsider each item,*
 2. *Consider motions made,*
 3. *Adopt consistency statement for each item;*
 4. *Adopt ordinances for each item with an effective date of Wednesday, May 20, 2020.*

No discussion followed.

- a) **Discussion and Consideration of Text Amendments - Code of Ordinances, Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Board of Adjustment (BOA)**
- **Consideration of Approving the BOA Consistency Statement**
 - **Consideration of Adopting Ordinance# AL2020-05-1 Amending Chapter 2, Article II, BOA**

Mayor Mulhollem called for a motion to **reconsider** Agenda Item 3.a.

Having no further discussion, Mayor Mulhollem called for a motion to adopt the Consistency Statement for BOA and Ordinance# AL2020-05-1 Amending Chapter 2, Article II, BOA effective May 20, 2020.

The Adopted Archer Lodge Town Council Consistency Statement pertaining to the Board of Adjustment appears as follows:

TOWN COUNCIL CONSISTENCY STATEMENT

Amendments to Chapter 2, Boards and Commissions, Article II pertaining to Board of Adjustment

The Town Council finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Board of Adjustment, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Board of Adjustment in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

The Adopted Ordinance# AL2020-05-1 with an effective date of May 20, 2020 appears as follows:

ORDINANCE# AL2020-05-1

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 2 - ADMINISTRATION, ARTICLE II, BOARD AND COMMISSIONS**

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 2 - Administration, Article II - Board and Commissions, as follows:

Delete ordinance text in its entirety in Division 2 and Division 3, and replace with the following:

DIVISION 2. Board of Adjustment Established; Rules

Sec. 2-40. - Appointment and Terms.

(a) The Town has five members that serve on the Planning Board. Until the ordinance from which this division is amended, the Planning Board shall also serve as the Board of Adjustment. Two appointed members of the Town Council shall serve on the Board of Adjustment as alternate members. Said alternate members shall have all the powers as regular members and may fill in for regular members as needed in meetings.

(b) Members may be appointed to successive terms without limitation.

(c) The Board of Adjustment shall consist of five regular members and two alternate members, each to be appointed for three-year terms, except as allowed otherwise below. In appointing the original members of such Board, or in the filling of vacancies caused by the expiration of the terms of existing members, the Council may appoint certain members for less than three years to the end; that thereafter the terms of all members shall not expire at the same time. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special board meeting and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. All regular members and alternate members shall be citizens and residents of the Town of Archer Lodge.

Sec. 2-41. - Board Officers.

(a) At its first regular meeting of each calendar year, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. All elected person shall serve in these capacities for terms of one year. The Town Council shall appoint a certified municipal clerk to serve as Secretary to the Board of Adjustment. Any appointed Secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.

(b) The Chairperson or any member temporarily acting as Chairperson may administer oaths to witnesses coming before the Board.

(c) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.

(d) The Board of Adjustment shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

ORDINANCE# AL2020-05-1

Sec. 2-42. - Powers and Duties of Board.

- (a) The Board of Adjustment shall hear and decide:
- (1) Appeals from any order, decision, requirement, or interpretation made by the Town, inclusive of the flood prevention ordinance;
 - (2) Applications for variances;
 - (3) Questions involving interpretations of the Zoning Map, including disputed district boundary lines and lot lines;
 - (4) Applications for conditional use permits; and
 - (5) Any other matter the Board is required to act upon by any other ordinance.

Sec. 2-43. - Meetings and Quorum.

- (a) The Board of Adjustment shall meet frequently enough so that it can act as expeditiously as possible consistent with the need to follow regularly established procedures and obtain the necessary information to make sound decisions. In the alternative, the Board may adopt an annual schedule of regular meetings.
- (b) All meetings of the Board of Adjustment shall be open to the public, and the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.
- (c) A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board of Adjustment to take official action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in section 2-56 – Voting (c), shall be counted as present for purposes of determining whether a quorum is present.

Division 3. Decisions Made by the Board of Adjustment**Sec. 2-46. - Appeals.**

- (a) An appeal from any final administrative order or decision of the Town staff charged with enforcement of the Zoning Ordinance may be taken to the Board of Adjustment by any person with standing, as defined in section 2-53.- Standing below. An appeal is taken by filing a written notice of appeal specifying the grounds with the Board of Adjustment Secretary. A notice of appeal shall be considered filed with the Town and the Board of Adjustment when delivered to the Board of Adjustment Secretary. For each appeal, a fee shall be paid to the Town of Archer Lodge to cover advertising and administrative costs. ¹
- (b) The Town staff who made the decision shall give written notice to the owner of the property and the applicant by personal delivery, e-mail or first-class mail. ²

¹ Amended to comply with G.S. 160A-388 (b1) last amended in July 2019 and before that in 2013 (Not including S.L 2019-111 adopting Chapter 160D and other statutes. This parenthetical is not repeated in the following footnotes, but it also applies to the following footnotes.)

² Amended to comply with G.S. 160A-388 (b1)(2)

ORDINANCE# AL2020-05-1

- (c) The property owner, applicant or other party with standing shall have thirty days from the receipt of written notice to file an appeal. If delivery of the decision is by first class mail, the time to appeal shall be 33 days³ unless the appellant provides evidence of the date of delivery. ⁴
- (d) The Town staff who made the decision shall send all documents and exhibits constituting the record of the decision being appealed to the Board of Adjustment, the person who made the appeal and the owner of the property. ⁵
- (e) An appeal stays all actions by the Town enforcing the requirements of the Zoning Ordinance unless the Town staff who made the decision files an affidavit with the Board stating the facts of the case and how a stay of enforcement will cause imminent peril to life or property or that a stay would interfere with ordinance enforcement because the violation is transitory. If the enforcement action is not stayed by Johnston County Superior Court, the person appealing may file a request that the Board hear the matter in 15 calendar days. The 15 day deadline is mandatory. ⁶
- (f) After receipt of notice of an appeal, the Board of Adjustment Secretary shall schedule the time for a hearing which shall be at the next regular or special meeting, but in no case later than 60 days from the filing of notice of appeal.
- (g) Written notice of the appeal shall be sent to the appellant, property owner, applicant and all abutting property owners by the Town staff following the procedures in section 2-52.- Notice of Hearings. ⁷
- (h) Upon request, the Chair may issue subpoenas to persons or for the production of documents as provided in section 2- 51(e). ⁸
- (i) The staff who made the decision, or the current incumbent in that position, shall appear as a witness at the hearing. ⁹
- (j) The Board shall hear the appeal following the procedural rules in division 2 below, beginning at section 2-51. Before witness testimony the Board shall hear and rule on any objections to documents in the record, or any staff report provided to the Board. ¹⁰
- (k) The Board shall determine contested facts. The decision of the Board shall be based on competent, material and substantial evidence in the record. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall issue a written decision containing the Boards decisions as to contested facts and the application of the facts to the standards of the Zoning Ordinance. To this end, the Board of Adjustment shall have all the powers of the Town staff from whom the appeal is taken. ¹¹
- (l) The Board shall make its decision in a reasonable time following the requirements of Section 2-57(c). ¹²
- (m) When an appeal is taken to the Board of Adjustment, the designated Town staff shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

Sec. 2-47. - Variances.

³ Amended to comply with G.S. 160A-388 (e2)(2)

⁴ Amended to comply with G.S. 160A-388 (b1)(3)

⁵ Amended to comply with G.S. 160A-388 (b1)(5)

⁶ Amended to comply with G.S. 160A-388 (b1)(6)

⁷ Amended to comply with G.S. 160A-388 (a2)

⁸ Amended to comply with G.S. 160A-388 (g)

⁹ Amended to comply with G.S. 160A-388 (b1)(8)

¹⁰ Amended to comply with common law. Also, a requirement of new Chapter 160D.

¹¹ Amended to comply with G.S. 160A-388 (e2) (1) and G.S. 160A-393 (Amended July 2019, and 2013)

¹² Amended to comply with G.S. 160A-388 (b1)(7); GS 160A-388(e2)(1)

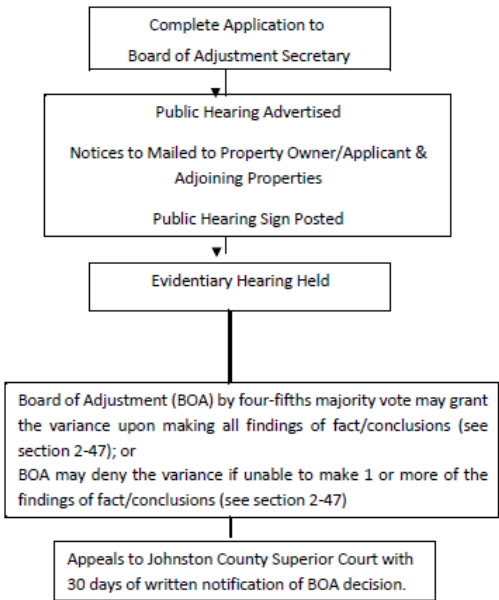
ORDINANCE# AL2020-05-1

- (a) A complete application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Board of Adjustment Secretary.
- (b) When presented to the Board of Adjustment at the hearing, the application for a variance shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with section 2-47 and the other requirements of this chapter. If the staff proposes a finding or conclusion that the application fails to comply with section 2-47, the report shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- (c) The Town staff shall advertise the hearing in accordance with the requirements of section 2-52 - Notice of Hearings below.
- (d) The Board shall hold a hearing following the requirements of division 4 below.
- (e) A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in unnecessary hardships for the applicant upon a showing of all of the following:
 - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
 - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; and
 - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (f) In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
- (g) A variance shall run with the land.
- (h) The nature of the variance and any conditions attached to it, shall be entered on the face of the certificate of zoning compliance, or the certificate of zoning compliance may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance. No change in permitted uses may be authorized by variance.
- (i) A fee shall be paid to the Town of Archer Lodge for a variance as set forth in the Town of Archer Lodge, NC annual fee schedule adopted by the Town Council.
- (j) The Board will first consider whether the application is complete. A motion to deny a variance may be made on the basis that the application is incomplete. Such a motion shall include a statement of the specific reasons or findings of fact that support it.
- (k) If a motion to grant a variance is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to deny the variance shall be in order. If the Board finds that any one or more of the four criteria set forth in section 2-47 - "Variances," are not satisfied, the variance cannot be granted. A motion to deny may be adopted as the Board's decision if supported by more than one-fifth of the Board's membership.
- (l) Before granting a variance, the Board must take a separate vote and vote affirmatively (by a four-

ORDINANCE# AL2020-05-1

fifths majority) on each of the four required findings stated in section 2-47. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in section 2-47 shall include a statement of the specific reasons or findings of fact supporting such motion.

Flow Chart Variances



Sec. 2-48. - Interpretations of Zoning Map.

- (a) The Board of Adjustment is authorized to interpret the Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Town, they shall be handled as provided in division 4 below.
- (b) An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Board of Adjustment Secretary. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

ORDINANCE# AL2020-05-1

- (c) Where uncertainty exists as to the boundaries shown on the Town of Archer Lodge official Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - (2) Boundaries indicated as approximately following lot lines, Town limits, shall be construed as following such lines, limits or boundaries;
 - (3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and
 - (4) Where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the Town of Archer Lodge Zoning Map.

Sec. 2-49. - Conditional Use Permits - See Chapter 30

Division 4. Quasi-Judicial (QJ) Hearing Procedures

Sec. 2-51. - Hearing Required on BOA Decisions (QJ).

- (a) Before deciding on an appeal or an application for a variance, the Board of Adjustment shall hold a hearing on the appeal, on a conditional-use permit, or petition from the Town to revoke a conditional-use permit.
- (b) The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence. Only persons with standing, as defined in section 2-53 – Standing, may cross-examine adverse witnesses, present witnesses and arguments to the Board, make motions and objections and generally act as an advocate for their matter.¹³
- (c) The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay, including the presentation of repetitive or irrelevant testimony.
- (d) The Board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of sixty (60) days or more elapses between hearing dates.
- (e) Subpoenas.—The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing, as defined under section - 2-53-Standing, may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties¹⁴
- (f) Objections: Before witness testimony, the Board shall hear and rule on any objections to documents

¹³ Amended to comply with G.S. 160A-388 (b1)(1),(3),(4),(6), (g) and 160A-393(d)

¹⁴ Amended to comply with G.S. 160A-388(g)

ORDINANCE# AL2020-05-1

in the record, or any Town staff report provided to the Board.¹⁵

Sec. 2-52. - Notice of Hearing.

- (a) Written notices shall be given to the appellant or applicant, the property owner, if different from the applicant, any other person who makes a written request for such notice, by mailing to such persons a written notice not earlier than 25 days before or later than ten days before the hearing.
- (b) In all cases, notice shall be given to abutting property owners by mailing, via first class mail, a written notice not earlier than 25 days or later than ten days before the hearing to those persons and addresses shown on the most current Johnston County tax listing.
- (c) Within the same period of time given in (a), a notice shall be published in a newspaper circulated in the area stating the date, time, and place of the hearing, reasonably identify the property that is the subject of the application or appeal, and give a brief description of the action requested or proposed.
- (d) Within the same time period, the Town will post a prominent notice on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way.
- (e) Within the same time period, the notice shall be published on the Town's website.

Sec. 2-53. - Standing.¹⁶

The following persons shall have standing to file an appeal, request a variance, or participate as a party in an action before the Board.

- (a) Any person meeting any of the following criteria:
 - (1) Has an ownership interest in the property that is the subject of the action, a leasehold interest in the property that is the subject of the action, or an interest created by easement, restriction, or covenant in the property that is the subject of the action.
 - (2) Has an option or contract to purchase the property that is the subject of the action.
 - (3) Was an applicant for an administrative decision or map interpretation by the Town staff.
- (b) Any other person who will suffer special damages as the result of the action before the Board.
- (c) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to bring or challenge action and the association was not created in response to the particular development or issue that is the before the Board.
- (d) The Town of Archer Lodge by action of the Town Council.

Sec. 2-54. - Evidence and Burden of Proof.

- (a) The provisions of this section apply to all hearings before the Board of Adjustment.
- (b) All persons who intend to present evidence to the Board shall be sworn by the Chair or Acting Chair.¹⁷

¹⁵ Amended to comply with common law. Also, a requirement of new Chapter 160D.

¹⁶ *Id.*

¹⁷ Amended to comply with G.S. 160A-388 (f)

ORDINANCE# AL2020-05-1

- (c) All findings and conclusions necessary to the decision shall be based upon reliable, competent and material evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available.¹⁸
- (d) The term "competent evidence,"¹⁹ as used in this Ordinance, shall not preclude reliance by the Board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the N.C. Courts (i) except for items noted in sub-subdivisions 1, 2 and 3 of this section below that are conclusively incompetent, the evidence was admitted without objection or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the board to rely upon it. The term "competent evidence," as used in this subsection, shall, regardless of the lack of a timely objection, not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - (1) The use of property in a particular way would affect the value of other property;
 - (2) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
 - (3) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- (e) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions of law required for variances and conditional use permits, as well as the burden of persuasion on those issues remains with the applicant or proponent, except as noted in division 3 above.

Sec. 2-55. - Modification of Application at Hearing.

- (a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application in writing, including the plans and specifications submitted. In the alternative, the Board may continue the hearing so that the application and/or plans may be revised and submitted to the Town.
- (b) Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Board of Adjustment Secretary.

Sec. 2-56. - Voting.

- (a) All actions of the Board of Adjustment shall be taken by majority vote, except decisions on granting or denying a variance which requires the concurring vote of four-fifths of the Board membership (excluding vacant seats or members who are disqualified from voting).²⁰
- (b) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.
- (c) A member may be excused from participation and voting on a particular issue by majority vote of the remaining members if the members participation or voting would violate any party's constitutional right to be an impartial decision maker. Impermissible violations of due process include, but are not limited to, the following²¹:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue;

¹⁸ Amended to comply with G.S. 160A-388 (e2)(1)¹⁹ Amended to comply with G.S. 160A-393 (k)(3)²⁰ Amended to comply with G.S. 160A-388 (e)(1)²¹ Amended to comply with G.S. 160A-388 (e)(2)

ORDINANCE# AL2020-05-1

- (2) If the matter at issue involves the member's own official conduct;
- (3) If a member has a close personal, family, business or other associational tie to a party that the member cannot reasonably be expected to exercise sound judgment. (A close familial relationship means a spouse, parent, child, brother, sister, grandparent or grandchild, including the step, half and in-law relationships.)²²; or
- (4) If the member has a fixed opinion about the subject of a hearing that is not susceptible to change by the evidence presented, or
- (5) The member has had an undisclosed ex parte communication with a party to the hearing.
- (d) A motion to allow a member to be excused from voting or excused from the remainder of the meeting may be made by any Board member. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection.
- (e) All hearings of the Board shall be open to the public. The Board of Adjustment Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk.

Sec. 2-57. - Board Action.

- (a) Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and conclusions of law and their application to the applicable ordinance standards.
- (b) The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Board of Adjustment Secretary. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- (c) The Board shall make its decision in a reasonable time. The Board may continue a hearing to another time. The Board may conduct the public testimony phase of the hearing at one meeting and make findings of fact and conclusions of law at another meeting. The parties may agree to continuances, subject to Board approval.²³

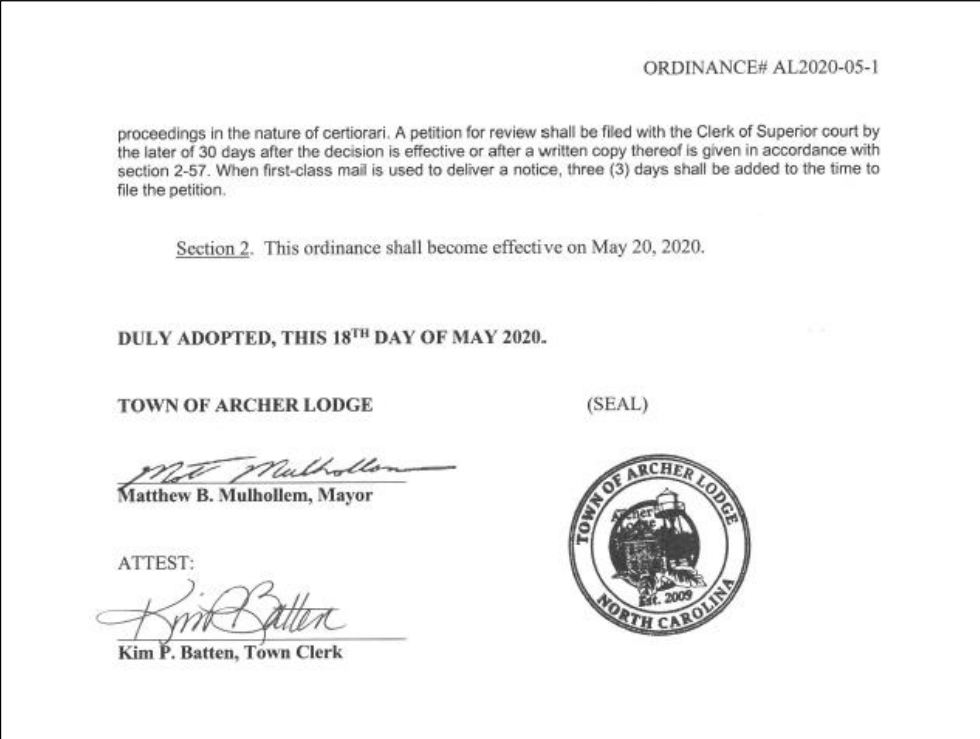
Sec. 2-58. - Record on Appeals.

- (a) A recording should be made of all hearings required by sections 2-42 and 2-51 and such recordings shall be kept until the minutes are adopted or any appeal is concluded, but in no case for less than 30 days. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- (b) Whenever practical, all documentary evidence presented at a hearing, as well as all other types of physical evidence, shall be made a part of the record of the proceedings and shall be kept for at least two years, or until any appeal is concluded.

Sec. 2-59. - Appeals to Johnston County Superior Court.

Every quasi-judicial decision shall be subject to review by the Johnston County Superior Court by

²² 160D-109(d), eff. 1/1/2021.²³ Amended to comply with G.S. 160A-388 (b1)(7); GS 160A-388(e2)(1)



Moved by: Council Member Jackson
 Seconded by: Mayor Pro Tem Castleberry
Reconsidered Agenda Item 3.a.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
 Seconded by: Council Member Wilson
Adopted the Consistency Statement and Ordinance# AL2020-05-1 with an effective date of May 20, 2020.

CARRIED UNANIMOUSLY

- b) **Discussion and Consideration of Text Amendments - Code of Ordinances, Archer Lodge, NC, Chapter 2 - Administration, Article II - Boards and Commissions - Planning Board (PB)**
- **Consideration of Approving the PB Consistency Statement**
 - **Consideration of Adopting Ordinance# AL2020-05-2 Amending Chapter 2, Article II, PB**

Mayor Mulhollem called for a motion to **reconsider** Agenda Item 3.b.

Having no further discussion, Mayor Mulhollem called for a motion to adopt the Consistency Statement for PB and Ordinance# AL2020-05-2 Amending Chapter 2, Article II, PB effective May 20, 2020.

The Adopted Archer Lodge Town Council Consistency Statement pertaining to the Planning Board appears as follows:

TOWN COUNCIL CONSISTENCY STATEMENT

Amendments to Chapter 2. Article II. - Boards and Commissions, provisions pertaining to the Planning Board

The Town Council finds that the proposed amendments to Chapter 2, Boards and Commissions, Article II pertaining to Planning Board, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the Planning Board in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka “*Comprehensive Plan*”, and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town’s physical or financial resources.

The Adopted Ordinance# AL2020-05-2 with an effective date of May 20, 2020 appears as follows:

ORDINANCE# AL2020-05-2

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 2 - ADMINISTRATION, ARTICLE II, BOARD AND COMMISSIONS**

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 2 - Administration, Article II - Board and Commissions, as follows:

Delete ordinance text in its entirety in Division 1, and replace with the following:

DIVISION 1. Planning Board.

Sec. 2-30. - Appointment and Terms.

- (a) The Planning Board has five members. Until the ordinance from which this division is amended, the Planning Board shall also serve as the Board of Adjustment.
- (b) Members may be appointed to successive terms without limitation.
- (c) The Planning Board shall consist of five regular members, each to be appointed for three-year terms, except as allowed otherwise below. In appointing the original members of such Board, or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. All regular members shall be citizens and residents of the Town of Archer Lodge.

Sec. 2-31. - Board Officers.

- (a) At its first regular meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. All elected person shall serve in these capacities for terms of one year. A certified municipal clerk shall be appointed by the Town Council as Secretary to the Planning Board. Any appointed secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.
- (b) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
- (c) The Board shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

Sec. 2-32. - Powers and Duties of Board.

- (a) The Planning Board shall hear and decide:
 - (1) Subdivisions (See section 30-345 and following),
 - (2) Review and make a recommendation to the Town Council on any changes to the Zoning and Subdivision Ordinance or Zoning Map, per sections 30-36 and 30-132. Every recommendation shall be accompanied by a written, adopted statement explaining how the recommendation of the Board is: (i) Reasonable and in the public interest, and (ii) In compliance with the Comprehensive Plan and any other adopted Town plans bearing on the matter¹,

¹ Required by N.C. Gen. Stat. 160A-383, Purposes in View (2016)

ORDINANCE# AL2020-05-2

- (3) Review and make a recommendation to the Town Council on any proposed Comprehensive Plan, or amendment to the Plan, or other Town Plan as requested by the Town Council. The recommendation shall be accompanied by a written, adopted statement explaining how the recommendation of the Board is: (i) Reasonable and in the public interest, and (ii) In compliance with the Comprehensive Plan and any other adopted Town plans bearing on the matter².
- (4) Any other matter the Board is required to act upon by any other ordinance or as requested by Town Council.
- (b) The Planning Board shall propose rules and regulations governing its procedures and operations not inconsistent with the provisions of this division. The Town Council will approve the rules and all amendments.

Sec. 2-33 – Meetings and Quorum.

- (a) The Planning Board shall meet every other month, unless meetings are cancelled for lack of business, emergency, or other valid reason. Special meetings may be called in accordance with N. C. Gen. Stat. §160A-71, regular and special meetings; recessed and adjourned meetings; procedure.
- (b) All meetings of the Board shall be open to the public, and the agenda for each Board meeting shall be made available in advance of the meeting. A notice of the meeting shall be published in a local newspaper and be posted at Town Hall in accordance with N.C. Gen. Stat. §160A-71.
- (c) A quorum for the Planning Board shall consist of three or more members. A quorum is necessary for the Board to take official action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in N.C. Gen. Stat. §160A-75 shall be counted as present for purposes of determining whether a quorum is present.

Sec. 2-34. - Voting.

- (a) The concurring vote of a majority of the regular membership (excluding vacant seats) shall be necessary to make any decision.
- (b) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.
- (c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances: ³
 - (1) If the member has a direct, substantial and readily identifiable financial interest in the outcome of the matter at issue;
 - (2) If the matter at issue involves the member's own official conduct;
 - (3) If a member has such close personal family, business or other associational ties to an applicant or issue.
- (d) A motion to allow a member to be excused from voting or excused from the remainder of the meeting may be made by any member of the Board.
- (e) The Planning Board Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk. For the purposes

² Required by N.C. Gen. Stat. Chap. 160D, Art. 5 Planning Sections 160D-501 through 160D-503 (2019, eff. 1/1/2020)

³ Required by G. S. 160D-109

ORDINANCE# AL2020-05-2

of this subsection, vacant positions on the Board and members who are disqualified from voting on a matter shall not be considered "members of the board" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Section 2. This ordinance shall become effective on May 20, 2020.

DULY ADOPTED, THIS 18TH DAY OF MAY 2020.

TOWN OF ARCHER LODGE

(SEAL)


Matthew B. Mulhollem, Mayor



ATTEST:

Kim P. Batten, Town Clerk

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Reconsidered Agenda Item 3.b.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Adopted the Consistency Statement and Ordinance# AL2020-05-2 with an effective day of May 20, 2020.

CARRIED UNANIMOUSLY

- c) **Discussion and Consideration of Text Amendments - Code of Ordinances, Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article II, Pertaining to Amendments**
 - **Consideration of Approving the Consistency Statement Pertaining to Amendments**
 - **Consideration of Adopting Ordinance# AL2020-05-3 Amending Chapter 30, Article II, Pertaining to Amendments**

Mayor Mulhollem called for a motion to **reconsider** Agenda Item 3.c.

Having no further discussion, Mayor Mulhollem called for a motion to adopt the Consistency Statement for Amendments and Ordinance# AL2020-05-3 effective May 20, 2020.

The Adopted Archer Lodge Town Council Consistency Statement pertaining to the Amendments appears as follows:

TOWN COUNCIL CONSISTENCY STATEMENT

Amendments to Chapter 30, Zoning and Subdivisions, Article II
pertaining to Amendments

The Town Council finds that the proposed amendments to Chapter 30, Zoning and Subdivisions, Article II, Division 1, Section 30-36, and Division 3, Section 30-132, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for text and map amendments in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka “*Comprehensive Plan*”, and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town’s physical or financial resources.

The Adopted Ordinance# AL2020-05-3 with an effective date of May 20, 2020 appears as follows:

ORDINANCE# AL2020-05-3

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 – ZONING & SUBDIVISIONS, ARTICLE II. - ZONING**

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 - Zoning & Subdivisions, Article II – Zoning, as follows:

Delete ordinance text in its entirety in Division 1, Sec. 30-36, and Division 3, Section 30-132 and replace with the following:

DIVISION 1. Generally.

Sec. 30-36. - Amendments.

- (a) *Who may propose an amendment; Fee.* This article, including the Zoning Map, may be amended only by the Town Council, according to the procedures of this section. Proposed amendments may be initiated by the property owners or their agents, Town Council, Planning Board, Zoning Administrator or Mayor of the Town. Proposed amendments to the text of this article may also be initiated by any resident or property owner within the jurisdiction covered by this article. A fee in accordance with the adopted fee schedule shall be paid to the Town for each application not initiated by an officer or agency of the Town to cover the costs of advertising and other administrative expenses involved. No application shall be deemed complete and no amendment shall be advertised until such fee is paid.
- (b) *Procedures.*
 - (1) *Map amendments.* Except for amendments initiated by the Town Council, Planning Board, staff or Mayor, no proposed amendment to the zoning map shall be considered by the Town Council, nor a public hearing held until an application containing the following information is submitted by the applicant:
 - a. A statement of the present zoning regulations or district boundary.
 - b. The name and signature of the applicant.
 - c. The tax parcel number of the lot proposed to be rezoned.
 - d. The names and addresses of the owners of the lot in question.
 - e. The names of the owners and use of each abutting property.
 - f. A completed application form with fee paid.
 - g. The applicant shall provide any additional information related to the proposed amendment requested in writing by the Zoning Administrator, Planning Board or Town Council. The Zoning Administrator shall transmit the original application to the Town Council and the original application shall be filed in the office of the Town Clerk after consideration by the Town Council.
 - (2) *Text amendments.* A petition for amendment to the text of this article shall consist of:
 - a. A completed application form.
 - b. A written justification for the requested amendment including consistency of the proposal with Town planning policies.
 - c. Any other information deemed necessary by the Zoning Administrator or Planning Board.

ORDINANCE# AL2020-05-3

- (c) *Planning Board review.* After a complete application is submitted, the Planning Board shall issue a decision as quickly as possible but no later than 65 days from the date of filing unless otherwise extended by the Town Council.
- (d) *Statement of consistency with adopted plans.* In accordance with G.S. § 160A-383, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan, as applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with a comprehensive plan or any other officially adopted plan, as applicable, shall not preclude consideration or approval by the Town Council.
- (e) *Public hearing procedures.*
 - (1) *Notifications*
 - a. *Published Notices:* Notice of the public hearing shall be published in a newspaper of general circulation in the Town area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the public hearing date. In computing such period, the day of publication is not to be included, but the day of the public hearing shall be included.
 - (2) *Mailed Notices*
 - a. Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land, as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land, as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
 - b. If a zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, the Town may, as an alternative method of notification, elect to publish notice of the public hearing as required by G.S. § 160A-364. Such notification shall not be less than one-half of a newspaper page in size. The advertisement shall be effective only for owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent tax listing for the affected property, shall be notified in accordance with the first class mail provisions listed above.
 - (3) *Posting of hearing notices.* When a Zoning Map amendment is proposed, the Town shall post a notice of the public hearing on the site proposed for the rezoning or on an adjacent right-of-way. When multiple parcels are included within a proposed Zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.
 - (4) No amendment shall be adopted by the Town Council until they have held a public hearing on the amendment. The public hearing may be held after the Town Council receives a recommendation from the Planning Board, or if no recommendation is forthcoming, the public hearing may be held after the Planning Board's 65 day deadline or the Town Council's extension, if provided, has elapsed.
 - (5) *Town Council statement.* After the public hearing, and prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a written statement describing whether its action is consistent with an adopted Comprehensive Plan. Such statement shall explain why the Town

ORDINANCE# AL2020-05-3

Council considers the action taken to be reasonable and in the public interest.

(6) *Limitation on Down-Zoning.*¹ No amendment to zoning text or map that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- b. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

(7) No denied zoning application can be resubmitted within one year.

(f) *Citizen Comments:*

If any resident or property owner in the Town submits a written statement regarding a proposed zoning map or text amendment to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver the written statement(s) to the Town Council with the meeting agenda or, if received later, to the Town Council before the meeting.

*Protest petitions.*²

DIVISION 3. Overlaying Zoning Districts.

Sec. 30-132. - Amendments to Overlay District Boundaries.

Amendments to the boundary of an overlay district shall be made consistent with section 30-36. Requests to expand an existing overlay district boundary shall only be considered where such request abuts, adjoins, or is contiguous to, the established overlay district boundary.

Section 2. This ordinance shall become effective on May 20, 2020.

DULY ADOPTED, THIS 18TH DAY OF MAY 2020.

TOWN OF ARCHER LODGE

(SEAL)


Matthew B. Mulhollem, Mayor



ATTEST:


Kim P. Batten, Town Clerk

¹ Required by G.S. 160A-384 (a) (2009)

² Repealed by S.L. 2015-160 see G.S. §160A-385. Replace by a requirement to allow citizen comments.

Following the completion of Agenda Item #3.c., Mayor asked Ms. Maybee to introduce Attorney Albert M. Benshoff, special counsel for revisions of Town Ordinances:

- Works with The Brough Law Firm, PLLC, a statewide practice primarily devoted to land use, local government and other public entity work.
- Graduated from the University of Michigan with a Bachelor of Science in Natural Resources
- Master's Degree in Regional Planning.
- Worked as a planner and oversaw the adoption of the first Unified Development Ordinance (UDO) for the cities of Beaufort County, SC Planning Commission and Cary, NC
- Attended NC Central University School of Law in Durham, NC
- Served as City Attorney for Concord, NC and litigated a major zoning challenge to the new Cabarrus County jail by rewriting the Concord Development Ordinance.
- Worked with various cities as legal counsel and practices in the area real estate development, code enforcement, contracts, economic development, annexation, land use and zoning, eminent domain, housing authorities, personnel, and community development, including U.S. Housing and Urban Development programs.
- Licensed in the North Carolina state courts and U.S. District Courts of the Eastern, Middle and Western Districts of NC, as well as the U.S. Court of Appeals for the Fourth Circuit.
- Active Member of the NC Bar Association.

Ms. Maybee shared her appreciation for Attorney Benshoff for making the Town's Zoning and Subdivision Regulations compliant with current law and with Chapter 160D.

Mayor Mulhollem welcomed Attorney Benshoff and shared that Council is looking forward in working with him.

Attorney Benshoff thanked everyone for their support and shared that he plans to do the best job he can for Archer Lodge by making a product that the Town can use in the future.

Moved by: Council Member Jackson
Seconded by: Council Member Wilson
Reconsidered Agenda Item 3.c.

CARRIED UNANIMOUSLY

Moved by: Council Member Purvis
Seconded by: Council Member Jackson
Adopted the Consistency Statement and Ordinance# AL2020-05-3 with an effective date of May 20, 2020.

CARRIED UNANIMOUSLY

d) Discussion and Consideration of Setting a Public Hearing for the Proposed Annual Budget for FY 2021

Ms. Batten suggested that the Public Hearing on the Proposed Annual Budget Ordinance for FY2021 be set for Monday, June 1, 2020. Some discussion followed regarding the new law and Governor Cooper Executive orders for COVID-19.

With no further discussion, Mayor Mulhollem called for a motion to set the Public Hearing for Monday, June 1, 2020 on the Proposed Annual Budget Ordinance for FY2020-2021.

Moved by: Council Member Bruton
Seconded by: Council Member Purvis
Approved for the Public Hearing to be held on Monday, June 1, 2020 for the Proposed Annual Budget Ordinance for FY2020-2021.
CARRIED UNANIMOUSLY

4. ADJOURNMENT:

a) Having no further business.

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Adjourned meeting at 7:49 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



**Regular Council Meeting &
Public Hearing Minutes on the
Proposed Annual Budget Ordinance
for FY 2020-2021**

Monday, June 1, 2020

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Chip Hewett, Town Attorney
Julie Maybee, Town Planner
Al Benshoff, Special Attorney (Remotely)
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

Council Member Bruton

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Attorney Benshoff attended remotely via Webex Video Conferencing.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No changes or additions noted.

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. CONSENT AGENDA:

a) Approval of Minutes:

06 Jan 2020 Regular Council Meeting Minutes

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Approved Consent Agenda.

CARRIED UNANIMOUSLY

5. PUBLIC HEARING:

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

a) Proposed Annual Budget Ordinance for FY 2020-2021

Mayor Mulhollem asked for a motion to **Open the Public Hearing.**

Mayor Mulhollem asked if there were any **Public Comments.**

- There were no public comments.

Mayor Mulhollem asked for a motion to **Close the Public Hearing.**

Moved by: Council Member Jackson
Seconded by: Mayor Pro Tem Castleberry

Approved to Open Public Hearing at 6:36 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Council Member Jackson

Approved to Close Public Hearing at 6:37 p.m.

CARRIED UNANIMOUSLY

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Engaging May & Place, PA to Audit Financial Records and Approving the Audit Contract for Fiscal Year June 30, 2020

Ms. Batten explained engaging an audit firm and approving the audit contract annually. She reminded Council that at the April 6, 2020 Regular Council Meeting, Staff shared the results of the Request for Proposal for Auditing Services for a five-year contract and recommended continuing with May & Place, PA for that service. Having no further discussion, Mayor Mulhollem called for a motion to approve the Letter of Engagement and Audit Contract with May & Place, PA for Fiscal Year ending June 30, 2020.

The Approved Letter of Engagement with May & Place, PA to Audit Financial Records for Fiscal Year ending June 30, 2020 appears as follows:

May & Place, PA
CERTIFIED PUBLIC ACCOUNTANTS

P.O. Box 900
LOUISBURG, NC 27549
Bus: 919-496-3041
Fax: 919-496-6342

SCOTT H. MAY, CPA
DALE R. PLACE, CPA, CFE

May 21, 2020

To the Honorable Mayor and Town Council Members
14094 Buffalo Road
Archer Lodge, NC 27527

We are pleased to confirm our understanding of the services we are to provide the Town of Archer Lodge for the year ended June 30, 2020. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Archer Lodge as of and for the year ended June 30, 2020. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Archer Lodge's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Archer Lodge's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Local Government Employees' Retirement System's Schedule of the Proportionate Share of the Net Pension Liability and Contributions.

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Archer Lodge's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and individual fund statements
- 2) Budgetary schedules and other schedules

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Town of Archer Lodge and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the Town of Archer Lodge's financial statements. Our report will be addressed to the Honorable Mayor and Town Council of the Town of Archer Lodge. We cannot provide assurance that unmodified opinions will be

expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the Town of Archer Lodge is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste and abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal

acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Archer Lodge's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of the Town of Archer Lodge in conformity with U.S. generally accepted accounting principles based on information provided by you. These non-audit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the

supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other non-audit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to Town Council; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of May & Place, PA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of May & Place, PA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

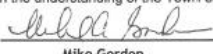
The audit documentation for this engagement will be retained for a minimum of five years after the report release date. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

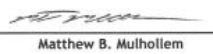
We expect to begin our audit on approximately July 01, 2020 and to issue our reports no later than October 31, 2020. Dale Place is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be \$8,000.00 for the audit and \$4,500.00 for the financial statement preparation. Our invoices for these fees will be rendered in accordance with the North Carolina Local Government Commission instructions as detailed in the contract. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the Town of Archer Lodge and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy, and return it to us.

Very truly yours,
May & Place, PA
May & Place, PA
RESPONSE:
This letter correctly sets forth the understanding of the Town of Archer Lodge.

Management signature: 
Mike Gordon
Title: Town Administrator
Date: 1 June 2020

Governance signature: 
Matthew B. Mulhollem
Title: Mayor
Date: 6-1-2020

The Approved Audit Contract with May & Place, PA for Fiscal Year ending June 30, 2020 appears as follows:

LGC-205	CONTRACT TO AUDIT ACCOUNTS	Rev. 9/2019
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The

Governing Board
Town Council

of

Primary Government Unit (or charter holder)
Town of Archer Lodge

and

Discretely Presented Component Unit (DPCU) (if applicable)
N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and

Auditor Name
May & Place, PA
Auditor Address
PO Box 900 Louisburg, NC 27549

Hereinafter referred to as Auditor

for

Fiscal Year Ending	Audit Report Due Date
6/30/2020	10/31/2020

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

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LGC-205	CONTRACT TO AUDIT ACCOUNTS	Rev. 9/2019
3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42. 4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract. 5. If this audit engagement is subject to the standards for audit as defined in <i>Government Auditing Standards</i>, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in <i>Government Auditing Standards</i>. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements. If the audit engagement is not subject to <i>Government Accounting Standards</i> or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment. 6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval. 7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the <i>AICPA Professional Standards (Clarified)</i>. The Auditor shall file a copy of that report with the Secretary of the LGC. 8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature. 9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to		
Page 2		

LGC-205	CONTRACT TO AUDIT ACCOUNTS	Rev. 9/2019
the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals. 10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13). 11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents. 12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion. 13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff. 14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff. 15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the		
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Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

29. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

30. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.

31. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

32. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Kim P. Batten	Finance Officer/Town Clerk	kim.batten@archerlodgenc.gov

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year billings. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Archer Lodge
Audit Fee	\$ 6,000.00
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$ 4,500.00
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$ 7,875.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

Page 6

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* May & Place, PA	
Authorized Firm Representative (typed or printed)* Dale Place	Signature*
Date* 5/21/2020	Email Address* dale@mayandplace.com

GOVERNMENTAL UNIT

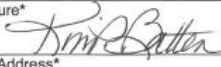
Governmental Unit* Town of Archer Lodge	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)* Matthew B. Mulhollem	Signature* 
Date 6-1-2020	Email Address matt.mulhollem@archerlodgenc.gov

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Kim P. Batten	Signature* 
Date of Pre-Audit Certificate* 6/1/2020	Email Address* kim.batten@archerlodgenc.gov

Page 7 of 8

LGC-205

CONTRACT TO AUDIT ACCOUNTS

Rev. 9/2019

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

Page 8 of 8

Moved by: Council Member Jackson
Seconded by: Mayor Pro Tem Castleberry
Approved Letter of Engagement and Audit Contract with May & Place, PA to Audit Financial Records for Fiscal Year Ending June 30, 2020.
CARRIED UNANIMOUSLY

b) Presentation of Planning Board Recommendations:

- Text Amendments - Code of Ordinance, Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI, Subdivisions**

Ms. Maybee shared her appreciation to the Planning Board and Attorney Benshoff's assistance in updating the ordinances. She reiterated the discussion at the Budget Planning Retreat, February 29, 2020, regarding a lot of changes to the ordinances, bringing current provisions up-to-date, and addressing the 160D changes. She further noted that the Proposed Revision of Chapter 30 - Zoning & Subdivisions, Article VI - Subdivisions are to clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with State Law.

Ms. Maybee mentioned that she emailed the **Planning Board Recommendations** to Town Council earlier today and has provided a hard copy this evening for reference and appears as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: June 1, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm
Re: Proposed Revision of Chapter 30 - Zoning & Subdivisions, Article VI. – Subdivisions.

Background Information:
North Carolina laws have changed, or in the process of changing, that affect the development of land in Archer Lodge, NC. As referenced at the Council’s recent budget retreat, revisions to the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, are proposed to clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with State Law.

Planning Board Recommendation:
On May 20, 2020, the Planning Board deliberated and recommended approval of the proposed amendments to Chapter 30, Zoning & Subdivisions, Article VI - Subdivisions, as presented (see below), upon finding: the proposed amendments are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka “*Comprehensive Plan*”, and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town’s physical or financial resources.

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ARTICLE VI. – SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 30-285. - Intent.

It is the intent of this article to provide an orderly process for division of land into lots or parcels for the purpose of sale and/or building development by property owners. It is also this article's intent to ensure that subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both the prospective or future owners in the Town's community, and that subdivisions are provided with and provide for adequate and efficient access and coordination of streets, water and/or sewage, parks, schools, playgrounds and other public requirements and facilities where appropriate.

Sec. 30-286. - Authority and Jurisdiction.

- (a) The regulations of this article are adopted under the authority of G.S. section 160A-371 which authorizes the Town to regulate the subdivision of land.
- (b) The regulations of this article shall govern each and every subdivision of land within the corporate limits of the Town as now or hereafter established.

Sec. 30-287. - Applicability.

No land shall be subdivided, platted, or recorded, nor shall subdivided lots or parcels be sold, offered for sale, used, or occupied unless and until a final plat of the subdivision has been approved under this article and has been recorded by the county register of deeds. ¹ No lot or parcel resulting from a division of land excluded from the definition of subdivision in section 30-288 shall be sold, offered for sale, used, or occupied until the Zoning Administrator certifies that such division of land falls within one of the exclusions listed in the definition of subdivision. No plat of any division of land within the Town's planning jurisdiction shall be filed or recorded by the county register of deeds unless it contains the Town Zoning Administrator's certification that the division of land has been approved under, or is not subject to, this article.

Sec. 30-288. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction plat means a plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads and utilities.

Flag lot means an irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm, or flagpole, of the lot.

Flood hazard boundary map means the official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk management zones applicable to the Town.

Full service access or No control of access. Connections between streets or streets and driveways where no physical or other restrictions to movement exist. For example, a connection from a residential subdivision

¹ Courts can order a subdivision by metes-and-bounds descriptions. Property may pass through an estate by metes-and-bounds descriptions. See update definition of subdivision.

street to a collector street means a street intersection that is not restricted to emergency vehicles only and allows full turning movements.

Official plans mean any plans officially adopted by the Town Council as a guide for the development of the Town consisting of maps, charts, and texts.

Open space and common open space and recreation area means any space or area characterized by great natural scenic beauty or whose openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development, or would maintain or enhance the conservation of natural or scenic resources; or any undeveloped or predominately undeveloped land that has value for one or more of the following purposes:

- (1) Park and recreational uses;
- (2) Conservation of land and other natural resources, including floodplains and wetlands; or
- (3) Historic or scenic purposes.

Passive open space or recreation areas include scenic resources, any undeveloped or predominately undeveloped land used for informal walking trails, picnic areas or similar uses. The following land uses, or land areas cannot be used to meet open space requirements of this article:

- (1) Roads, road rights-of-way, driveways, or parking areas.
- (2) Open areas within individual subdivision lots.
- (3) Small, narrow strips of land, or other unusual land configurations that are not consistent with the objectives of this article.
- (4) Protected wetlands, floodways, but not flood plains or water supply watershed stream or water body buffers.

Performance Guarantee shall mean any of the following forms of guarantee:

- (1) Surety bond issued by any company authorized to do business in this State.
- (2) Letter of credit issued by any financial institution licensed to do business in this State.
- (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

The developer/applicant shall select the form of the performance guarantee from the list above.

Public sewer system means any sewer system whether operated publicly or privately unless the sewer source is located on a lot and serves only that lot in accordance with G.S. 130A-311—130A-343.

Public water system means any water system whether operated publicly or privately unless that water source is located on a lot and serves only that lot in accordance with G.S. 130A-311—130A-343.

Recreation areas, Active include playfields, tot lots, tennis courts, swimming pools and similar active play uses.

Shared Use Path also known as a multi-use trail or a greenway, a facility designed to meet ADA standards, which may be used by bicyclists, pedestrians, and other non-motorized users. The path is separated from the roadway by an open-space or a physical barrier or within an independent right-of-way. A rail trail, built within the right-of-way of a former railroad, is a shared use path. (From [Bicycle and Pedestrian Plan](#) [2020]).

Significant Tree(s) are overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant".²

Street Classifications: The three street classifications for the Town are:

- (1) Arterial: Arterial streets function primarily to serve through-traffic movement. Limited land-access service may be accommodated. Traffic controls and street design are intended to provide efficient through-traffic movement. All U.S. and some N.C. numbered highways are examples of arterial streets.

² To be further defined later.

- (2) Collector: Collector streets penetrate areas, neighborhoods, public service areas, and districts. They are intended to provide both through-traffic and land-access services in relatively equal proportions, often linking the local street system to the arterial street system. Examples of a collector street include some N.C. and S.R. numbered streets.
- (3) Local: Local streets primarily serve land-access functions. 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 a local street include streets internal to subdivisions and rural areas.
- (4) Public: A street owned by the N.C. Dept. of Transportation or another government.
- (5) Private: A street owned by a non-governmental person, including but not limited to corporations, partnerships, individuals, homeowner's associations.

Subdivider means any person who subdivides or develops any land deemed to be a subdivision as defined in this section.

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this article, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this article;
- (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved;
- (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or
- (4) The division of a tract in single ownership whose entire land area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this article.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under General Statutes Chapter 29.³

In subsection (1) of this definition, the phrase "previously subdivided and recorded" means under a recorded plat or other instrument of transfer containing a metes and bounds description if lots were created prior to the existence of applicable subdivision regulations, or under a validly approved and recorded plat if such lots were created after the existence of applicable subdivision regulations. In subsection (2) of this definition, the phrase "where no street right-of-way dedication is involved" means that adequate access to such lot is provided by an approved existing street (public or private).

Subdivision, commercial, means the subdivision of an existing development on a parcel/lot or recorded parcel that consists of institutional, industrial, commercial and/or office uses. Such a subdivision would create two or more individual lots plus land developed and designated for the common use and benefit of the occupants/owners of the individual commercial subdivision lots provided:

- (1) That an entity is designated to be legally responsible for maintenance and control of the common land areas;
- (2) That the property has an approved site plan, valid for the development, prior to application for commercial subdivision;

³ Added to G.S. 160A-376 Definition [of subdivision] in 2017

- (3) That all parking areas, drive aisles, and open space if applicable, shall be the common land area; and
- (4) The individual lots within a commercial subdivision meet the lot design standards of this article.

Subdivision, major, means any subdivision creating five or more lots.

Subdivision, minor, means a subdivision of a parent parcel, creating four lots or less, in which:

- (1) Does not involve any new dedication of public right-of-way to give access to interior lots or parcels;
- (2) Does not involve the extension of public water or sanitary sewage lines;
- (3) Will not adversely affect the development of the remainder of the parcel or of adjoining property; and
- (4) Will not create any new or residual parcels which do not satisfy the requirements of this article or other applicable local and state controls.

Zoning Administrator means the employee designated by the Town Administrator in charge of the Town's planning, zoning and subdivision functions.

Secs. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions⁴

- (a) Any owner or agent of the owner of any land located within the Town's jurisdiction who subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Johnston County Register of Deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in section 30-25 Penalty.
- (b) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- (c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance.
- (d) Building permits required may be denied for lots that have been illegally subdivided.
- (e) In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Secs. 30-290 - 30-309. - Reserved.

DIVISION 2. - PROCEDURES FOR APPROVAL OF MINOR SUBDIVISIONS

Sec. 30-310. - Application Submittal Requirements.

Applications for minor subdivision approval, along with any required fees, shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material that may reasonably be required to determine compliance with this division. Minor subdivision plats shall comply with the mapping requirements of sections 30-385 and 30-386. The Zoning Administrator shall not accept an application unless it complies with such requirements. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

⁴ Taken from N.C.G.S. § 160A-375, Penalties for transferring lots in unapproved subdivisions.

Sec. 30-311. - Zoning Administrator Action.

When an application for minor subdivision approval is accepted, the Zoning Administrator shall determine if the plat and application conform with all applicable regulations. The Zoning Administrator (also known as the "Administrator") shall act on an application based solely on the findings as to compliance with applicable regulations and conditions. The Administrator shall approve; approve subject to conditions; deny; or refer to the major subdivision approval process, if s/he finds it to be a major subdivision proposal or if requested by the applicant. If the Zoning Administrator refers the request to a major subdivision review, an amended application shall be submitted as required in Division 3 of this article. The Zoning Administrator may impose reasonable conditions on his approval to ensure the subdivision complies with the intent and requirements of this division.

Sec. 30-312. - Actions Subsequent to Decision.

The Zoning Administrator shall notify the applicant of his decision on the applicant's application for a minor subdivision approval and shall file a copy of the decision in the office of the Zoning Administrator. The Zoning Administrator shall endorse his approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator and one blue line copy shall be on file with the county department of environmental health. Approval of any minor subdivision plat is void if it is not properly recorded within 60 days after the Zoning Administrator's endorsement of approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Plats shall conform to the drawing specifications and certification requirements of sections 30-385 and 30-386.

Sec. 30-313. - Appeal of Decision.

The Zoning Administrator's decision on a minor subdivision application may be appealed to the Planning Board under section 2-32.

Secs. 30-314—Exception for Subdivision of Land in Single Ownership Established by NC General Statute, Section 160A-376 (c)⁵

The Zoning Administrator will review a final plat prior to recordation, and sign the required certificates, only if all the following conditions apply:

- (a) The division will not create parcels greater than 10 acres where no street right-of-way dedication is involved.
- (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (c) The entire area of the tract or parcel to be divided is greater than five acres.
- (d) After division, no more than three lots result from the division.
- (e) After division, all resultant lots comply with all of the following:
 - (1) Any lot dimension size requirements of the applicable land-use regulations, if any.
 - (2) The use of the lots is in conformity with the applicable zoning requirements, if any.
 - (3) A permanent means of ingress and egress is recorded for each lot.

Sec. 30-315 - 30-344. - Reserved.

DIVISION 3. - PROCEDURES FOR APPROVAL OF A MAJOR AND/OR COMMERCIAL SUBDIVISION

Sec. 30-345. - Preliminary Plat Approval.

⁵ Required by SL 2017-10 amending G.S. 160A-376 Definition [of Subdivision], effective July 1, 2017

All major and commercial subdivisions must have a preliminary plat approval from the Town Planning Board prior to any final plats being recorded with the Johnston County Register of Deeds.

Sec. 30-346. - Preliminary Conference.

Applicants proposing major subdivisions, including commercial and other non-residential subdivisions, are encouraged to first consult with the Zoning Administrator to ensure that the applicant understands the requirements of this division.

Sec. 30-347. - Application Submittal Requirements.

Applications for major and commercial subdivision preliminary plat approval shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material it may reasonably require to determine compliance with this division, subject to approval by the Town Council. The Zoning Administrator shall not accept an application unless it complies with such requirements, including written confirmation that the applicant is the owner or agent having a valid ownership interest, or a valid enforceable contract or option for an ownership interest in the property involved. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement.

(a) *Purpose:* Archer Lodge is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.

(b) *Requirement thresholds:*

- (1) Residential subdivision proposing 100 lots/units or more.
- (2) Nonresidential subdivision proposed which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- (3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.

Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.

(c) *Retention of expert assistance and reimbursement by applicant*

- (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
- (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its

services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.

- (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.
- (4) The developer may have a TIA conducted by a consultant of his or her choice but will be required to be submitted for review and evaluation by the Town's consultant. Any cost associated with the Town's review shall be paid by the developer as described in subsections (c)(2) and (3).

(d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in section 3 of the Johnston County Land Design Manual.

(e) *Improvement requirements.*

- (1) Left turn lane, right turn lane, and/or right turn taper. Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.
- (2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Johnston County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
- (3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements must be made to maintain the road segment or intersection at LOS D. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels.
- (4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the Planning Board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.⁶

Sec. 30-349. - Zoning Administrator's Report.

The Zoning Administrator shall forward to the Planning Board an analysis of an application for major and commercial subdivision preliminary plat approval and his recommendation.

Sec. 30-350. - Planning Board Review and Action.

(a) After receiving the Zoning Administrator's report on an application for major or commercial subdivision preliminary plat approval, the Planning Board shall consider the application at its next available regularly scheduled meeting. No formal public hearing will be held. The Planning Board may hear comments and

⁶ Adapted from Johnston County ordinances (Amend. of 11-8-2004; Amend. of 02-03-2010(2))

questions. The Planning Board may place reasonable and fair limitations on comments, arguments, and questions to avoid undue delay. The applicant shall bear the burden of establishing that he is entitled to approval of the application.

- (b) The Planning Board shall act on an application for major subdivision preliminary plat approval after reviewing the application, the Zoning Administrator's report and public comment on the application. It shall base its action on its findings as to conformity with all applicable regulations of this article. Its action shall be one of the following: approval, approval subject to conditions, tabled to address deficiencies identified by the Planning Board, or denial. The Planning Board may impose reasonable conditions on its approval to ensure compliance with applicable regulations.
- (c) The Zoning Administrator shall notify the applicant for major or commercial subdivision preliminary plat approval in writing of the Planning Board's decision and shall file a copy of the decision with the Town's Zoning Administrator.

Sec. 30-351. - Expiration of Preliminary Plat Approval.⁷

Preliminary plat approval, or re-approval, for a major or commercial subdivision shall be effective for three years from the date of approval with no extension allowed by the Zoning Administrator or his/her delegatee. An extension may be requested of the Planning Board for an additional three-year period. If a final plat for all or a portion of the subdivision has not been recorded within three years of the preliminary plat approval, the applicant must submit a new application. The Planning Board may reapprove the application unless they determine that paramount considerations of health, the general welfare, or public safety exist.

Sec. 30-352. - Standards for Design for Lots in a Subdivision.

- (a) Lots created pursuant to these provisions shall meet the following minimum design standards:
 - (1) Minimum residential lot sizes resulting after subdivision shall meet the standards of the following Table:

TABLE 1: Minimum Residential Densities or Lot Sizes

	Residential Zoning Districts Max. Densities (except Mobile Home Park) / Not in a Watershed Overlay District	Mobile Home Park	Residential Zoning Districts in a Water Supply Watershed Overlay Zoning District (Except Mobile Home Park)
With ONLY Utility Provided Water	1.5 dwelling units (D/U) per acre	3.0 D/U per acre	1.0 D/U per acre ⁸
Well & Septic System	1.0 D/U per acre	3.0 D/U per acre	1.0 D/U per acre ⁹
Utility Provided Water and Public Sewer	1.5 D/U per acre	4.0 D/U per acre	2.0 D/U per acre ¹⁰

⁷ Same provision as the Johnston County ordinance.
⁸ If approved by Johnston County Environmental Health Department
⁹ If approved by Johnston County Environmental Health Department
¹⁰ If approved by Johnston County Environmental Health Department

- (2) Minimum non-residential lot sizes shall be one-half acre.
- (3) Residential lots shall front on a public or private right-of-way. Non-residential lots shall front on a public right-of-way. Lots may be created that have access to an existing access easement, or have an easement created to serve the lots if one of the two following conditions exist:
 - (A)¹¹ ALL of the following criteria are met:
 - (i) The tract or parcel to be divided is not a parcel to be divided into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - (ii) No part of the tract or parcel to be divided has been divided under this section in the 10 years prior to the proposed division.
 - (iii) The entire area of the tract or parcel to be divided is greater than five acres.
 - (iv) After division, no more than three lots result from the division.
 - (v) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.
 - OR
 - (B) The division is made in accordance with the terms of a probated will or in accordance with intestate succession under G.S. Chapter 29.
- (4) Divisions into lots or residual lots shall not be created as non-conforming to this ordinance or "non-buildable." Each lot or residual lot must be reviewed and approved as buildable which must contain a system for wastewater disposal, [and] contain sufficient area for all structures to meet building setbacks.
- (5) The standards of Div. 5, Design of Subdivisions.
- (6) The standards of Article III. Site Plans and Article IV Design Standards, as applicable.
- (7) The street design standards of the NC Dept. of Transportation, as applicable. NC Department of Transportation Subdivision Roads Minimum Construction Requirements, January 2010 (Revised May 2016)
- (8) If a mailbox kiosk is to be provided, it shall be designed and built as required in Section 30-415 (a) 2. D. of this Ordinance.
- (b) Non-buildable lot exception: lots in which no buildable area exists due to scale and extent of hydrological features such as ponds, wetlands, floodway zones, or riparian buffers.

Sec. 30-353. - Appeal of Decision.

The Planning Board's decision on an application for a preliminary plat approval for a major or commercial subdivision may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Secs. 30-354—30-379. - Reserved.

DIVISION 4. - FINAL PLAT APPROVAL

Sec. 30-380. - Application Requirements.

¹¹ These exceptions are from G.S. 160A-376 Definition [of subdivision] (2017)

Applications for final plat approval of subdivisions shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of application, as well as any other material it may reasonably require to determine compliance with this division, with the approval of the Town Council. Final plats shall comply with the mapping requirements of section 30-385 and the certification and endorsement requirements of section 30-386. For major subdivisions, a preliminary plat for the lots shown on the proposed final plat must have been approved and not expired before a final plat approval application may be accepted. As part of the application for final plat approval, the applicant shall certify one of the following:

- (1) That all required improvements (streets, utilities, storm drainage facilities, street signs, and facilities for common use, if any) approved as part of the preliminary plat approval and serving lots shown on the final plat have been completed, or sufficient performance guarantee has been posted;
- (2) ¹²That a performance guarantee at a rate of 1.25 of the estimated cost and description thereof, including sufficient means and procedures, to ensure satisfactory completion of any uncompleted improvements have been posted at the time the plat is recorded, or in the case of phased subdivisions at the time a subsequent plat is recorded, provided that the Zoning Administrator shall specify which subsequent final plat requires the performance guarantee.
 - (A) Duration. -- The duration of the performance guarantee shall initially be one year, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
 - (B) Extension. -- A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the city or county, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (D) of this subsection and shall include the total cost of all incomplete improvements.
 - (C) Release. -- the performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the Town, or upon acceptance of the required improvements, if the required improvements are subject to Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to Town acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.
 - (D) Amount. -- The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining

¹² See N.C. Gen. Stat. § 160A-372 (g) (2017)

incomplete improvements still outstanding at the time the extension is obtained.

- (3) That the development requires only review of the final plat per section 30-314.

Sec. 30-381. - Zoning Administrator's Action.

When the Zoning Administrator accepts an application for final plat approval of a subdivision, the Zoning Administrator shall determine if the final plat conforms to all applicable regulations and to an approved valid preliminary plat if a major subdivision. He shall approve or deny the application.

Sec. 30-382. - Actions Subsequent to Decision.

If an application for final plat approval of a subdivision is approved, the Zoning Administrator shall endorse his approval on a reproducible Mylar original of the final plat. The applicant shall record the final plat in the office of the county register of deeds. Approval of any final plat is void if it is not properly recorded within 60 calendar days after the Zoning Administrator's endorsement of the approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certifications and endorsement requirements of sections 30-385 and 30-386.

Sec. 30-383. - Appeal of Decision.

The Zoning Administrator's decision on a final plat approval application may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Sec. 30-384. - Required Restrictive Covenants and Review by Town.

Prior to final approval of any residential major subdivision submitted after the effective date of this ordinance, the developer shall include in the restrictive covenants a provision that mandates the discharge of firearms is strictly prohibited anywhere in the subdivision or on any adjoining property owned by the developer or Homeowner Association (HOA). A copy of the recorded restrictive covenants must be submitted to the Town proving compliance with this ordinance section prior to final approval. Discharging of air guns, air pistols and air rifles, not to exceed a caliber of .177, is permitted, as they are not considered firearms within the meaning of this section.

Sec. 30-385. Specifications for Drawings. (Formerly 30-419)

- (a) *Format.* The requirements of this section apply to the format of drawings.
- (b) *Preliminary plat.* The preliminary plat shall be drawn to the standards of G.S. § 47-30 Plats and Subdivision; Mapping Requirements at a scale between 1:100 and 1:20. Under special circumstances, with the Zoning Administrator's approval, a preliminary plat can be drawn to another scale which can clearly and accurately display the necessary information for review. The plat shall show the following:
 - (1) *Title data.* Name of the subdivision, the names and addresses of the owner or owners, name of designer of the plat, scale, date, approximate north point, and in large letters the words "Preliminary Plat."
 - (2) *Existing data.* Property lines, street lines and names, greenways, sidewalks, bicycle facilities, principal buildings, existing utility lines (water, sewer, electric, gas, etc.) watercourses (intermittent and perennial), wetlands, bridges, public/private easements, names of adjacent subdivisions, property owners, zoning districts, land uses, distance to nearest street intersection, voluntary agricultural districts, corporate limits and/or planning district lines; and an inset sketch map showing the subdivision's location in relation to the Town and general area.
 - (3) *Data relating to subdivision.* Names, locations and other dimensions and/or metes and bounds of proposed streets, lots, easements, building lines, gross acreage to be developed, development existing and proposed impervious surfaces, buffers, and recreational/open space areas if appropriate. A statement describing the water supply and sanitary sewage disposal facilities proposed to be installed in the subdivision.
 - (4) *Floodway data.* The boundaries of both the floodway and floodplain, shown on maps entitled flood hazard boundary map, shall be shown clearly.

- (5) *Dedications for future right-of-way.* Whenever land to be subdivided includes any part of a planned thoroughfare improvement shown on the official plan adopted by the Town, the applicant shall dedicate the right-of-way in the location and to the width specified in the comprehensive plan. Land reserved for future right-of-way shall not be counted in satisfying any yard, area, or dimensional requirements.
- (6) Stormwater Management Statement as required in the Johnston County Storm Water Management Ordinance and/or Johnston County Stormwater Design.
- (c) *Final plat.* The final plat shall be drawn in black ink on Mylar to a suitable scale to assure legibility. It shall show the following:
 - (1) *Title and documentation data.* Name of subdivision, the Township, the name of the licensed engineer or surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point; and all endorsements and certifications required by in section 30-386.
 - (2) *Data relating to the subdivision.* Lines and names of streets; lines of all lots, easements, areas devoted to common use, with notes stating clearly their proposed use, required landscape buffers, any limitations and the person or entity responsible for continued maintenance; corporate and/or other boundaries; lots numbered consecutively through the subdivision; building lines; metes and bounds survey information sufficient to determine readily on the ground the location of every street, lot line, boundary line, block line, easements line, and building line; the radius central angle, and tangent distance for both street lines of curved streets, the locations and types of all permanent monuments; the names of subdivisions, subdivision entrance sign easement, and streets adjoining the platted subdivision; if applicable, the location of mail kiosk; and designation of all streets and easements within the subdivision as public or private.
 - (3) *State statute.* All data shown on the final plat shall be consistent with the provisions set out in G.S. 47-30.
 - (4) *Easements.* All easements and their function shall be shown on the final plat. Drainage easements shall comply with Johnston County's Storm Water Management Ordinance, Johnston County Stormwater Design Manual and NCDOT Subdivision Road Standards.
 - (5) *Floodway data.* The boundaries of both the floodway and 100-year floodplain zone, as shown on the map entitled "Flood Boundary and Floodway Map," shall be shown. The FRIM panel and its adoption date shall be shown.
 - (6) *Future streets.* All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the plat, by the words "Reserved for Future Public Access."
 - (7) *Subdivision road disclosure statement.* The subdivision road disclosure statement shall be shown on the final plat. All roads shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as a public road shall be conclusively presumed an offer of dedication to the public. Where roads are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the road shall be noted on the final plat.
 - (8) *Plat Certificates* As required by section 30-386 below.

Sec. 30-386. - Certificates and Endorsements on Final Plat. (Formerly 30-420)

The following certificates and endorsements, where applicable, must be shown on all final plats of subdivisions:

- (1) Certificate of survey and accuracy.
- (2) Professional Land Surveyor's Certification
- (3) Certificate of Floodway Information.
- (4) Certificate of Ownership, Dedication and Maintenance.
- (5) Notice to Homeowners to Connect to Public Utility System.

- (6) Certificate of Public Utilities-
- (7) Certification of Approval of Water Supply and Sewage Disposal System.
- (8) NC Department of Transportation Division of Highways Certification
- (9) Road maintenance statement of understanding.
- (10) Zoning Administrator's certification.
- (11) Review officer's certification.
- (12) Register of deed certification.
- (13) Acceptance of offer of dedication
- (14) Subdivision road disclosure statement
- (15) Additional certifications, statements, or notations necessary.

TABLE 2: CERTIFICATES REQUIRED BY PLAT

Type	Reference Numbers
Exempt	(1)– (5), (7) (10), (11), (12)
Minor	(1) – (7), (10-12) As applicable (6) through (9), (13), (14)
Major	(1) – (13)

Secs. 30-387. - Distribution of Recorded Plat and Recorded Covenants. (Formerly 30-421)

When approved by the Zoning Administrator, the Zoning Administrator shall endorse his approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator, along with a recorded copy of the required covenants in 30 days, and a blue line copy shall be on file with each of the county departments of environmental health and public utilities.

Secs. 30-388—30-409. - Reserved.

DIVISION 5. - DESIGN OF SUBDIVISIONS

Sec. 30-410. - Intent.

Subdivisions shall be designed with a street and pedestrian network which provides safe, adequate access to all lots within the subdivision. Extension of a public access to an adjoining property should be considered in the subdivision design where a compelling public need is deemed necessary for orderly development of these adjoining properties. However, the design of the local street network in a subdivision should not encourage large amounts of through traffic, the origins and destination of which are external to the subdivision, to use local roads in the subdivision. Due consideration should be given to preserving important natural features, such as trees, ponds, streams, lakes, as well as historical sites which are of value to the Town as a whole. Consideration shall also be given

to grading to ensure the adequate flow of stormwater on the site, and the retention of stormwater as required by Johnston County Public Utilities Department.

Sec. 30-411. - Applicability of Lot Design Standards.

Each lot in a subdivision shall comply with the lot design standards contained in this division and in Article IV, Design Standards. Newly created or revised lots shall be designed so that any existing structures continue to meet the requirements of this division or so that any existing nonconformity is not increased, enlarged, or extended. The standards of this section, however, do not apply to recreation areas.

Sec. 30-412. - Lot Size Standards.

- (a) Every subdivided lot shall comply with the minimum lot size, lot width, and street frontage standard as stipulated in this Ordinance, as well as the standards of the Johnston County health department for lots not served by a public water and/or sanitary sewer system.¹³
- (b) Lots laid out for commercial or industrial purposes shall be of a size that is adequate to provide for the structure to be located on the site; off-street parking facilities required by the type and use of the development; and any required landscape buffer or screening areas. Lots for residential use shall comply with the provisions of this division.

Sec. 30-413. - Lot and Block Arrangement.

- (a) *Lots.* The arrangement of lots in a subdivision shall comply with the provisions of this division and the regulations of the Town and shall provide vehicular access to buildings on the lot from an approved street.
- (b) *Blocks.* Blocks shall be arranged with special consideration given to the type of land use proposed within the block.
 - (1) Blocks shall not exceed 1,500 feet in length.
 - (2) 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.
 - (3) 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.
 - (4) 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.

Sec. 30-414. - Flag Lots.¹⁴

- (a) Flag lots and easement access lots shall be permitted only if it can be demonstrated by the applicant that the subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit flagpole lots. Hardships shall include the following:
 - (1) Topographic constraints or irregularly shaped land in which no alternative exists;
 - (2) Natural features such as ponds, streams, wetlands, or buffers exist which would limit street construction and/or lot design;
 - (3) A long narrow parent parcel which would limit alternative designs;
 - (4) A parent parcel that has limited or no direct road frontage which would require the use of a flagpole or easement with no alternative design available;

¹³ Adapted from Johnston County Ordinance Section 14-227.

¹⁴ Similar to Johnston County Ordinance.

- (5) No alternative access is available or feasible such as a paved subdivision street or cul-de-sac street constructed to NCDOT standards.
- (b) It is the responsibility of the applicant to present evidence to the Zoning Administrator that one or more of the hardships listed in subsection (a) of this section exist.
- (c) Any decision of the waiver described in subsection (a) of this section may be appealed to the Board of Adjustment as described in section 2-46.
- (d) All flag lots or easement access lots within a major subdivision shall meet the following requirements:
 - (1) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
 - (2) The minimum flagpole width shall be 30 feet;
 - (3) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 100 feet;
 - (4) Where public water is available, the occupied building on the flag lot shall be within 500 feet of a fire hydrant. The hydrant shall not be across a street from a proposed flag lot. This distance shall be measured along the street, then along the flagpole, then from the end of the flagpole in a straight line to the building thereon;
 - (5) Where public sewer is available, the occupied building on the lot shall have a gravity service line, or the sewer pump requirements shall be noted on the recorded plat;
 - (6) Use of a single driveway to serve the flag lot and an adjoining lot is permitted and encouraged. In the case of a shared driveway, the location of the driveway shall be on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and
 - (7) Designate the building footprint and orientation of the house on the preliminary plat.
- (e) The flagpole portion of a lot shall not be used to calculate the area, width, or setbacks of the lot for the zoning district in which the lot is located.

Sec. 30-415. – Standards: Access, Circulation and Open Space.

The type and arrangement of streets within a development under this article shall comply with and coordinate with the Town's adopted transportation plan(s); or the decision of the Zoning Administrator. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrian and bicycle traffic. Accommodation for controlled turning movements into and out of the subdivision and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access shall be provided for emergency, service and school bus vehicles.

- (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.
 - (1) *Minimum construction standards.* All roads shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards, and shall:
 - A. 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;
 - B. 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.
 - (2) *Other road requirements.*

- A. *Permits for connecting to state roads.* An approved permit is required to connect any subdivision street to an existing state 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.
 - B. *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.
 - C. *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of N. C. General Statutes section 136-44.14 and the Americans with Disabilities Act.
 - D. *Mail Box Kiosks:* All mail box kiosks will meet the standards USPS Cluster Box Units Concrete Pad Installation – Interim Pad Policy (2/19/2017 or most recent edition) and the NC DOT Policy for Placement of Mail Cluster Box Units (9/1/2015 or most recent edition) and be subject to approval by the N.C. Dept. of Transportation.
- (3) *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.
- (4) *Cul-de-sac length.* No residential street cul-de-sac shall exceed 1,500 feet in length.
- (5) *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public street meeting the standards of the latest edition of the NCDOT subdivision roads minimum construction standards.
- (6) *Direct residential driveway connections.* Subdivisions located on an arterial or collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto the arterial or 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 the collector street.
- A. Major subdivisions to be located on a local road shall be so designed 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.
 - B. *Subdivision access.* A second full-service access built to the standards of the Johnston County Design manual (as adopted by Town) for the purpose of ingress and egress or emergency access easement will be required when meeting or exceeding the following thresholds:
 - (i) For subdivisions proposing between 100 and 200 lots, the developer has the option of providing a second full-service access built to the standards of the Johnston County Design Standards 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.
 - (ii) For subdivisions proposing 201 lots or more, a second full-service access built to county standards for the purpose of ingress and egress will be required. In lieu of installation of a second full service access, a dedicated emergency vehicle access must be approved by the Planning Board and constructed as described above with a full service access approved by the Planning Board planned within the subdivision proposal for future development.
- Note: For determining when a second access is required, the count will be cumulative.
- (7) *Subdivision Road Standards.*

- A. The developer shall be responsible for ensuring that all dedicated public subdivision streets are successfully accepted by NCDOT for maintenance. The developer shall be responsible for maintenance of all streets and protection of rights-of-way until such streets are accepted into the state road system.
 - B. Where streets are dedicated to the public but not accepted into the state system at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the developer is ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system.
 - C. Stub out streets. All stub out streets shall be posted with a sign at least 24 inches X 36 inches in area but no greater than 36 inches X 48 inches with a minimum height of three feet and a maximum height of five feet stating the following: Road subject to future extension for additional lots.
- (b) *Sidewalks.*
- (1) *Specifications.* Sidewalks or shared use paths (or greenways) will be provided along both sides of new collector and arterial streets as stated in the adopted [Bicycle and Pedestrian Plan, Town of Archer Lodge, NC](#) (2020); Sidewalks or shared use paths shall be provided along one side of local streets inside major subdivisions of seven or more lots. Sidewalks and/or greenways are required to all required open spaces and public parks, greenways and schools. The Planning Board may adjust the sidewalk requirements to accommodate local conditions. Sidewalks shall be constructed to a minimum width of five 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.
 - (2) *Protection of significant trees.* Sidewalks shall be meandered as to protect and preserve existing significant trees. "Significant trees" depend on the species and health of the trees. Generally healthy overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant". For that purpose, sidewalks may be placed within a minimum 15-foot-wide public access easement located outside the public right-of-way. In no case shall more than thirty percent of a tree's roots be disturbed.
- (c) *Curb and gutter standards.* When provided or required by either the Planning Board or Town Council, curb and gutters shall be constructed in accordance with plans and profiles meeting NCDOT specifications for curb and gutters.
- (d) *Open space requirements.* All major subdivision residential developments shall provide or dedicate common open space or recreation areas suitable for the residents' common passive or active recreational uses or make a payment in lieu of provision or dedication.
- (1) *Minimum common open space or recreation area.* Where common open space or recreational area must be provided or dedicated as part of a subdivision residential development, its total land area shall be at least 15 percent of the total gross land area of the development. Where amenities are proposed, a reduction in the required minimum acreage may be approved by the Planning Board. For major subdivisions with less than one acre of open space, the developer shall provide fee-in-lieu.
 - A. The required open space shall be contiguous, unless it is determined by the Planning Board that the required open space can be split and located at different places in a subdivision. Wherever possible, open space and recreation areas should be located as to abut existing open space in adjacent developments or phases if a proposed subdivision contains wetlands and/or riparian or stream buffer areas, they must be designated as common open space. Overhead electric utility easements may be designated as common open space if open to the public and approved by the electric utility. However, these areas will count at fifty percent of their acreage toward the amount of required open space. No off-site septic areas for the benefit of residential lots can be included within the open space.
 - B. Sidewalks and greenways shall count as a part of the required open space.

- C. Any proposed reduction or change involving previously recorded open space must be approved by the Town Council. The applicant must provide sufficient information on why the change is requested and why no other alternative exists.
- (2) *Method of provision or dedication.* Land provided or dedicated for common open space or recreation purposes shall be designated on a final plat duly recorded with the county register of deeds. Amenities shall be designated on the final plat and shall be specific as to type of amenity/use. Design criteria can be found in article IV of this chapter. Such common open space land shall be dedicated or deeded to an appropriate public body upon their acceptance, land trust, nonprofit established for the purpose of land conservation or recreational purposes; or create a neighborhood or homeowner's association for the continuing maintenance and control of common open space or recreation area; or, held by the owner for the continuing maintenance and control of common open space or recreation area, subject to a binding agreement with financial surety for such maintenance. Any HOA covenants or binding agreement and the proposed financial security shall be reviewed and approved by Town and Town Attorney prior to recording a final plat.
- (3) *Payments in lieu of provision or dedication.* In lieu of providing or dedicating common open space or recreation area required pursuant to this section, a developer of a subdivision may choose to make a payment to the Town. If the required open space to be provided is less than one acre fee-in-lieu shall be required.
- (4) *Use of Fees-In-Lieu.* The Town shall use such fees only for the acquisition or development of open space, recreation, or park sites to serve residents of the Town. The amount of the payment shall be the product of the total number of proposed dwelling units recorded multiplied by the fee established in the Town's annual schedule of fees. The developer shall make the payment before approval of a final plat; however, the Zoning Administrator may allow phasing of payments consistent with the approved phasing of the major subdivision.
- (5) *Access to open space.* All open space must be pedestrian accessible. Open space not contiguous to a proposed subdivision street must have a minimum of an improved 20 - foot fee-simple or easement access.
- (e) An incorporated homeowner's association shall be required for all major residential subdivisions. See section 30-384 for a list of the required covenants to be reviewed and approved by the Town.

Sec. 30-416. - Reserved.

Sec. 30-417. - Reverse Frontage Residential Lots.

For residential developments designed to have the dwelling units face an internal subdivision street and the rear of the dwelling units partially or completely facing an arterial or collector road, the following shall be required:

- (1) Landscape area "A" with the use of an eight-foot landscape berm, decorative wall, or opaque fence; excluding a wooden fence (see article IV of this chapter) is required for lots abutting a collector or arterial street.
- (2) Landscape area "B" with the use of only plant material (see article IV of this chapter) is required for lots abutting all other streets.
- (3) The natural existing vegetation may be used if the density meets or exceeds the landscape area "B" requirements and remains undisturbed.

Sec. 30-418. - Public Water, Fire Hydrants, and Sewer Systems.

Subdivisions that incorporate a public water distributions system and/or a public sewage collection system shall require that all future homeowners connect to the public water and/or sewer system prior to the issuance of a certificate of occupancy for their principal structure. All subdivisions incorporating a public water distribution system and/or a public sewage collection system shall comply with the standards of the State of North Carolina, Johnston County, and any other public utility providers.

Sec. 30-419. - Other Utilities.¹⁵

For all new developments, except residential subdivisions of four lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

Sec. 30-420. – Outdoor Lighting¹⁶

- (a) In developments contemplating the use of outdoor lighting to ensure the security of property and the safety of persons using such development, streets, sidewalks and facilities, all principal entrances to the development, and internal areas as appropriate, should be sufficiently lighted to ensure the safety of residents and the security of the building.
- (b) All streets within a major subdivision shall incorporate a street lighting system to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.
- (c) Down lighting shall be provided where possible. Overflow lighting shall be prohibited, and all light pollution shall be minimized to the greatest extent practical.

Sec. 30-421. - Reserved.

¹⁵ Duplicate of Sec. 30-203.

¹⁶ Duplicate of Sec. 30-206.

Appendix

Sec. 30.A.4 Plat Certificates

- (1) Certificate of Survey and Accuracy:
I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____, A.D., _____.

Seal or Stamp

Professional Land Surveyor
License Number # _____

- (2) Professional Land Surveyor's Certification:
As denoted by an "X" below, I, _____, certify as to the following:
- ☐ a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 - ☐ b. That the survey is in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
 - ☐ c. Any one of the following:
 - ☐ (1) That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
 - ☐ (2) That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.
 - ☐ (3) That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
 - ☐ (4) That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.
 - ☐ d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.
 - ☐ e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

- (3) Certificate of Floodway Information:
Property shown hereon _____ is _____ is not located in a FEMA designated flood zone.
FEMA Flood Hazard Panel: _____; Effective Date: _____.

Professional Land Surveyor
License Number # _____

- (4) Certificate of Ownership, Maintenance and Dedication:
I hereby certify that I am the owner (or corporate officer) of the property shown and described hereon, which is located in the zoning and subdivision jurisdiction of Archer Lodge and that I hereby adopt this subdivision plan with my free consent, establish minimum setback lines, and dedicate all streets, alleys, parks and other sites and easements to the public or private as noted. I understand that I am responsible for maintenance of public property shown hereon until it is accepted by the Town Council of Archer Lodge.

Date Owner/Officer of Corporation

- (5) Notice to Homeowners to Connect to Public Utility System:
Homeowner is required to connect to public water and/or sewer (where available) before a Certificate of Occupancy is issued for the principle structure and/or any structure served by water and/or sewer.

- (6) Certificate of Approval by Public Utilities:
The Director of Public Utilities for County of Johnston, North Carolina, hereby certifies that this plat meets all Johnston County standards and requirements for public utilities required by the Johnston County ordinances. Upon recordation of this plat, Johnston County accepts the owner's offer of dedication for public water and/or sanitary sewer purposes all easements, common areas, and/or rights-of-way shown and delineated on this plat as dedicated for public utility purposes. No structures or fences shall be placed within the public utility easements. Access to the dedicated areas shall not be blocked or obstructed by any fence or structures, unless pre-approved access is provided with a 12' minimum opening gate. The County shall have the right to clear and/or remove any vegetation within the public utility easements. Furthermore, the County will not replace any landscaping (other than grass, which will be replaced with seed) within the public utility easement area disturbed for maintenance of the utilities.

THIS THE _____ DAY OF _____, 20____.
COUNTY OF JOHNSTON

By: _____
Director of Public Utilities

- (7) Certification of Approval of Water Supply and Sewage Disposal System:
Certificate of preliminary approval of water supply and sewage disposal systems installed for installation in _____ subdivision meet public health requirements as described in Archer Lodge Subdivision regulations. Final approval for individual lots with this subdivision will be based on detailed lot evaluation upon application and submission of plan for proposed use. This preliminary certification is advisory only and confers no guarantee.

Date Health Representative

Note: Each lot shown hereon may require the use of sewage pumps, low pressure pipe systems, fill systems, innovative systems or any other alternative system type and site modifications specified in the North Carolina Laws and rules for sewage treatment and disposal systems, 15A NCAC 18A Section 1900. The actual system type, design and site modifications will be determined at the time of permitting.

(8) NC Department of Transportation Division of Highways Certification:

Proposed Subdivision Road Construction Standards Certification

Approved: _____
Date District Engineer

Note: Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

Note: Site triangle takes precedent over any sign easement.

Note: Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.

Note: All drainage easements shall be dedicated as public and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures there in, so as to maintain the integrity of the drainage system and insure positive drainage.

Note: All lots shall be served by the internal street system.

(9) Road Maintenance Statement of Understanding:

I, _____ am responsible for the construction, maintenance and required road improvements of the subdivision streets on this plat until the earlier of the follow occurs:

- (a) Approved and accepted for permanent maintenance by the North Carolina Department of Transportation as public roads; or
- (b) Approved and taken over by the Homeowners Association for private roads permanent maintenance; or
- (c) Private road maintenance agreement is signed and recorded by owners of each lot.

Name of Corporation or Owner

Date Developer/Owner/Officer of Corporation

(10) Zoning Administrator's Certification:

Certificate of Approval for Recording – Subdivision Plat

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County. This plat is null and void if not recorded at the Johnston County Deed Registry within sixty (60) days of the date written below.

Date Zoning Administrator

Certificate of Approval for Recording – Exempt Plat

I hereby certify that this plat is exempt from the Subdivision Regulations with the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County.

Date Zoning Administrator

(11) Review Officer's Certification:

State of North Carolina
County of _____

I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date Review Officer

(12) Register of Deed Certification:

State of North Carolina, Johnston County

This instrument was presented for registration and recording this ____ day of _____, 20____ at _____.

by _____

Register of Deeds Asst. Reg of Deeds

Recorded in PB ____ PG ____

(13) Acceptance of Offer of Dedication

NOTE: To be used only if Town Council accepts the offer of dedication at/or before the time the final plat is approved.

I hereby certify that all streets and sidewalks, parks and greenways, potable water, sanitary sewer, and/or stormwater infrastructure (or any other easements, lots and/or infrastructure) shown on this plat were accepted, as specified, by the Town Council by a resolution adopted at the meeting held on _____, 2 _____.

Date Town Clerk

(14) Subdivision Road Disclosure Statement:

Developers are required to give lot purchases a subdivision street disclosure statement pursuant to NC General Statutes section 136-102.6(F)

(15) Additional Certifications, Statements, or Notations necessary.

Notations:

- 1. Maximum Impervious Surface Per Lot.
- 2. Designate whether lot is within a protected watershed.

Both Ms. Maybee and Mr. Benshoff shared the following PowerPoint presentation to assist with the Planning Board recommendations and discussion:



Town of Archer Lodge, North Carolina
Town Council Meeting , June 1, 2020, 6:30 p.m.

Agenda Item 6.b. - Presentation of Planning Board Recommendations:
Text Amendments – Code of Ordinances,
Archer Lodge, NC, Chapter 30 – Zoning and Subdivisions,
Article VI - Subdivisions



- Article VI - Subdivisions
 - Article Organization:
 - Division 1. Generally
 - Division 2. Procedures for Approval of Minor Subdivisions
 - Division 3. Procedures for Approval of Major and/or Commercial Subdivision
 - Division 4. Final Plat Approval
 - Division 5. Design of Subdivisions
 - Appendix
 - 30.A.4 Plat Certificates

Code of Ordinances, Archer Lodge, NC - Chapter 30,
Article VI – Subdivisions

- Article VI - Subdivisions
 - Highlighted Changes:
 - Updated: Section 30-288 – Definition of Subdivision
 - Added: Sec. 30-289 – Penalties for Transferring Lots in Unapproved Subdivisions
 - Added: Sec. 30-314 – Exception for Subdivision of Land in Single Ownership Established by NC General Statute, Section 160A-376 (c)
 - Updated: Sec. 30-352 – Standards for Design of Lots in a Subdivision
 - Updated: Sec. 30-386 – Certificates and Endorsements on Final Plat (Formerly Sec. 30-420)
 - Added: Appendix 30.A. 4 – Plat Certificates (Language)
 - Updated: Sec. 30-380 – Application Requirements (Final Plat Approval regarding Performance Guarantees)
 - Updated: Sec. 30-415 – Standards: Access, Circulation, Open Space



Updated: Sec. 30-288 – Definition of Subdivision*

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this article, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this article;
- (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved;
- (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or
- (4) The division of a tract in single ownership whose entire land area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this article.
- (5) **The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under General Statutes Chapter 29.**

*Added to G.S. 160A-376 Definition [of subdivision] in 2017

Added: Sec. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions*

Secs. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions

- (a) Any owner or agent of the owner of any land located within the Town's jurisdiction who subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Johnston County register of deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in section 30-25 Penalty.
- (b) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- (c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance.
- (d) Building permits required may be denied for lots that have been illegally subdivided.
- (e) In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate.

*Taken from N.C.G.S. § 160A-375, Penalties for transferring lots in unapproved subdivisions. the violation, or to prevent any illegal act or conduct.

(1) Minimum residential lot sizes resulting after subdivision shall meet the standards of the following Table:

TABLE 1: Minimum Residential Densities or Lot Sizes

	Residential Zoning Districts Max. Densities (except Mobile Home Park) / Not in a Watershed Overlay District	Mobile Home Park	Residential Zoning Districts in a Water Supply Watershed Overlay Zoning District (Except Mobile Home Park)
With ONLY Utility Provided Water	1.5 dwelling units (D/U) per acre	3.0 D/U per acre	1.0 D/U per acre ⁸
Well & Septic System	1.0 D/U per acre	3.0 D/U per acre	1.0 D/U per acre ⁹
Utility Provided Water and Public Sewer	1.5 D/U per acre	4.0 D/U per acre	2.0 D/U per acre ¹⁰

Updated: Sec. 30-352—Standards for Design of Lots in a Subdivision

Updated: Sec. 30-386. - Certificates and Endorsements on Final Plat (Formerly Sec. 30 - 420)

Sec. 30-386. - Certificates and Endorsements on Final Plat.

The following certificates and endorsements, where applicable, must be shown on all final plats of subdivisions:

- (1) Certificate of survey and accuracy
- (2) Professional land surveyor's certification
- (3) Certificate of floodway information
- (4) Certificate of ownership, dedication and maintenance
- (5) Notice to homeowners to connect to public utility system
- (6) Certificate of public utilities
- (7) Certification of approval of water supply and sewage disposal system
- (8) NC Department of Transportation Division of Highways certification
- (9) Road maintenance statement of understanding
- (10) Zoning Administrator's certification
- (11) Review Officer's certification
- (12) Register of Deed certification
- (13) Acceptance of offer of dedication
- (14) Subdivision road disclosure statement
- (15) Additional certifications, statements, or notations necessary

Updated: Sec. 30-386. - Certificates and Endorsements on Final Plat.
(Formerly Sec. 30-420)

TABLE 2: CERTIFICATES REQUIRED BY PLAT

Type	Reference Numbers
Exempt	(1) – (5), (7) (10), (11), (12)
Minor	(1) – (7), (10-12) As applicable (6) through (9), (13), (14)
Major	(1) – (13)

Performance Guarantees – Sec. 30-380

- Warranties not permitted after 2016.
- If infrastructure incomplete, Town requires a *PERFORMANCE BOND* = 1.25 cost of construction.
- Implication – do not accept infrastructure for Town ownership unless it is perfect.

The Problem of Incomplete Roads

- If it is not a NC DOT road, Town can require a *PERFORMANCE BOND*.
- DOT has its own acceptance policy. It is complicated.
20% lots in private ownership + 2 occupied residences per 1/10 mi. (4 homes if road less than 2/10 mi.
- Consider requiring HOAs to be responsible for roads. See next slide.
- Solution is above the municipal level.

Sec. 30-415 (a)(7) Standards: Access, Circulation, etc.

- A. Developer responsible for streets until accepted by DOT. Developer to ensure they are accepted.
- B. Plat shall contain a notice when streets are dedicated but not accepted.
- (e) Incorporated homeowner’s association required.

Planning Board Recommendations
Amendments to Code of Ordinances, Archer Lodge, Chapter 30,
Zoning & Subdivisions, Article VI - Subdivisions

On May 20, 2020, the Planning Board recommended approval of the proposed amendments to Chapter 30, Zoning & Subdivisions, Article VI - Subdivisions, as presented, upon finding:

- The proposed amendments are reasonable and in the public interest.
- The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws.
- Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter.
- The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.



Discussion followed.

Mr. Gordon asked that Ms. Maybee, Attorney Hewett and Attorney Benshoff plan a time to discuss the mandatory language for the restrictive covenants.

She shared that the consideration of setting a Public Hearing for June 2020 will be discussed following this presentation/discussion. She asked that everyone review the provisions and language for the restrictive covenants provided and contact her with any comments or suggestions.

Mayor Mulhollem shared that Special Council Attorney Benshoff and Town Attorney Hewett will be working with Ms. Maybee for clarification on the restrictive covenants. Attorney Benshoff confirmed.

c) Discussion and Consideration of Setting a Public Hearing at the June 15, 2020 Work Session for the Text Amendments - Code of Ordinances, Archer Lodge, NC, Chapter 30, Zoning and Subdivisions, Article VI, Subdivisions

Mayor Mulhollem called for a motion to set a Public Hearing at the June 15, 2020 Work Session.

Moved by: Council Member Wilson

Seconded by: Council Member Purvis

Set a Public Hearing at the June 15, 2020 Work Session for the Text Amendments - Code of Ordinances, Archer Lodge, NC, Chapter 30, Zoning and Subdivisions, Article VI, Subdivisions.

CARRIED UNANIMOUSLY

d) Discussion and Consideration of Setting a Special Meeting to follow the Work Session on Monday, June 15, 2020 and begin at 7:15 p.m. or shortly thereafter for the Purposes of:

- **Adopting the Annual Budget Ordinance for Fiscal Year ending June 30, 2021**
- **Approving the Subdivision Consistency Statement**
- **Adopting Ordinance# AL2020-06-1 Amending Chapter 30, Article VI - Subdivisions**
- **Adopting BA 2020 04**

Mayor Mulhollem called for a motion to set a Special Meeting to follow the Work Session on Monday, June 15, 2020.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Set a Special Meeting to follow the Work Session on Monday, June 15, 2020 and begin at 7:15 p.m. or shortly thereafter for the Purposes of:

- **Adopting the Annual Budget Ordinance for Fiscal Year ending June 30, 2021**
- **Approving the Subdivision Consistency Statement**

- **Adopting Ordinance# AL2020-06-1 Amending Chapter 30, Article VI - Subdivisions**
- **Adopting BA 2020 04**

CARRIED UNANIMOUSLY

7. TOWN ATTORNEY'S REPORT:

a) Attorney Hewett reported the following:

- Emphasized Governor Cooper is proceeding in phases regarding COVID-19 and advised Staff to plan the Town/Public meetings accordingly.
 - Reminded the Town Council about §166A-19.24 which regulates the procedures for holding virtual meetings.
 - Applauded Ms. Maybee and Attorney Benshoff for their work on updating the ordinances.
 - Recommended that Council provide feedback on the proposed ordinances with Staff prior to the meetings to eliminate lengthy discussions.
-

8. TOWN ADMINISTRATOR'S REPORT:

a) Proposed Annual Budget Ordinance for FY 2020-2021

Mr. Gordon reported the following:

- Discussed questions from Council Member Wilson and Council Member Purvis that were submitted to Staff prior to the meeting. Handouts of the questions with answers were provided to all.
 - Discussed monies allocated for the following:
 - Public Buildings: Contracted Services - Town Hall letters on the outside of building.
 - Public Safety: Town of Clayton Police Protection - Backup to Animal Control Officer, Kerry Barnes, if needed.
 - Public Works: Contracted Service - Town's 20% of estimated sidewalk project cost with NCDOT.
 - Planning and Zoning: Salaries and Benefits - Employees are split between Administration & Planning/Zoning.
 - Cultural and Recreation: Contracted Services - ALCC - quarterly & monthly payments.
 - Informed that the Johnston County Open Space Grant was not included in the FY2021 Budget due the Grant allowing a three-year period to utilize funds.
-

b) NCDOT Updates

Mr. Gordon reported the following:

- Due to funding issues, Buffalo Road Project for the sidewalks and curb and gutter has been rescheduled for February 2022 and Covered Bridge Road widening and the realignment of Murphrey Road is rescheduled for August 2022.
-

c) Sewer Feasibility Study Update

Mr. Gordon reported that Coulter, Jewell, Thames, PA plans to have a presentation at the July 13, 2020 Regular Council Meeting. Ms. Batten confirmed the Regular Council meeting in July is the 2nd Monday and not the 1st Monday, due to July 4th Holiday week. In addition, Mr. Gordon mentioned the soil testing is underway at the park land.

9. FINANCIAL/TOWN CLERK'S REPORT:**a) April 30, 2020 Interim Financials & Year-to-Date Comparison (FY19 compared to FY20)**

Ms. Batten shared that April 30, 2020 marked that FY 2019-2020 was 83% completed. The year-to-date figures for anticipated revenues were slightly higher than the actual year-to-date expenditures in the General Fund by approximately \$32,000. She reported the other funds shared investment earnings which are declining due to the economy.

Comparing April 2020 with April 2019, Ms. Batten noted that the current fiscal year was like the prior fiscal year with a net decrease of \$2,300 between the two years. Nothing further was discussed.

10. PLANNING/ZONING REPORT:**a) Planning Activity**

Ms. Maybee reported the following:

- 49 Zoning Permits issued since last reported on May 4, 2020 with the majority being Single-Family Dwellings.
 - Woodfin Subdivision final plat has been approved and a zoning permit was issue for the entrance sign.
 - Bittle Creek Subdivision is under construction with ten new lots and four lots that already exist.
 - Cape Fear Hazard Mitigation meetings are still on-going and expecting an update on the Hazard Mitigation Plan soon.
-

b) Projects

Ms. Maybee reported the following:

- Thanked the Planning Board and Board of Adjustment for accomplishing some goals regarding Text Amendments.
 - Thanked the Town Council for adopting the Bicycle and Pedestrian Plan at the April 6, 2020 Regular Council Meeting.
 - Thanked Staff for their support in getting the fillable forms on the Town website.
 - Informed that she continues to work with the Edmund's Permitting Software Consultant.
-

c) Code Enforcement

Ms. Maybee reported the following:

- Updated Code Enforcement report will be emailed to Council soon.
- May 2020, 25 signs have been removed from the NCDOT right-of-way totaling approximately 119 signs removed to date.
- June 15, 2020 Work Session, Ms. Maybee and Chad Meadows, AICP, Principal and Founder of Code Wright Planners, LLC will be presenting a presentation of Commercial Design Standards.
- July or August 2020, Ms. Maybee plans to look at future lot sizes and minimum setbacks in zoning areas such as: Agriculture, Residential and Commercial Districts.

11. MAYOR'S REPORT:

- a) Mayor Mulhollem thanked Staff and Council for their cooperation with virtual meetings. He further expressed gratitude to Staff for their guidance on the following: Zoning and Subdivision Ordinances, Sewer Study, FY2020-2021 Budget preparation and keeping those items on schedule.
-

12. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

- a) Council Member Wilson shared regarding having a virtual meeting with Triangle J Council of Government (TJCOG) with approximately 60 attendees and how it made it more challenging than attending in person. He mentioned that his church was having their services virtually and how he was ready to get back to some normalcy.
-

- b) Council Member Jackson shared that he was glad to see some normalcy returning and looking forward to being able to gather with friends again.
-

- c) Mayor Pro Tem Castleberry reiterated Council Member Jackson but noted that it changed his thinking about the value of taking time to enjoy life. He thanked Staff and Council for continuing to press forward during the phases of the COVID-19 Pandemic.
-

- d) Council Member Purvis shared that the Archer Lodge Community Center (ALCC) closed the Food Bank after having operated from March 15, 2020 - June 1, 2020 and distributed approximately 3,000 bags containing about three meals each. Due to the donations received from the community, approximately \$9,000 remained to share with each of the nine schools and their Backpack Buddy Programs.
-

He encouraged everyone to attend ALCC's Red Cross Blood Drive scheduled for Monday, June 29, 2020 from 12:30 p.m. - 5:30 p.m.

Mayor Mulhollem commended everyone involved in the Food Drive which demonstrated a great example of what makes Archer Lodge a special community.

13. ADJOURNMENT:

- a) **Having no further business.**

Moved by: Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Adjourned meeting at 7:55 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



**Work Session &
Public Hearing Minutes on
Amending the Code of Ordinances,
Town of Archer Lodge, NC, in
Accordance with State Law
Chapter 30 – Zoning and Subdivisions
Article VI - Subdivisions
Monday, June 15, 2020**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Chip Hewett, Town Attorney
Julie Maybee, Town Planner
Al Benshoff, Special Attorney (Remotely)
Chad Meadows, AICP, Consultant (Remotely)
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

None

1 WELCOME/CALL TO ORDER:

- a) **Mayor Mulhollem called the meeting to order at 6:32 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present.**

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Council Member Bruton, Special Attorney Benshoff, and Mr. Meadows attended remotely via Webex Video/Phone Conferencing.

**2 PUBLIC HEARING: (MAXIMUM OF 30 MINUTES ALLOWED, 3 MINUTES PER PERSON)
Text Amendments - Code of Ordinances, Archer Lodge, NC,
Chapter 30 - Zoning and Subdivisions
Article VI - Subdivisions**

- a) **Open Public Hearing**

Mayor Mulhollem opened the Public Hearing at 6:38 p.m.

-
- b) **Staff Report and Planning Board Recommendations**

Ms. Maybee presented the Staff Report as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: June 15, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney,
Brough Law Firm
Re: Proposed Revision of Chapter 30 - Zoning & Subdivisions, Article VI. – Subdivisions.

Background Information:
North Carolina laws have changed, or in the process of changing, that affect the development of land in Archer Lodge, NC. As referenced at the Council's recent budget retreat, revisions to the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI. – Subdivisions, are proposed.

Please note this is not a re-write of this article in its entirety. Rather revisions are proposed to clarify/supplement existing provisions, comply with current NC General Statutes and address new planning and zoning laws referenced in NCGS 160D. (The effective date of NCGS 160D has been extended to August 1, 2021.) Further revisions (i.e., related to restrictive covenants, etc.) will be presented in the near future.

Planning Board Recommendation:
On May 20, 2020, the Planning Board deliberated and recommended approval of proposed amendments to Chapter 30, Zoning and Subdivisions, Article VI - Subdivisions, upon finding: the proposed amendments are reasonable and in the public interest. The proposed revisions (included) clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments follow the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

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ARTICLE VI. – SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 30-285. - Intent.

It is the intent of this article to provide an orderly process for division of land into lots or parcels for the purpose of sale and/or building development by property owners. It is also this article's intent to ensure that subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both the prospective or future owners in the Town's community, and that subdivisions are provided with and provide for adequate and efficient access and coordination of streets, water and/or sewage, parks, schools, playgrounds and other public requirements and facilities where appropriate.

Sec. 30-286. - Authority and Jurisdiction.

- (a) The regulations of this article are adopted under the authority of G.S. section 160A-371 which authorizes the Town to regulate the subdivision of land.
- (b) The regulations of this article shall govern each and every subdivision of land within the corporate limits of the Town as now or hereafter established.

Sec. 30-287. - Applicability.

No land shall be subdivided, platted, or recorded, nor shall subdivided lots or parcels be sold, offered for sale, used, or occupied unless and until a final plat of the subdivision has been approved under this article and has been recorded by the county register of deeds. ¹ No lot or parcel resulting from a division of land excluded from the definition of subdivision in section 30-288 shall be sold, offered for sale, used, or occupied until the Zoning Administrator certifies that such division of land falls within one of the exclusions listed in the definition of subdivision. No plat of any division of land within the Town's corporate limits shall be filed or recorded by the county register of deeds unless it contains the Town Zoning Administrator's certification that the division of land has been approved under, or is not subject to, this article.

Sec. 30-288. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction plat means a plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads and utilities.

Flag lot means an irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm, or flagpole, of the lot.

Flood hazard boundary map means the official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk management zones applicable to the Town.

Full service access or No control of access. Connections between streets or streets and driveways where no physical or other restrictions to movement exist. For example, a connection from a residential subdivision

Street to a collector street means a street intersection that is not restricted to emergency vehicles only and allows full turning movements.

¹ Courts can order a subdivision by metes-and-bounds descriptions. Property may pass through an estate by metes-and-bounds descriptions. See update definition of subdivision.

Official plans mean any plans officially adopted by the Town Council as a guide for the development of the Town consisting of maps, charts, and texts.

Open space and *common open space and recreation area* mean any space or area characterized by great natural scenic beauty or whose openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development, or would maintain or enhance the conservation of natural or scenic resources; or any undeveloped or predominately undeveloped land that has value for one or more of the following purposes:

- (1) Park and recreational uses;
- (2) Conservation of land and other natural resources, including floodplains and wetlands, including protected wetlands, flood plains, water supply watershed stream or water body buffers, but not floodways; or
- (3) Historic or scenic purposes.

Passive open space or recreation areas includes scenic resources, any undeveloped or predominately undeveloped land used for informal walking trails, picnic areas or similar uses. The following land uses, or land areas cannot be used to meet open space requirements of this article:

- (1) Roads, road rights-of-way, driveways, or parking areas.
- (2) Open areas within individual subdivision lots.
- (3) Small, narrow strips of land, or other unusual land configurations that are not consistent with the objectives of this article.

Performance Guarantee shall mean any of the following forms of guarantee:

- (1) Surety bond issued by any company authorized to do business in this State.
- (2) Letter of credit issued by any financial institution licensed to do business in this State.
- (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

The developer/applicant shall select the form of the performance guarantee from the list above.

Public sewer system means any sewer system whether owned and operated publicly or privately unless the sewer source is located on a lot and serves only that lot in accordance with G.S. section 130A-343 Approval of on-site subsurface wastewater systems.

Public water system means any water system whether owned and operated publicly or privately unless that water source is located on a lot and serves only that lot in accordance with G.S. section 130A-343.

Recreation areas, Active include playgrounds, tot lots, tennis courts, swimming pools and similar active play uses.

Shared Use Path also known as a multi-use trail or a greenway, a facility designed to meet ADA standards, which may be used by bicyclists, pedestrians, and other non-motorized users. The path is separated from the roadway by an open-space or a physical barrier or within an independent right-of-way. A rail trail, built within the right-of-way of a former railroad, is a shared use path. (From *Bicycle and Pedestrian Plan* [2020]).

Significant Tree(s) are overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant".²

Street Classifications: The five street classifications for the Town are:

- (1) Arterial: Arterial streets function primarily to serve through-traffic movement. Limited land-access service may be accommodated. Traffic controls and street design are intended to provide efficient through-traffic movement. All U.S. and some N.C. numbered highways are examples of arterial streets.
- (2) Collector: Collector streets penetrate areas, neighborhoods, public service areas, and districts. They are intended to provide both through-traffic and land-access services in relatively equal

² To be further defined later.

proportions, often linking the local street system to the arterial street system. Examples of a collector street include some N.C. and S.R. numbered streets.

- (3) Local: Local streets primarily serve land-access functions. 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 a local street include streets internal to subdivisions and rural areas.
- (4) Public: A street owned by the N.C. Dept. of Transportation or another government.
- (5) Private: A street owned by a non-governmental person, including but not limited to corporations, partnerships, individuals, and homeowner's associations.

Subdivider means any person who subdivides or develops any land deemed to be a subdivision as defined in this section.

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this article, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this article;
- (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved;
- (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or
- (4) The division of a tract in single ownership whose entire land area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this article.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under General Statutes Chapter 29.³

In subsection (1) of this definition, the phrase "previously subdivided and recorded" means under a recorded plat or other instrument of transfer containing a metes and bounds description if lots were created prior to the existence of applicable subdivision regulations, or under a validly approved and recorded plat if such lots were created after the existence of applicable subdivision regulations. In subsection (2) of this definition, the phrase "where no street right-of-way dedication is involved" means that adequate access to such lot is provided by an approved existing street (public or private).

Subdivision, commercial, means the subdivision of an existing development on a parcel/lot or recorded parcel that consists of institutional, industrial, commercial and/or office uses. Such a subdivision would create two or more individual lots plus land developed and designated for the common use and benefit of the occupants/owners of the individual commercial subdivision lots provided:

- (1) That an entity is designated to be legally responsible for maintenance and control of the common land areas;
- (2) That the property has an approved site plan, valid for the development, prior to application for commercial subdivision;
- (3) That all parking areas, drive aisles, and open space if applicable, shall be the common land area; and

³ Added to G.S. 160A-376 Definition [of subdivision] in 2017

- (4) The individual lots within a commercial subdivision shall meet the lot design standards of this article.

Subdivision, major, means any subdivision creating five or more lots.

Subdivision, minor, means a subdivision of a parent parcel, creating four lots or less, that:

- (1) Does not involve any new dedication of public right-of-way to give access to interior lots or parcels;
- (2) Does not involve the extension of public water or sanitary sewage lines;
- (3) Will not adversely affect the development of the remainder of the parcel or of adjoining property; and
- (4) Will not create any new or residual parcels which do not satisfy the requirements of this article or other applicable local and state controls.

Zoning Administrator means the employee designated by the Town Administrator in charge of the Town's planning, zoning and subdivision functions.

Secs. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions⁴

- (a) Any owner or agent of the owner of any land located within the Town's corporate limits who subdivides their land in violation of this Subdivision Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Subdivision Ordinance and recorded in the office of the county register of deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in section 30-25 Penalty.
- (b) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- (c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Subdivision Ordinance.
- (d) Building permits required may be denied for lots that have been illegally subdivided.
- (e) In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Secs. 30-290 - 30-309. - Reserved.

DIVISION 2. - PROCEDURES FOR APPROVAL OF MINOR SUBDIVISIONS

Sec. 30-310. - Application Submittal Requirements.

Applications for minor subdivision approval, along with any required fees, shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material that may reasonably be required to determine compliance with this division. Minor subdivision plats shall comply with the mapping requirements of sections 30-385 and 30-386. The Zoning Administrator shall not accept an application unless it complies with such requirements. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-311. - Zoning Administrator Action.

⁴ Taken from N.C.G.S. § 160A-375, Penalties for transferring lots in unapproved subdivisions.

When an application for minor subdivision approval is accepted, the Zoning Administrator shall determine if the plat and application conform with all applicable regulations. The Zoning Administrator (also known as the "Administrator") shall act on an application based solely on the findings as to compliance with applicable regulations and conditions. The Administrator shall approve; approve subject to conditions; deny; or refer to the major subdivision approval process if he/she finds it to be a major subdivision proposal or if requested by the applicant. If the Zoning Administrator refers the request to a major subdivision review, an amended application shall be submitted as required in Division 3 of this article. The Zoning Administrator may impose reasonable conditions on his/her approval to ensure the subdivision complies with the intent and requirements of this division.

Sec. 30-312. - Actions Subsequent to Decision.

The Zoning Administrator shall notify the applicant of his/her decision on the applicant's application for a minor subdivision approval and shall file a copy of the decision in the office of the Zoning Administrator. The Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator and one blue line copy shall be on file with the county department of environmental health. Approval of any minor subdivision plat is void if it is not properly recorded within 60 days after the Zoning Administrator's endorsement of approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements of the register of deeds for recordation within that period. Plats shall conform to the drawing specifications and certification requirements of sections 30-385 and 30-386.

Sec. 30-313. - Appeal of Decision.

The Zoning Administrator's decision on a minor subdivision application may be appealed to the Planning Board under section 2-32.

Secs. 30-314—Exception for Subdivision of Land in Single Ownership Established by NC General Statute, Section 160A-376 (c)⁵

The Zoning Administrator will review a final plat prior to recordation, and sign the required certificates, only if all the following conditions apply:

- (a) The division will not create parcels greater than 10 acres where no street right-of-way dedication is involved.
- (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (c) The entire area of the tract or parcel to be divided is greater than five acres.
- (d) After division, no more than three lots result from the division.
- (e) After division, all resultant lots comply with all of the following:
- (1) Any lot dimension size requirements of the applicable land-use regulations, if any.
- (2) The use of the lots is in conformity with the applicable zoning requirements, if any.
- (3) A permanent means of ingress and egress is recorded for each lot.

Sec. 30-315 - 30-344. - Reserved.

DIVISION 3. - PROCEDURES FOR APPROVAL OF A MAJOR AND/OR COMMERCIAL SUBDIVISION

Sec. 30-345. - Preliminary Plat Approval.

⁵ Required by SL 2017-10 amending G.S. 160A-376 Definition [of Subdivision], effective July 1, 2017

All major and commercial subdivisions must have a preliminary plat approval from the Town Planning Board prior to any final plats being recorded with the county register of deeds.

Sec. 30-346. - Preliminary Conference.

Applicants proposing major subdivisions, including commercial and other non-residential subdivisions, are encouraged to first consult with the Zoning Administrator to ensure that the applicant understands the requirements of this division.

Sec. 30-347. - Application Submittal Requirements.

Applications for major and commercial subdivision preliminary plat approval shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material it may reasonably require to determine compliance with this division, subject to approval by the Town Council. The Zoning Administrator shall not accept an application unless it complies with such requirements, including written confirmation that the applicant is the owner or agent having a valid ownership interest, or a valid enforceable contract or option for an ownership interest in the property involved. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement.

(a) *Purpose:* Archer Lodge is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.

(b) *Requirement thresholds:*

- (1) Residential subdivision proposing 100 lots/units or more, no matter how many phases are proposed.
- (2) Proposed nonresidential subdivision which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- (3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.

Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.

(c) *Retention of expert assistance and reimbursement by applicant*

- (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
- (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its

services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.

- (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.
- (4) The developer may have a TIA conducted by a consultant of his or her choice but will be required to be submitted for review and evaluation by the Town's consultant. Any cost associated with the Town's review shall be paid by the developer as described in subsections (c)(2) and (3).

(d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in section 3 of the Johnston County Land Design Manual.

(e) *Improvement requirements.*

- (1) Left turn lane, right turn lane, and/or right turn taper. Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.
- (2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Johnston County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
- (3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements to maintain the road segment or intersection at LOS D must be included. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels.
- (4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the Planning Board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.⁶

Sec. 30-349. - Zoning Administrator's Report.

The Zoning Administrator shall forward to the Planning Board an analysis of an application for major and commercial subdivision preliminary plat approval with his/her recommendation.

Sec. 30-350. - Planning Board Review and Action.

(a) After receiving the Zoning Administrator's report on an application for major or commercial subdivision preliminary plat approval, the Planning Board shall consider the application at its next available regularly scheduled meeting. No formal public hearing will be held. The Planning Board may hear comments and

⁶ Adapted from Johnston County ordinances (Amend. of 11-8-2004; Amend. of 02-03-2010(2))

- questions. The Planning Board may place reasonable and fair limitations on comments, arguments, and questions to avoid undue delay. The applicant shall bear the burden of establishing that he/she is entitled to approval of the application.
- (b) The Planning Board shall act on an application for major subdivision preliminary plat approval after reviewing the application, the Zoning Administrator's report and public comment on the application. It shall base its action on its findings as to conformity with all applicable regulations of this article. Its action shall be one of the following: approval, approval subject to conditions, tabled to address deficiencies identified by the Planning Board, or denial. The Planning Board may impose reasonable conditions on its approval to ensure compliance with applicable regulations.
- (c) The Zoning Administrator shall notify the applicant for major or commercial subdivision preliminary plat approval in writing of the Planning Board's decision and shall file a copy of the decision with the Town's Zoning Administrator.

Sec. 30-351. - Expiration of Preliminary Plat Approval.⁷

Preliminary plat approval, or re-approval, for a major or commercial subdivision shall be effective for three years from the date of approval with no extension allowed by the Zoning Administrator or his/her delegee. An extension may be requested of the Planning Board for an additional three-year period. If a final plat for all or a portion of the subdivision has not been recorded within three years of the preliminary plat approval, the applicant must submit a new application. The Planning Board may reapprove the application unless they determine that paramount considerations of health, the general welfare, or public safety exist.

Sec. 30-352. - Standards for Design for Lots in a Subdivision.

- (a) Lots created pursuant to these provisions shall meet the following minimum design standards:
- (1) Minimum residential lot sizes resulting after subdivision shall meet the standards of the following table:

TABLE 1: Minimum Residential Densities or Lot Sizes

	Residential Zoning Districts Max. Densities (except Mobile Home Park) / Not in a Watershed Overlay District	Mobile Home Park	Residential Zoning Districts in a Water Supply Watershed Overlay Zoning District (Except Mobile Home Park)
With ONLY Utility Provided Water	1.5 dwelling units (D/U) per acre	3.0 D/U per acre	1.0 D/U per acre ⁸
Well & Septic System	1.0 D/U per acre	3.0 D/U per acre	1.0 D/U per acre ⁹
Utility Provided Water and Public Sewer	1.5 D/U per acre	4.0 D/U per acre	2.0 D/U per acre ¹⁰

⁷ Same provision as the Johnston County ordinance.
⁸ If approved by Johnston County Environmental Health Department
⁹ If approved by Johnston County Environmental Health Department
¹⁰ If approved by Johnston County Environmental Health Department

- (2) Minimum non-residential lot sizes shall be one-half acre.
- (3) Residential lots shall front on a public or private right-of-way. Non-residential lots shall front on a public right-of-way. Lots may be created that have access to an existing access easement, or have an easement created to serve the lots if one of the two following conditions exist:
- (A)¹¹ ALL of the following criteria are met:
- (i) The tract or parcel to be divided is not to be divided into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - (ii) No part of the tract or parcel to be divided has been divided under this section in the 10 years prior to the proposed division.
 - (iii) The entire area of the tract or parcel to be divided is greater than five acres.
 - (iv) After division, no more than three lots result from the division.
 - (v) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.
- OR
- (B) The division is made in accordance with the terms of a probated will or in accordance with intestate succession under G.S. Chapter 29.
- (4) Divisions into lots or residual lots shall not be created as non-conforming to this Subdivision Ordinance or "non-buildable." Each lot or residual lot must be reviewed and approved as buildable which must contain a system for wastewater disposal, [and] contain sufficient area for all structures to meet building setbacks.
- (5) The standards of Div. 5, Design of Subdivisions.
- (6) The standards of Article III, Site Plans and Article IV Design Standards, as applicable.
- (7) The street design standards of the NC Dept. of Transportation, as applicable. NC Department of Transportation Subdivision Roads Minimum Construction Requirements, January 2010 (Revised May 2016)
- (8) If a mailbox kiosk is to be provided, it shall be designed and built as required in Section 30-415 (a) 2. D. of this Ordinance.
- (b) Non-buildable lot exception: lots in which no buildable area exists due to scale and extent of hydrological features such as ponds, wetlands, floodway zones, or riparian buffers.

Sec. 30-353. - Appeal of Decision.

The Planning Board's decision on an application for a preliminary plat approval for a major or commercial subdivision may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Secs. 30-354—30-379. - Reserved.

DIVISION 4. - FINAL PLAT APPROVAL

Sec. 30-380. - Application Requirements.

¹¹ These exceptions are from G.S. 160A-376 Definition [of subdivision] (2017)

Applications for final plat approval of subdivisions shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of application, as well as any other material he / she may reasonably require to determine compliance with this division, with the approval of the Town Council. Final plats shall comply with the mapping requirements of section 30-385 and the certification and endorsement requirements of section 30-386. For major subdivisions, a preliminary plat for the lots shown on the proposed final plat must have been approved and not expired before a final plat approval application may be accepted. As part of the application for final plat approval, the applicant shall certify one of the following:

- (1) That all required improvements (streets, utilities, storm drainage facilities, street signs, and facilities for common use, if any) approved as part of the preliminary plat approval and serving lots shown on the final plat have been completed, or sufficient performance guarantee has been posted;
- (2) ¹²That a performance guarantee at a rate of 1.25 of the estimated cost and description thereof, including sufficient means and procedures, to ensure satisfactory completion of any uncompleted improvements have been posted at the time the plat is recorded, or in the case of phased subdivisions at the time a subsequent plat is recorded, provided that the Zoning Administrator shall specify which subsequent final plat requires the performance guarantee.
 - (A) Duration. -- The duration of the performance guarantee shall initially be one year, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration.
 - (B) Extension. -- An applicant/developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the city or county, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (D) of this subsection and shall include the total cost of all incomplete improvements.
 - (C) Release. -- The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the Town, or upon acceptance of the required improvements, if the required improvements are subject to Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to Town acceptance, upon request by the applicant / developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.
 - (D) Amount. -- The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the applicant / developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

¹² See N.C. Gen. Stat. § 160A-372 (g) (2017)

- (3) That the development requires only review of the final plat per section 30-314.

Sec. 30-381. - Zoning Administrator's Action.

When the Zoning Administrator accepts an application for final plat approval of a subdivision, the Zoning Administrator shall determine if the final plat conforms to all applicable regulations and to an approved valid preliminary plat if a major subdivision. He/she shall approve or deny the application.

Sec. 30-382. - Actions Subsequent to Decision.

If an application for final plat approval of a subdivision is approved, the Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat. The applicant shall record the final plat in the office of the county register of deeds. Approval of any final plat is void if it is not properly recorded within 60 calendar days after the Zoning Administrator's endorsement of the approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certifications and endorsement requirements of sections 30-385 and 30-386.

Sec. 30-383. - Appeal of Decision.

The Zoning Administrator's decision on a final plat approval application may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Sec. 30-384. - Required Restrictive Covenants and Review by Town.

Prior to final approval of any residential major subdivision submitted after the effective date of this ordinance, the developer shall include in the restrictive covenants a provision that mandates the discharge of firearms is strictly prohibited anywhere in the subdivision or on any adjoining property owned by the developer or Homeowner Association (HOA). A copy of the recorded restrictive covenants must be submitted to the Town proving compliance with this ordinance section prior to final approval. Discharging of air guns, air pistols and air rifles, not to exceed a caliber of .177, is permitted, as they are not considered firearms within the meaning of this section.

Sec. 30-385. Specifications for Drawings. (Formerly 30-419)

- (a) *Format.* The requirements of this section apply to the format of drawings.
- (b) *Preliminary plat.* The preliminary plat shall be drawn to the standards of G.S. § 47-30 Plats and Subdivision; Mapping Requirements at a scale between 1:100 and 1:20. Under special circumstances, with the Zoning Administrator's approval, a preliminary plat can be drawn to another scale which can clearly and accurately display the necessary information for review. The plat shall show the following:
 - (1) *Title data.* Name of the subdivision, the names and addresses of the owner or owners, name of designer of the plat, scale, date, approximate north point, and in large letters the words "Preliminary Plat."
 - (2) *Existing data.* Property lines, street lines and names, greenways, sidewalks, bicycle facilities, principal buildings, existing utility lines (water, sewer, electric, gas, etc.) watercourses (intermittent and perennial), wetlands, bridges, public/private easements, names of adjacent subdivisions, property owners, zoning districts, land uses, distance to nearest street intersection, voluntary agricultural districts, corporate limits and/or planning district lines; and an inset sketch map showing the subdivision's location in relation to the Town and general area.
 - (3) *Data relating to subdivision.* Names, locations and other dimensions and/or metes and bounds of proposed streets, lots, easements, building lines, gross acreage to be developed, development existing and proposed impervious surfaces, buffers, and recreational/open space areas, if appropriate. A statement describing the water supply and sanitary sewage disposal facilities proposed to be installed in the subdivision.
 - (4) *Floodway data.* The boundaries of both the floodway and floodplain, shown on maps entitled flood hazard boundary map, shall be shown clearly.

- (5) *Dedications for future right-of-way.* Whenever land to be subdivided includes any part of a planned thoroughfare improvement shown on the official plan(s) adopted by the Town, the applicant shall dedicate the right-of-way in the location and to the width specified in the comprehensive plan or roadway project to the DOT or HOA, whichever applies. Land reserved for future right-of-way shall not be counted in satisfying any yard, area, or dimensional requirements.
- (6) *Stormwater Management Statement* as required in the Johnston County Storm Water Management Ordinance and/or Johnston County Stormwater Design.
- (c) *Final plat.* The final plat shall be drawn in black ink on Mylar to a suitable scale to assure legibility. It shall show the following:
 - (1) *Title and documentation data.* Name of subdivision, the Township, the name of the licensed surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point; and all endorsements and certifications required by in section 30-386.
 - (2) *Data relating to the subdivision.* Lines and names of streets; lines of all lots, easements, areas devoted to common use, with notes stating clearly their proposed use, required landscape buffers, any limitations and the person or entity responsible for continued maintenance; corporate and/or other boundaries; lots numbered consecutively through the subdivision; building lines; metes and bounds survey information sufficient to determine readily on the ground the location of every street, lot line, boundary line, block line, easements line, and building line; the radius central angle, and tangent distance for both street lines of curved streets, the locations and types of all permanent monuments; the names of subdivisions, subdivision entrance sign easement, and streets adjoining the platted subdivision; if applicable, the location of mail kiosk; and designation of all streets and easements within the subdivision as public or private.
 - (3) *State statute.* All data shown on the final plat shall be consistent with the provisions set out in G.S. 47-30.
 - (4) *Easements.* All easements and their function shall be shown on the final plat. Drainage easements shall comply with Johnston County's Storm Water Management Ordinance, Johnston County Stormwater Design Manual and NCDOT Subdivision Road Standards.
 - (5) *Floodway data.* The boundaries of both the floodway and 100-year floodplain zone, as shown on the map entitled "Flood Boundary and Floodway Map," shall be shown. The FIRM panel and its adoption date shall be shown.
 - (6) *Future streets.* All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the plat, by the words "Reserved for Future Public Access."
 - (7) *Subdivision road disclosure statement.* The subdivision road disclosure statement shall be shown on the final plat. All roads shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as a public road shall be conclusively presumed an offer of dedication to the public. Where roads are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the road shall be noted on the final plat.
 - (8) *Plat Certificates* As required by section 30-386 below.

Sec. 30-386. - Certificates and Endorsements on Final Plat. (Formerly 30-420)

The following certificates and endorsements, where applicable, must be shown on all final plats of subdivisions:

- (1) Certificate of survey and accuracy.
- (2) Professional Land Surveyor's Certification
- (3) Certificate of Floodway Information.
- (4) Certificate of Ownership, Dedication and Maintenance.
- (5) Notice to Homeowners to Connect to Public Utility System.

- (6) Certificate of Public Utilities
- (7) Certification of Approval of Water Supply and Sewage Disposal System.
- (8) NC Department of Transportation Division of Highways Certification
- (9) Road Maintenance Statement of Understanding.
- (10) Zoning Administrator's certification.
- (11) Review Officer's certification.
- (12) Register of Deed's certification.
- (13) Acceptance of offer of dedication
- (14) Subdivision road disclosure statement
- (15) Additional certifications, statements, or notations necessary.

TABLE 2: CERTIFICATES REQUIRED BY PLAT

Type	Reference Numbers (See the list of required certifications immediately above.)
Exempt	(1)– (5), (7) (10), (11), (12)
Minor	(1) – (7), (10-12) As applicable (6) through (9), (13), (14)
Major	(1) – (13)

Secs. 30-387. - Distribution of Recorded Plat and Recorded Covenants. (Formerly 30-421)

When approved by the Zoning Administrator, the Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator, along with a recorded copy of the required covenants in 30 days, and a blue line copy shall be on file with each of the county departments of environmental health and public utilities.

Secs. 30-388—30-409. - Reserved.

DIVISION 5. - DESIGN OF SUBDIVISIONS

Sec. 30-410. - Intent.

Subdivisions shall be designed with a street and pedestrian network which provides safe, adequate access to all lots within the subdivision. Extension of a public access to an adjoining property should be considered in the subdivision design where a compelling public need is deemed necessary for orderly development of these adjoining properties. However, the design of the local street network in a subdivision should not encourage large amounts of through traffic, the origins and destination of which are external to the subdivision, to use local roads in the subdivision. Due consideration should be given to preserving important natural features, such as trees, ponds,

streams, lakes, as well as historical sites which are of value to the Town as a whole. Consideration shall also be given to grading to ensure the adequate flow of stormwater on the site, and the retention of stormwater as required by Johnston County Public Utilities Department.

Sec. 30-411. - Applicability of Lot Design Standards.

Each lot in a subdivision shall comply with the lot design standards contained in this division and in Article IV, Design Standards. Newly created or revised lots shall be designed so that any existing structures continue to meet the requirements of this division or so that any existing nonconformity is not increased, enlarged, or extended. The standards of this section, however, do not apply to recreation areas.

Sec. 30-412. - Lot Size Standards.

- (a) Every subdivided lot shall comply with the minimum lot size, lot width, and street frontage standard as stipulated in this Ordinance, as well as the standards of the Johnston County health department for lots not served by a public water and/or sanitary sewer system.¹³
- (b) Lots laid out for commercial or industrial purposes shall be of a size that is adequate to provide for the structure to be located on the site; off-street parking facilities required by the type and use of the development; and any required landscape buffer or screening areas. Lots for residential use shall comply with the provisions of this division.

Sec. 30-413. - Lot and Block Arrangement.

- (a) *Lots.* The arrangement of lots in a subdivision shall comply with the provisions of this division and the regulations of the Town and shall provide vehicular access to buildings on the lot from an approved street.
- (b) *Blocks.* Blocks shall be arranged with special consideration given to the type of land use proposed within the block.
 - (1) Blocks shall not exceed 1,500 feet in length.
 - (2) 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.
 - (3) 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.
 - (4) 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.

Sec. 30-414. - Flag Lots.¹⁴

- (a) Flag lots and easement access lots shall be permitted only if it can be demonstrated by the applicant that the subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit flagpole lots. Hardships shall include the following:
 - (1) Topographic constraints or irregularly shaped land in which no alternative exists;
 - (2) Natural features such as ponds, streams, wetlands, or buffers exist which would limit street construction and/or lot design;
 - (3) A long narrow parent parcel which would limit alternative designs;
 - (4) A parent parcel that has limited or no direct road frontage which would require the use of a flagpole or easement with no alternative design available;

¹³ Adapted from Johnston County Ordinance Section 14-227.
¹⁴ Similar to Johnston County Ordinance.

- (5) No alternative access is available or feasible such as a paved subdivision street or cul-de-sac street constructed to NCDOT standards.
- (b) It is the responsibility of the applicant to present evidence to the Zoning Administrator that one or more of the hardships listed in subsection (a) of this section exist.
- (c) Any decision of the waiver described in subsection (a) of this section may be appealed to the Board of Adjustment as described in section 2-46.
- (d) All flag lots or easement access lots within a major subdivision shall meet the following requirements:
 - (1) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
 - (2) The minimum flagpole width shall be 30 feet;
 - (3) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 100 feet;
 - (4) Where public water is available, the occupied building on the flag lot shall be within 500 feet of a fire hydrant. The hydrant shall not be across a street from a proposed flag lot. This distance shall be measured along the street, then along the flagpole, then from the end of the flagpole in a straight line to the building thereon;
 - (5) Where public sewer is available, the occupied building on the lot shall have a gravity service line, or the sewer pump requirements shall be noted on the recorded plat;
 - (6) Use of a single driveway to serve the flag lot and an adjoining lot is permitted and encouraged. In the case of a shared driveway, the location of the driveway shall be on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and
 - (7) Designate the building footprint and orientation of the house on the preliminary plat.
- (e) The flagpole portion of a lot shall not be used to calculate the area, width, or setbacks of the lot for the zoning district in which the lot is located.

Sec. 30-415. – Standards: Access, Circulation and Open Space.

The type and arrangement of streets within a development under this article shall comply with and coordinate with the Town's adopted transportation plan(s); or the decision of the Zoning Administrator. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrian and bicycle traffic. Accommodation for controlled turning movements into and out of the subdivision and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access shall be provided for emergency, service and school bus vehicles.

- (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.
 - (1) *Minimum construction standards.* All roads shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards, and shall:
 - A. 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;
 - B. 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.
 - (2) *Other road requirements.*

- A. *Permits for connecting to state roads.* An approved permit is required to connect any subdivision street to an existing state 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.
 - B. *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.
 - C. *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of N. C. General Statutes section 136-44.14 and the Americans with Disabilities Act.
 - D. *Mail Box Kiosks:* All mail box kiosks shall meet the USPS Cluster Box Units Concrete Pad Installation – Interim Pad Policy (2/19/2017 or most recent edition) and the NC DOT Policy for Placement of Mail Cluster Box Units (9/1/2015 or most recent edition) and be subject to approval by the N.C. Dept. of Transportation.
- (3) *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.
- (4) *Cul-de-sac length.* No residential street terminating in a cul-de-sac shall exceed 1,500 feet in length.
- (5) *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public street meeting the standards of the latest edition of the NCDOT subdivision roads minimum construction standards.
- (6) *Direct residential driveway connections.* Subdivisions located on an arterial or collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto the arterial or 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 the collector street.
- A. Major subdivisions to be located on a local road shall be so designed 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.
 - B. *Subdivision access.* A second full-service access built to the standards of the Johnston County Design manual (as adopted by Town) for the purpose of ingress and egress or emergency access easement will be required when meeting or exceeding the following thresholds:
 - (i) For subdivisions proposing between 100 and 200 lots, the developer has the option of providing a second full-service access built to the standards of the Johnston County Design Standards 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.
 - (ii) For subdivisions proposing 201 lots or more, a second full-service access built to Johnston County Design Standards for the purpose of ingress and egress will be required. In lieu of installation of a second full service access, a dedicated emergency vehicle access must be approved by the Planning Board and constructed as described above with a full service access approved by the Planning Board planned within the subdivision proposal for future development.
- Note: For determining when a second access is required, the count will be cumulative.
- (7) Subdivision Road Standards.

- A. The applicant/developer shall be responsible for ensuring that all dedicated public subdivision streets are successfully accepted by NCDOT for maintenance. The applicant/developer shall be responsible for maintenance of all streets and protection of rights-of-way until such streets are accepted into the state road system.
 - B. Where streets are dedicated to the public but not accepted into the state system at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the applicant / developer is ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system.
 - C. *Stub out streets.* All stub out streets shall be posted with a sign at least 24 inches X 36 inches in area but no greater than 36 inches X 48 inches with a minimum height of three feet and a maximum height of five feet stating the following: Road subject to future extension for additional lots.
- (b) *Sidewalks.*
- (1) *Specifications.* Sidewalks or shared use paths (or greenways) will be provided along both sides of new collector and arterial streets as stated in the adopted Bicycle and Pedestrian Plan, Town of Archer Lodge, NC (2020); Sidewalks or shared use paths shall be provided along one side of local streets inside major subdivisions of seven or more lots. Sidewalks and/or greenways will be provided to all required open spaces and public parks, greenways and schools. The Planning Board may adjust the sidewalk requirements to accommodate local conditions. Sidewalks shall be constructed to a minimum width of five 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. All shared use paths (or greenways) shall be constructed in accordance with NCDOT specifications and construction standards (Complete Streets) and the most recent edition of the Town's Bike and Pedestrian Plan.
 - (2) *Protection of significant trees.* Sidewalks and shared use paths (or greenways) shall be meandered as to protect and preserve existing significant trees. "Significant trees" depend on the species and health of the trees. Generally healthy overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant". For that purpose, sidewalks and shared use paths (or greenways) may be placed within a minimum 15-foot-wide public access easement located outside the public right-of-way. In no case shall more than thirty percent of a tree's roots be disturbed.
- (c) *Curb and gutter standards.* When provided or required by either the Planning Board or Town Council, curb and gutters shall be constructed in accordance with plans and profiles meeting NCDOT specifications for curb and gutters.
- (d) *Open space requirements.* All major subdivision residential developments shall provide or dedicate common open space or recreation areas suitable for the residents' common passive or active recreational uses or make a payment in lieu of provision or dedication.
- (1) *Minimum common open space or recreation area.* Where common open space or recreational area must be provided or dedicated as part of a subdivision residential development, its total land area shall be at least 15 percent of the total gross land area of the development. Where amenities are proposed, a reduction in the required minimum acreage may be approved by the Planning Board. For major subdivisions with less than one acre of open space, the applicant/developer shall provide fee-in-lieu.
 - A. The required open space shall be contiguous, unless it is determined by the Planning Board that the required open space can be split and located at different places in a subdivision. Wherever possible, open space and recreation areas should be located as to abut existing open space in adjacent developments or phases. If a proposed subdivision contains wetlands and/or riparian or stream buffer areas, they must be designated as common open space. Overhead electric utility easements may be designated as common open space if open to the public and approved, in writing, by the electric utility. However, wetlands, riparian or stream buffer areas and overhead electric utility easements will count at fifty percent of their acreage toward the

- amount of required open space. No off-site septic areas for the benefit of residential lots can be included within the open space.
- B. Sidewalks and greenways shall count as a part of the required open space.
 - C. Any proposed reduction or change involving previously recorded open space must be approved by the Town Council. The applicant must provide sufficient information on why the change is requested and why no other alternative exists.
- (2) *Method of provision or dedication.* Land provided or dedicated for common open space or recreation purposes shall be designated on a final plat duly recorded with the county register of deeds. Amenities shall be designated on the final plat and shall be specific as to type of amenity/use. Design criteria can be found in article IV of this chapter. Such common open space land shall be dedicated or deeded to an appropriate public body upon their acceptance, land trust, nonprofit established for the purpose of land conservation or recreational purposes; or create a neighborhood or homeowner's association for the continuing maintenance and control of common open space or recreation area; or, held by the owner for the continuing maintenance and control of common open space or recreation area, subject to a binding agreement with financial surety for such maintenance. Any HOA covenants or binding agreement and the proposed financial security shall be reviewed and approved by Town and Town Attorney prior to recording a final plat.
 - (3) *Payments in lieu of provision or dedication.* In lieu of providing or dedicating common open space or recreation area required pursuant to this section, an applicant/developer of a subdivision may choose to make a payment to the Town. If the required open space to be provided is less than one acre fee-in-lieu shall be required.
 - (4) *Use of Fees-in-Lieu.* The Town shall use such fees only for the acquisition or development of open space, recreation, or park sites to serve residents of the Town. The amount of the payment shall be the product of the total number of proposed dwelling units recorded multiplied by the fee established in the Town's annual schedule of fees. The applicant/developer shall make the payment before approval of a final plat; however, the Zoning Administrator may allow phasing of payments consistent with the approved phasing of the major subdivision.
 - (5) *Access to open space.* All open space must be pedestrian accessible. Open space not contiguous to a proposed subdivision street must have a minimum of an improved 20 - foot fee-simple or easement access.
- (e) An incorporated homeowner's association shall be required for all major residential subdivisions. See section 30-384 for a list of the required covenants to be reviewed and approved by the Town.

Sec. 30-416. - Reserved.

Sec. 30-417. - Reverse Frontage Residential Lots.

For residential developments designed to have the dwelling units face an internal subdivision street and the rear of the dwelling units partially or completely facing an arterial or collector road, the following shall be required:

- (1) Landscape area "A" with the use of an eight-foot landscape berm, decorative wall, or opaque fence; excluding a wooden fence (see article IV of this chapter) is required for lots abutting a collector or arterial street.
- (2) Landscape area "B" with the use of only plant material (see article IV of this chapter) is required for lots abutting all other streets.
- (3) The natural existing vegetation may be used if the density meets or exceeds the landscape area "B" requirements and remains undisturbed.

Sec. 30-418. - Public Water, Fire Hydrants, and Sewer Systems.

Subdivisions that incorporate a public water distributions system and/or a public sewage collection system shall require that all future homeowners connect to the public water and/or sewer system prior to the issuance of a

certificate of occupancy for their principal structure. All subdivisions incorporating a public water distribution system and/or a public sewage collection system shall comply with the standards of the State of North Carolina, Johnston County, and any other public utility providers.

Sec. 30-419. - Other Utilities.¹⁵

For all new developments, except residential subdivisions of four lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

Sec. 30-420. – Outdoor Lighting¹⁶

- (a) In developments contemplating the use of outdoor lighting to ensure the security of property and the safety of persons using such development, streets, sidewalks and facilities, all principal entrances to the development, and internal areas as appropriate, should be sufficiently lighted to ensure the safety of residents and the security of the building.
- (b) All streets within a major subdivision shall incorporate a street lighting system to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.
- (c) Down lighting shall be provided where possible. Overflow lighting shall be prohibited, and all light pollution shall be minimized to the greatest extent practical.

Sec. 30-421. - Reserved.

¹⁵ Duplicate of Sec. 30-203.

¹⁶ Duplicate of Sec. 30-206.

Appendix

Sec. 30.A.4 Plat Certificates

- (1) Certificate of Survey and Accuracy:
I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____, A.D., _____.

Seal or Stamp

Professional Land Surveyor
License Number # _____

- (2) Professional Land Surveyor's Certification:
As denoted by an "X" below, I, _____, certify as to the following:
- ☐ a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

☐ b. That the survey is in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.

☐ c. Any one of the following:

☐ (1) That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

☐ (2) That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.

☐ (3) That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.

☐ (4) That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.

☐ d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

☐ e. That the information available to the surveyor is such that the surveyor is unable to determine to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

- (3) Certificate of Floodway Information:
Property shown hereon _____ is _____ is not located in a FEMA designated flood zone.
FEMA Flood Hazard Panel: _____; Effective Date: _____.

Professional Land Surveyor
License Number # _____

- (4) Certificate of Ownership, Maintenance and Dedication:
I hereby certify that I am the owner (or corporate officer) of the property shown and described hereon, which is located in the zoning and subdivision jurisdiction of Archer Lodge and that I hereby adopt this subdivision plan with my free consent, establish minimum setback lines, and dedicate all streets, alleys, parks and other sites and easements to the public or private as noted. I understand that I am responsible for maintenance of public property shown hereon until it is accepted by the appropriate government entity.

Date Owner/Officer of Corporation

- (5) Notice to Homeowners to Connect to Public Utility System:
Homeowner is required to connect to public water and/or sewer (where available) before a Certificate of Occupancy is issued for the principle structure and/or any structure served by water and/or sewer.

- (6) Certificate of Approval by Public Utilities:
The Director of Public Utilities for County of Johnston, North Carolina, hereby certifies that this plat meets all Johnston County standards and requirements for public utilities required by the Johnston County ordinances. Upon recordation of this plat, Johnston County accepts the owner's offer of dedication for public water and/or sanitary sewer purposes all easements, common areas, and/or rights-of-way shown and delineated on this plat as dedicated for public utility purposes. No structures or fences shall be placed within the public utility easements. Access to the dedicated areas shall not be blocked or obstructed by any fence or structures unless pre-approved access is provided with a 12' minimum opening gate. The County shall have the right to clear and/or remove any vegetation within the public utility easements. Furthermore, the County will not replace any landscaping (other than grass, which will be replaced with seed) within the public utility easement area disturbed for maintenance of the utilities.

THIS THE _____ DAY OF _____, 20____.
COUNTY OF JOHNSTON

By: _____
Director of Public Utilities

- (7) Certification of Approval of Water Supply and Sewage Disposal System:
Certificate of preliminary approval of water supply and sewage disposal systems installed for installation in _____ subdivision meet public health requirements as described in Archer Lodge Subdivision regulations. Final approval for individual lots with this subdivision will be based on detailed lot evaluation upon application and submission of plan for proposed use. This preliminary certification is advisory only and confers no guarantee.

Date Health Representative

Note: Each lot shown hereon may require the use of sewage pumps, low pressure pipe systems, fill systems, innovative systems or any other alternative system type and site modifications specified in the North Carolina Laws and rules for sewage treatment and disposal systems, 15A NCAC 18A Section 1900. The actual system type, design and site modifications will be determined at the time of permitting.

(8) NC Department of Transportation Division of Highways Certification:

Proposed Subdivision Road Construction Standards Certification

Approved: _____
Date District Engineer

Note: Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

Note: Site triangle takes precedent over any sign easement.

Note: Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.

Note: All drainage easements shall be dedicated as public and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures there in, so as to maintain the integrity of the drainage system and insure positive drainage.

Note: All lots shall be served by the internal street system.

(9) Road Maintenance Statement of Understanding:

I, _____ am responsible for the construction, maintenance and required road improvements of the subdivision streets on this plat until the earlier of the follow occurs:

- (a) Approved and accepted for permanent maintenance by the North Carolina Department of Transportation as public roads; or
- (b) Approved and taken over by the Homeowners Association for private roads permanent maintenance; or
- (c) Private road maintenance agreement is signed and recorded by owners of each lot.

Name of Corporation or Owner

Date Developer/Owner/Officer of Corporation

(10) Zoning Administrator's Certification:

Certificate of Approval for Recording – Subdivision Plat

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County. This plat is null and void if not recorded at the Johnston County Deed Registry within sixty (60) days of the date written below.

Date Zoning Administrator

Certificate of Approval for Recording – Exempt Plat

I hereby certify that this plat is exempt from the Subdivision Regulations with the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County.

Date Zoning Administrator

(11) Review Officer's Certification:

State of North Carolina
County of _____

I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date Review Officer

(12) Register of Deed Certification:

State of North Carolina, Johnston County

This instrument was presented for registration and recording this ____ day of _____, 20____ at _____.

by _____
Register of Deeds Asst. Reg of Deeds

Recorded in PB _____ PG _____

(13) Acceptance of Offer of Dedication

NOTE: To be used only if Town Council accepts an offer of dedication.

I hereby certify that all parks and greenways as shown on this plat were accepted, as specified, by the Town Council by a resolution adopted at the meeting held on _____, 2 _____.

Date Town Clerk

(14) Subdivision Road Disclosure Statement:

Developers are required to give lot purchases a subdivision street disclosure statement pursuant to NC General Statutes section 136-102.6(f)

(15) Additional Certifications, Statements, or Notations necessary.

Notations:

- 1. Maximum Impervious Surface Per Lot.
- 2. Designate whether lot is within a protected watershed.

Staff Recommendations:

Staff recommends approval of the proposed provisions and draft Town Council consistency statement.

Town Council Requested Action:

Staff respectfully requests that the Town Council: (1) conduct a public hearing; (2) consider the Planning Board's recommendations; (3) deliberate and make consistency statement findings; and (4) approve the ordinance revisions (see draft Town Council Ordinance# AL2020 - 06-1 Ordinance).

Discussion followed regarding:

- Division 3 – Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement:
 1. Developer being responsible for the TIA and not the Town, possible conflict of interest
 2. Town always confirms the TIA
 3. Traffic engineer's cost estimates to
 - a. review a TIA - \$5,000 to \$7,500
 - b. prepare a TIA - \$15,000
 4. Town provide a list of TIA engineers to developers to perform the TIA
 5. Town be responsible for TIA and be reimbursed by the developer eliminating having two TIA's, possibility of not being reimbursed
 6. Developer be responsible for the cost of the TIA and require them to submit a list of engineers for the Town to select from for a review
 7. Town would require a contract to solve issues between a developer and TIA engineer
 8. Proposed ordinance states that monies for the TIA would be in an escrow account for the expenses of a TIA
 9. Developers could go bankrupt and Town be responsible for costs of TIA
 10. Recommended Section 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement, (c)(4) be removed
 11. Staff would look at the existing roads and determine if a TIA is necessary before the developer could build in the same area and at the developer's expense

Attorney Hewett suggested that the discussions be continued at the Public Hearing. Mayor Mulhollem concurred. No further discussion.

c) Public Comments

No Public Comments.

d) Close Public Hearing

Mayor Mulhollem closed the Public Hearing at 7:06 p.m.

3 OLD BUSINESS:

a) Nothing to Report

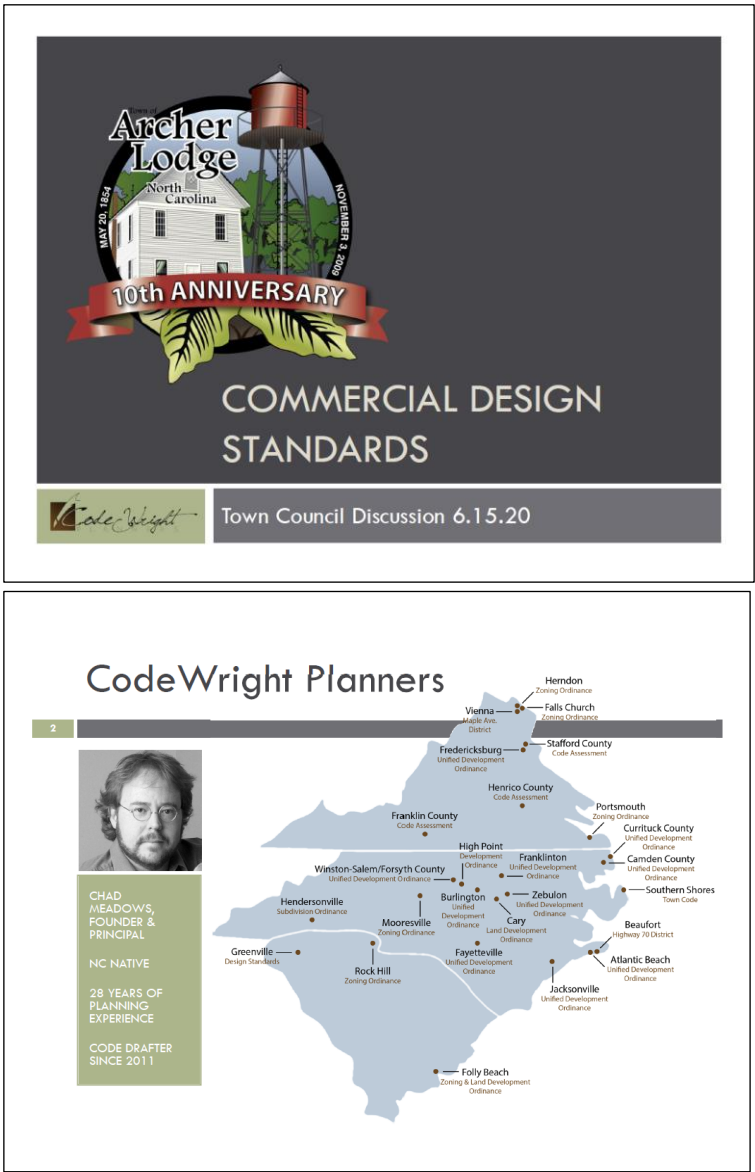
Mayor Mulhollem advised that there was no old business to discuss.

4 NEW BUSINESS:

a) Commercial Design Standards Presentation ~
Chad Meadows, AICP
Principal and Founder



Mr. Meadows shared a presentation on Commercial Design Standards for Archer Lodge and appears as follows:



Presentation Overview

3

TOPICS FOR DISCUSSION

- Project Details
- Benefits of Design Standards
- Common Pitfalls to Avoid
- Determining Small Town Character
- Applicability
- Aspects to Address
- Incentives?

Project Details

4

PREPARATION OF NEW UDO SECTION 6.7, COMMERCIAL DESIGN STANDARDS

TASK #	DESCRIPTION	TIMING
1. Initial Presentation	This presentation & discussion	June 15
2. Draft Standards	Purpose, applicability, site configuration, building configuration, illustrations, incentives(?), definitions	June 29 +/-
3. Discussion	Address staff comments on draft	July 8 +/-
4. Presentation	To Planning Board	July 15
5. Delivery	Standards and illustrations for inclusion in draft UDO	July 22

Benefits of Design Standards

5

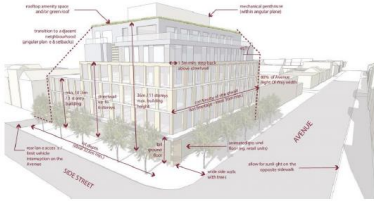
- Protect community character
- Enhance property values
- Encourage desirable development
- Establish/promote a “sense of place”
- Don’t limit development – seek to control its impacts



Pitfalls to Avoid

6

- Use of vague language
- Guidelines, not standards
- Too much detail, prescriptive
- Need for architectural review



Determining Small Town Character

7

TO PRESERVE AND PROTECT SMALL TOWN CHARACTER WE MUST:

- Clearly define what we mean by “small town character”
- Establish rules and requirements in support of the definition
- Encourage development that follows the rules and discourage development that doesn’t

Determining Small Town Character

8

COMMON CHARACTERISTICS

- Small-scale and compact
- Walkability and connection between uses
- Close proximity between residential and commercial uses
- “Everyday” goods and services nearby
- Public buildings form the community core
- A clear “edge” between what is and isn’t “town”
- Proximity to agriculture or undeveloped land

Applicability

9

WHAT KINDS OF DEVELOPMENT ARE SUBJECT TO THE DESIGN STANDARDS?

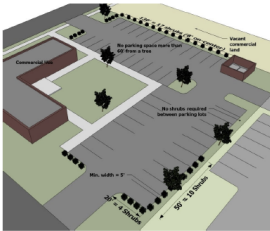
- Could be applied by base zoning district – (NB, CB, etc.)
- Could be applied by overlay district
- Could be applied by use type – (retail, office, etc.)
- Could be a blend
- Any kinds of development that should be exempted? – typical to exempt public or institutional development
- How do we handle renovations/redevelopment?

Aspects to Address

10

Site Configuration

- Building placement (single & multi-building development)
- Parking location
- Signage
- Landscaping/ Screening
- Service area placement



Aspects to Address

11

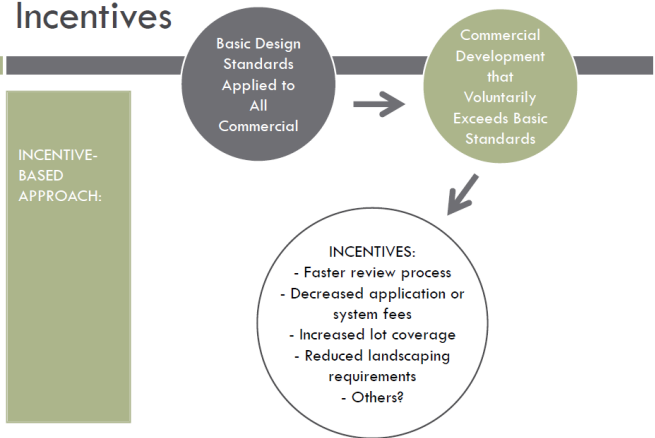
Building Configuration

- ❑ Height
- ❑ Size
- ❑ Orientation
- ❑ Entrances
- ❑ Façade details (when facing streets)
- ❑ Materials
- ❑ Fenestration



Incentives

12



Discussion

13



Points made by Mr. Meadows:

- Professional background:
 - North Carolina native
 - 28 years of experience
 - Drafting codes since 2011 with 17 years in NC
- Early stages of design standards
- Suggested regulating five or six key elements that impact design quality
- For the next couple of weeks, he asked Council to think about if there are any kind of commercial developments that they would like to exempt from commercial design standards, such as civic buildings, fire stations, town halls, religious institutions, or schools.
- Goals of the Commercial Design Standards:
 - Be clear and predictable
 - Provide configurations

- No negative impact on community
- Blend with rural area
- Support ad valorem taxes coming to Town

Developing Commercial Design Standards for Archer Lodge:

1. PowerPoint Presentation shared this evening so Council may discuss their goals.
2. Prepare a draft set of commercial design standards.
3. Discuss with Staff about the draft set of design standards and make revisions.
4. Standards will be presented to the Planning Board at their next meeting.
5. Following the Planning Board meeting, draft standards will be shared with Staff and The Brough Law Firm for revisions and integration.
6. Examples of rural commercial designs will be provided.
7. Encouraged Council to share any thoughts or suggestions with Staff.

No further discussion.

b) May 31, 2020 Interim Financials & Year-to-Date Comparison (FY19 compared to FY20)

Ms. Batten provided an interim report for all funds. She noted that May 31, 2020 completed 92% of the fiscal year ending June 30, 2020. Anticipated revenues exceeded actual expenditures by approximately \$59,000 in the General Fund and the investment earnings in all funds continued to decrease due to the economy and COVID-19. Ms. Batten expressed an overall satisfaction with all funds as of May 31, 2020 and anticipates an increase in all their balances at June 30, 2020.

In comparing May 2020 with May 2019, Ms. Batten shared that May 2020 had a net increase of approximately \$9,500. There was no further comments or discussion.

5 ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem adjourned the meeting at 7:30 pm.**
-

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



**Special Meeting - Minutes
for the Purposes of:
Discussion and Consideration of
Items 2.a., 2.b., 2.c. and 2.d. below
Monday, June 15, 2020**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Julie Maybee, Town Planner
Chip Hewett, Town Attorney
Al Benshoff, Special Attorney (Remotely)
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 7:36 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Council Member Bruton, and Special Attorney Benshoff attended remotely via Webex Conferencing.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Adopting the Annual Budget Ordinance for Fiscal Year ending June 30, 2021

Mayor Mulhollem opened the floor for discussion.

Council Member Wilson shared that considering the economic circumstances brought about by the Coronavirus Pandemic (COVID-19), he recommended that the Town be vigilant and make necessary changes to the FY2020/2021 Budget in case the Town falls on hard times. Having no further discussion, Mayor Mulhollem called for a motion.

Adopted Annual Budget Ordinance for Fiscal Year ending June 30, 2021 appears as follows:

Town of Archer Lodge, North Carolina
ANNUAL BUDGET ORDINANCE
Fiscal Year July 1, 2020 to June 30, 2021

BE IT ORDAINED by the Town Council of the Town of Archer Lodge, Johnston County, North Carolina, pursuant to §159-7 thru §159-17, that: (1) the sum of estimated net revenues and appropriated fund balance in each fund shall be equal to expenditures in each fund for Fiscal Year 2020~2021; and (2) departmental expenditures for the fiscal year shall not exceed the estimated departmental totals as depicted below and on the following pages: General Fund 10 = \$1,355,850; Capital Reserve Fund 30 = \$4,200; Park Reserve Fund 31= \$147,400; and Public Safety Reserve Fund 32 = \$27,400; all funds totaling a **Budget Ordinance of \$1,534,850**; and (3) Revenues from the Ad Valorem Property Tax shall be levied in the amount of **\$0.22 per \$100 evaluation** consisting of \$0.09 Archer Lodge Fire District Tax (appropriated in Public Safety for the Archer Lodge Fire Department), \$0.03 Park Reserve Fund 31 Designation and General Fund 10 receiving the balance of \$0.10.

General Fund 10

<i>General Fund 10 Revenues:</i>	<u>Amount</u>
Ad-Valorem Property Taxes	\$ 846,000
State Sales Tax Distributions	135,510
Unrestricted Intergovernmental Revenues	206,200
Restricted Intergovernmental Revenues	53,000
Permits and Fees	5,140
Fee in Lieu of Recreation	30,000
Investment Earnings	16,000
Transfer in from Park Reserve Fund	<u>64,000</u>
Total Revenues	\$ 1,355,850
 <i>General Fund 10 Expenditures:</i>	
General Government	\$ 452,014
Public Safety	334,000
Transportation/Streets - Public Works	53,000
Planning and Zoning	156,767
Parks and Recreation	45,000
Debt Service	145,069
Interfund Transfers to Cap Res Fund, Park Res Fund & Public Safety Res Fund	<u>170,000</u>
Total Expenditures	\$ 1,355,850
Revenues Over (Under) Expenditures	<u>-</u>

Town of Archer Lodge, North Carolina
ANNUAL BUDGET ORDINANCE
Fiscal Year July 1, 2020 to June 30, 2021

Capital Reserve Fund 30

<i>Capital Reserve Fund 30 Revenues:</i>	<u>Amount</u>
Investment Earnings	4,200
Total Revenues	\$ 4,200
 <i>Capital Reserve Fund 30 Expenditures:</i>	
N/A	
Total Expenditures	\$ -
Revenues Over (Under) Expenditures	\$ 4,200
 <i>Interfund Transfers:</i>	
Transfer from General Fund 10	\$ -
Transfer to General Fund 10	\$ (4,200)
Total Other Financing Sources (Uses):	\$ (4,200)
Total Revenues Over (Under) Expenditures and Other Financing Sources (Uses)	\$ -

Town of Archer Lodge, North Carolina
ANNUAL BUDGET ORDINANCE
Fiscal Year July 1, 2020 to June 30, 2021

Park Reserve Fund 31		Amount
Park Reserve Fund 31 Revenues:		
Investment Earnings		2,400
Total Revenues		\$ 2,400
Park Reserve Fund 31 Expenditures:		
Recreation Development		83,400
Total Expenditures		\$ 83,400
Revenues Over (Under) Expenditures		\$ (81,000)
Interfund Transfers:		
Transfer from General Fund 10	\$0.03 Tax/Fees-in-Lieu	\$ 145,000
Transfer to General Fund 10	Loan Payment	\$ (64,000)
Total Other Financing Sources (Uses):		\$ 81,000
Total Revenues Over (Under) Expenditures and Other Financing Sources (Uses)		\$ -

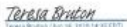
Town of Archer Lodge, North Carolina
ANNUAL BUDGET ORDINANCE
Fiscal Year July 1, 2020 to June 30, 2021

Public Safety Reserve Fund 32		Amount
Public Safety Reserve Fund 32 Revenues:		
Investment Earnings		\$ 2,400
Total Revenues		\$ 2,400
Public Safety Reserve Fund 32 Expenditures:		
Public Safety Development		(27,400)
Total Expenditures		\$ (27,400)
Revenues Over (Under) Expenditures		\$ (25,000)
Interfund Transfers:		
Transfer from General Fund 10		\$ 25,000
Total Other Financing Sources (Uses):		\$ 25,000
Total Revenues Over (Under) Expenditures and Other Financing Sources (Uses)		\$ -

DULY ADOPTED THIS 15th DAY OF JUNE 2020

TOWN OF ARCHER LODGE


Matthew B. Mulhollem, Mayor


Teresa M. Bruton, Budget Officer



ATTEST:

Kim P. Batten, Town Clerk

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Adopted the Annual Budget Ordinance for Fiscal Year ending June 30, 2021.

CARRIED UNANIMOUSLY

b) Discussion and Consideration of Approving the Subdivision Consistency Statement pertaining to Chapter 30 - Zoning and Subdivisions, Article VI, Subdivisions

Mayor Mulhollem opened the floor for discussion. Having no discussion, Mayor Mulhollem called for a motion.

Approved Subdivision Consistency Statement appears as follows:

TOWN COUNCIL CONSISTENCY STATEMENT

Amendments to Chapter 30, Zoning and Subdivisions, Article VI - Subdivisions

The Town Council finds that the proposed amendments to Chapter 30, Zoning and Subdivisions, Article VI pertaining to Subdivisions, are reasonable and in the public interest. The proposed revisions clarify/supplement the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws.

Furthermore, the proposed amendments follow the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka “*Comprehensive Plan*”, and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town’s physical or financial resources.

Moved by: Mayor Pro Tem Castleberry
Seconded by: Council Member Wilson
Approved the Subdivision Consistency Statement pertaining to Chapter 30 - Zoning and Subdivisions, Article VI, Subdivisions.

CARRIED UNANIMOUSLY

c) Discussion and Consideration of Amending Chapter 30 - Zoning and Subdivisions, Article VI, Subdivisions by Adopting Ordinance# AL2020-06-1

Mayor Mulhollem opened the floor for discussion.

Discussion followed on Section 30-348.- Traffic Impact Analysis (TIA) Submittal Requirement (c)(4):

- Recommend the Town be responsible for the TIA to avoid creating a conflict of interest.
- Require the developer provide a list of TIA Engineers and the Town make the selection, which will streamline the process and reduce risks.
- Recommend Town provide a lists of TIA Engineers for the developer to choose from.
- If the developer provides their own TIA, the Town should have a qualified person to review it.
- Remove and revisit at the July 13, 2020 Regular Council meeting.

It was the consensus of Council to adopt as presented and for Staff to develop alternatives and discuss at the July 13, 2020 Regular Council Meeting. Mayor Mulhollem called for a motion.

Adopted Ordinance# AL2020-06-1 Amending Chapter 30 - Zoning and Subdivisions, Article VI, Subdivisions appears as follows:

ORDINANCE# AL2020-06-1 AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF ARCHER LODGE, NORTH CAROLINA, CHAPTER 30 – ZONING AND SUBDIVISIONS, ARTICLE VI - SUBDIVISIONS AND APPENDIX SECTION 30-A4. Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 - Zoning & Subdivisions, Article VI – Subdivisions and Appendix Section 30-A4 as follows: Delete ordinance text in its entirety in Article VI and replace with the following: [Space below intentionally left blank] 1
--

ORDINANCE# AL2020-06-1

ART. VI. SUBDIVISIONS

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ARTICLE VI. – SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 30-285. - Intent.

It is the intent of this article to provide an orderly process for division of land into lots or parcels for the purpose of sale and/or building development by property owners. It is also this article's intent to ensure that subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both the prospective or future owners in the Town's community, and that subdivisions are provided with and provide for adequate and efficient access and coordination of streets, water and/or sewage, parks, schools, playgrounds and other public requirements and facilities where appropriate.

Sec. 30-286. - Authority and Jurisdiction.

- (a) The regulations of this article are adopted under the authority of G.S. section 160A-371 which authorizes the Town to regulate the subdivision of land.
- (b) The regulations of this article shall govern each and every subdivision of land within the corporate limits of the Town as now or hereafter established.

Sec. 30-287. - Applicability.

No land shall be subdivided, platted, or recorded, nor shall subdivided lots or parcels be sold, offered for sale, used, or occupied unless and until a final plat of the subdivision has been approved under this article and has been recorded by the county register of deeds. ¹ No lot or parcel resulting from a division of land excluded from the definition of subdivision in section 30-288 shall be sold, offered for sale, used, or occupied until the Zoning Administrator certifies that such division of land falls within one of the exclusions listed in the definition of subdivision. No plat of any division of land within the Town's corporate limits shall be filed or recorded by the county register of deeds unless it contains the Town Zoning Administrator's certification that the division of land has been approved under, or is not subject to, this article.

Sec. 30-288. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction plat means a plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads and utilities.

Flag lot means an irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm, or flagpole, of the lot.

Flood hazard boundary map means the official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk management zones applicable to the Town.

Full service access or No control of access. Connections between streets or streets and driveways where no physical or other restrictions to movement exist. For example, a connection from a residential subdivision

Street to a collector street means a street intersection that is not restricted to emergency vehicles only and allows full turning movements.

¹ Courts can order a subdivision by metes-and-bounds descriptions. Property may pass through an estate by metes-and-bounds descriptions. See update definition of subdivision.

ORDINANCE# AL2020-06-1

Official plans mean any plans officially adopted by the Town Council as a guide for the development of the Town consisting of maps, charts, and texts.

Open space and common open space and recreation area mean any space or area characterized by great natural scenic beauty or whose openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development, or would maintain or enhance the conservation of natural or scenic resources; or any undeveloped or predominately undeveloped land that has value for one or more of the following purposes:

- (1) Park and recreational uses;
- (2) Conservation of land and other natural resources, including floodplains and wetlands, including protected wetlands, flood plains, water supply watershed stream or water body buffers, but not floodways; or
- (3) Historic or scenic purposes.

Passive open space or recreation areas includes scenic resources, any undeveloped or predominately undeveloped land used for informal walking trails, picnic areas or similar uses. The following land uses, or land areas cannot be used to meet open space requirements of this article:

- (1) Roads, road rights-of-way, driveways, or parking areas.
- (2) Open areas within individual subdivision lots.
- (3) Small, narrow strips of land, or other unusual land configurations that are not consistent with the objectives of this article.

Performance Guarantee shall mean any of the following forms of guarantee:

- (1) Surety bond issued by any company authorized to do business in this State.
- (2) Letter of credit issued by any financial institution licensed to do business in this State.
- (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

The developer/applicant shall select the form of the performance guarantee from the list above.

Public sewer system means any sewer system whether owned and operated publicly or privately unless the sewer source is located on a lot and serves only that lot in accordance with G.S. section 130A-343 Approval of on-site subsurface wastewater systems.

Public water system means any water system whether owned and operated publicly or privately unless that water source is located on a lot and serves only that lot in accordance with G.S. section 130A-343.

Recreation areas, Active include playfields, tot lots, tennis courts, swimming pools and similar active play uses.

Shared Use Path also known as a multi-use trail or a greenway, a facility designed to meet ADA standards, which may be used by bicyclists, pedestrians, and other non-motorized users. The path is separated from the roadway by an open-space or a physical barrier or within an independent right-of-way. A rail trail, built within the right-of-way of a former railroad, is a shared use path. (From Bicycle and Pedestrian Plan [2020]).

Significant Tree(s) are overstory trees of eight inches or more in diameter at breast height (DBH) and understorey trees of two inches or greater DBH are "significant".²

Street Classifications: The five street classifications for the Town are:

- (1) Arterial: Arterial streets function primarily to serve through-traffic movement. Limited land-access service may be accommodated. Traffic controls and street design are intended to provide efficient through-traffic movement. All U.S. and some N.C. numbered highways are examples of arterial streets.
- (2) Collector: Collector streets penetrate areas, neighborhoods, public service areas, and districts. They are intended to provide both through-traffic and land-access services in relatively equal

²To be further defined later.

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proportions, often linking the local street system to the arterial street system. Examples of a collector street include some N.C. and S.R. numbered streets.

- (3) Local: Local streets primarily serve land-access functions. 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 a local street include streets internal to subdivisions and rural areas.
- (4) Public: A street owned by the N.C. Dept. of Transportation or another government.
- (5) Private: A street owned by a non-governmental person, including but not limited to corporations, partnerships, individuals, and homeowner's associations.

Subdivider means any person who subdivides or develops any land deemed to be a subdivision as defined in this section.

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this article, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this article;
- (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved;
- (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or
- (4) The division of a tract in single ownership whose entire land area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this article.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under General Statutes Chapter 29.³

In subsection (1) of this definition, the phrase "previously subdivided and recorded" means under a recorded plat or other instrument of transfer containing a metes and bounds description if lots were created prior to the existence of applicable subdivision regulations, or under a validly approved and recorded plat if such lots were created after the existence of applicable subdivision regulations. In subsection (2) of this definition, the phrase "where no street right-of-way dedication is involved" means that adequate access to such lot is provided by an approved existing street (public or private).

Subdivision, commercial, means the subdivision of an existing development on a parcel/lot or recorded parcel that consists of institutional, industrial, commercial and/or office uses. Such a subdivision would create two or more individual lots plus land developed and designated for the common use and benefit of the occupants/owners of the individual commercial subdivision lots provided:

- (1) That an entity is designated to be legally responsible for maintenance and control of the common land areas;
- (2) That the property has an approved site plan, valid for the development, prior to application for commercial subdivision;
- (3) That all parking areas, drive aisles, and open space if applicable, shall be the common land area; and

³ Added to G.S. 160A-376 Definition [of subdivision] in 2017

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- (4) The individual lots within a commercial subdivision shall meet the lot design standards of this article.

Subdivision, major, means any subdivision creating five or more lots.

Subdivision, minor, means a subdivision of a parent parcel, creating four lots or less, that:

- (1) Does not involve any new dedication of public right-of-way to give access to interior lots or parcels;
- (2) Does not involve the extension of public water or sanitary sewage lines;
- (3) Will not adversely affect the development of the remainder of the parcel or of adjoining property; and
- (4) Will not create any new or residual parcels which do not satisfy the requirements of this article or other applicable local and state controls.

Zoning Administrator means the employee designated by the Town Administrator in charge of the Town's planning, zoning and subdivision functions.

Secs. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions⁴

- (a) Any owner or agent of the owner of any land located within the Town's corporate limits who subdivides their land in violation of this Subdivision Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Subdivision Ordinance and recorded in the office of the county register of deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in section 30-25 Penalty.
- (b) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- (c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Subdivision Ordinance.
- (d) Building permits required may be denied for lots that have been illegally subdivided.
- (e) In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Secs. 30-290 - 30-309. - Reserved.

DIVISION 2. - PROCEDURES FOR APPROVAL OF MINOR SUBDIVISIONS

Sec. 30-310. - Application Submittal Requirements.

Applications for minor subdivision approval, along with any required fees, shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material that may reasonably be required to determine compliance with this division. Minor subdivision plats shall comply with the mapping requirements of sections 30-385 and 30-386. The Zoning Administrator shall not accept an application unless it complies with such requirements. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-311. - Zoning Administrator Action.

⁴Taken from N.C.G.S. § 160A-375, Penalties for transferring lots in unapproved subdivisions.

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When an application for minor subdivision approval is accepted, the Zoning Administrator shall determine if the plat and application conform with all applicable regulations. The Zoning Administrator (also known as the "Administrator") shall act on an application based solely on the findings as to compliance with applicable regulations and conditions. The Administrator shall approve; approve subject to conditions; deny; or refer to the major subdivision approval process if he/she finds it to be a major subdivision proposal or if requested by the applicant. If the Zoning Administrator refers the request to a major subdivision review, an amended application shall be submitted as required in Division 3 of this article. The Zoning Administrator may impose reasonable conditions on his/her approval to ensure the subdivision complies with the intent and requirements of this division.

Sec. 30-312. - Actions Subsequent to Decision.

The Zoning Administrator shall notify the applicant of his/her decision on the applicant's application for a minor subdivision approval and shall file a copy of the decision in the office of the Zoning Administrator. The Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator and one blue line copy shall be on file with the county department of environmental health. Approval of any minor subdivision plat is void if it is not properly recorded within 60 days after the Zoning Administrator's endorsement of approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements of the register of deeds for recordation within that period. Plats shall conform to the drawing specifications and certification requirements of sections 30-385 and 30-386.

Sec. 30-313. - Appeal of Decision.

The Zoning Administrator's decision on a minor subdivision application may be appealed to the Planning Board under section 2-32.

Secs. 30-314—Exception for Subdivision of Land in Single Ownership Established by NC General Statute, Section 160A-376 (c)⁵

The Zoning Administrator will review a final plat prior to recordation, and sign the required certificates, only if all the following conditions apply:

- (a) The division will not create parcels greater than 10 acres where no street right-of-way dedication is involved.
- (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (c) The entire area of the tract or parcel to be divided is greater than five acres.
- (d) After division, no more than three lots result from the division.
- (e) After division, all resultant lots comply with all of the following:
 - (1) Any lot dimension size requirements of the applicable land-use regulations, if any.
 - (2) The use of the lots is in conformity with the applicable zoning requirements, if any.
 - (3) A permanent means of ingress and egress is recorded for each lot.

Sec. 30-315 - 30-344. - Reserved.

DIVISION 3. - PROCEDURES FOR APPROVAL OF A MAJOR AND/OR COMMERCIAL SUBDIVISION

Sec. 30-345. - Preliminary Plat Approval.

⁵Required by SL 2017-10 amending G.S. 160A-376 Definition [of Subdivision], effective July 1, 2017

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All major and commercial subdivisions must have a preliminary plat approval from the Town Planning Board prior to any final plats being recorded with the county register of deeds.

Sec. 30-346. - Preliminary Conference.

Applicants proposing major subdivisions, including commercial and other non-residential subdivisions, are encouraged to first consult with the Zoning Administrator to ensure that the applicant understands the requirements of this division.

Sec. 30-347. - Application Submittal Requirements.

Applications for major and commercial subdivision preliminary plat approval shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material it may reasonably require to determine compliance with this division, subject to approval by the Town Council. The Zoning Administrator shall not accept an application unless it complies with such requirements, including written confirmation that the applicant is the owner or agent having a valid ownership interest, or a valid enforceable contract or option for an ownership interest in the property involved. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement.

- (a) *Purpose:* Archer Lodge is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.
- (b) *Requirement thresholds:*
 - (1) Residential subdivision proposing 100 lots/units or more, no matter how many phases are proposed.
 - (2) Proposed nonresidential subdivision which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
 - (3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.

Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.
- (c) *Retention of expert assistance and reimbursement by applicant*
 - (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
 - (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its

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- (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.
- (4) The developer may have a TIA conducted by a consultant of his or her choice but will be required to be submitted for review and evaluation by the Town's consultant. Any cost associated with the Town's review shall be paid by the developer as described in subsections (c)(2) and (3).
- (d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in section 3 of the Johnston County Land Design Manual.
- (e) *Improvement requirements.*
 - (1) Left turn lane, right turn lane, and/or right turn taper. Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.
 - (2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Johnston County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
 - (3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements to maintain the road segment or intersection at LOS D must be included. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels.
 - (4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the Planning Board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.⁶

Sec. 30-349. - Zoning Administrator's Report.

The Zoning Administrator shall forward to the Planning Board an analysis of an application for major and commercial subdivision preliminary plat approval with his/her recommendation.

Sec. 30-350. - Planning Board Review and Action.

- (a) After receiving the Zoning Administrator's report on an application for major or commercial subdivision preliminary plat approval, the Planning Board shall consider the application at its next available regularly scheduled meeting. No formal public hearing will be held. The Planning Board may hear comments and

⁶ Adapted from Johnston County ordinances (Amend. of 11-8-2004; Amend. of 02-03-2010(2))

questions. The Planning Board may place reasonable and fair limitations on comments, arguments, and questions to avoid undue delay. The applicant shall bear the burden of establishing that he/she is entitled to approval of the application.

- (b) The Planning Board shall act on an application for major subdivision preliminary plat approval after reviewing the application, the Zoning Administrator's report and public comment on the application. It shall base its action on its findings as to conformity with all applicable regulations of this article. Its action shall be one of the following: approval, approval subject to conditions, tabled to address deficiencies identified by the Planning Board, or denial. The Planning Board may impose reasonable conditions on its approval to ensure compliance with applicable regulations.
- (c) The Zoning Administrator shall notify the applicant for major or commercial subdivision preliminary plat approval in writing of the Planning Board's decision and shall file a copy of the decision with the Town's Zoning Administrator.

Sec. 30-351. - Expiration of Preliminary Plat Approval.⁷

Preliminary plat approval, or re-approval, for a major or commercial subdivision shall be effective for three years from the date of approval with no extension allowed by the Zoning Administrator or his/her delegatee. An extension may be requested of the Planning Board for an additional three-year period. If a final plat for all or a portion of the subdivision has not been recorded within three years of the preliminary plat approval, the applicant must submit a new application. The Planning Board may reapprove the application unless they determine that paramount considerations of health, the general welfare, or public safety exist.

Sec. 30-352. - Standards for Design for Lots in a Subdivision.

- (a) Lots created pursuant to these provisions shall meet the following minimum design standards:
 - (1) Minimum residential lot sizes resulting after subdivision shall meet the standards of the following table:

TABLE 1: Minimum Residential Densities or Lot Sizes

	Residential Zoning Districts Max. Densities (except Mobile Home Park) / Not in a Watershed Overlay District	Mobile Home Park	Residential Zoning Districts in a Water Supply Watershed Overlay Zoning District (Except Mobile Home Park)
With ONLY Utility Provided Water	1.5 dwelling units (D/U) per acre	3.0 D/U per acre	1.0 D/U per acre ⁸
Well & Septic System	1.0 D/U per acre	3.0 D/U per acre	1.0 D/U per acre ⁹
Utility Provided Water and Public Sewer	1.5 D/U per acre	4.0 D/U per acre	2.0 D/U per acre ¹⁰

⁷Same provision as the Johnston County ordinance.
⁸ If approved by Johnston County Environmental Health Department
⁹ If approved by Johnston County Environmental Health Department
¹⁰ If approved by Johnston County Environmental Health Department

- (2) Minimum non-residential lot sizes shall be one-half acre.
- (3) Residential lots shall front on a public or private right-of-way. Non-residential lots shall front on a public right-of-way. Lots may be created that have access to an existing access easement, or have an easement created to serve the lots if one of the two following conditions exist:
 - (A) ¹¹ ALL of the following criteria are met:
 - (i) The tract or parcel to be divided is not to be divided into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - (ii) No part of the tract or parcel to be divided has been divided under this section in the 10 years prior to the proposed division.
 - (iii) The entire area of the tract or parcel to be divided is greater than five acres.
 - (iv) After division, no more than three lots result from the division.
 - (v) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.
 - OR
 - (B) The division is made in accordance with the terms of a probated will or in accordance with intestate succession under G.S. Chapter 29.
- (4) Divisions into lots or residual lots shall not be created as non-conforming to this Subdivision Ordinance or "non-buildable." Each lot or residual lot must be reviewed and approved as buildable which must contain a system for wastewater disposal, [and] contain sufficient area for all structures to meet building setbacks.
- (5) The standards of Div. 5, Design of Subdivisions.
- (6) The standards of Article III. Site Plans and Article IV Design Standards, as applicable.
- (7) The street design standards of the NC Dept. of Transportation, as applicable. NC Department of Transportation Subdivision Roads Minimum Construction Requirements, January 2010 (Revised May 2016)
- (8) If a mailbox kiosk is to be provided, it shall be designed and built as required in Section 30-415 (a) 2. D. of this Ordinance.
- (b) Non-buildable lot exception: lots in which no buildable area exists due to scale and extent of hydrological features such as ponds, wetlands, floodway zones, or riparian buffers.

Sec. 30-353. - Appeal of Decision.

The Planning Board's decision on an application for a preliminary plat approval for a major or commercial subdivision may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Secs. 30-354—30-379. - Reserved.

DIVISION 4. - FINAL PLAT APPROVAL

Sec. 30-380. - Application Requirements.

¹¹ These exceptions are from G.S. 160A-376 Definition [of subdivision] (2017)

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Applications for final plat approval of subdivisions shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of application, as well as any other material he / she may reasonably require to determine compliance with this division, with the approval of the Town Council. Final plats shall comply with the mapping requirements of section 30-385 and the certification and endorsement requirements of section 30-386. For major subdivisions, a preliminary plat for the lots shown on the proposed final plat must have been approved and not expired before a final plat approval application may be accepted. As part of the application for final plat approval, the applicant shall certify one of the following:

- (1) That all required improvements (streets, utilities, storm drainage facilities, street signs, and facilities for common use, if any) approved as part of the preliminary plat approval and serving lots shown on the final plat have been completed, or sufficient performance guarantee has been posted;
- (2) ¹²That a performance guarantee at a rate of 1.25 of the estimated cost and description thereof, including sufficient means and procedures, to ensure satisfactory completion of any uncompleted improvements have been posted at the time the plat is recorded, or in the case of phased subdivisions at the time a subsequent plat is recorded, provided that the Zoning Administrator shall specify which subsequent final plat requires the performance guarantee.
 - (A) Duration. -- The duration of the performance guarantee shall initially be one year, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration.
 - (B) Extension. -- An applicant/developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the city or county, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (D) of this subsection and shall include the total cost of all incomplete improvements.
 - (C) Release. -- The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the Town, or upon acceptance of the required improvements, if the required improvements are subject to Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to Town acceptance, upon request by the applicant / developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.
 - (D) Amount. -- The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the applicant / developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

¹² See N.C. Gen. Stat. § 160A-372 (g) (2017)

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- (3) That the development requires only review of the final plat per section 30-314.

Sec. 30-381. - Zoning Administrator's Action.

When the Zoning Administrator accepts an application for final plat approval of a subdivision, the Zoning Administrator shall determine if the final plat conforms to all applicable regulations and to an approved valid preliminary plat if a major subdivision. He/she shall approve or deny the application.

Sec. 30-382. - Actions Subsequent to Decision.

If an application for final plat approval of a subdivision is approved, the Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat. The applicant shall record the final plat in the office of the county register of deeds. Approval of any final plat is void if it is not properly recorded within 60 calendar days after the Zoning Administrator's endorsement of the approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certifications and endorsement requirements of sections 30-385 and 30-386.

Sec. 30-383. - Appeal of Decision.

The Zoning Administrator's decision on a final plat approval application may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Sec. 30-384. - Required Restrictive Covenants and Review by Town.

Prior to final approval of any residential major subdivision submitted after the effective date of this ordinance, the developer shall include in the restrictive covenants a provision that mandates the discharge of firearms is strictly prohibited anywhere in the subdivision or on any adjoining property owned by the developer or Homeowner Association (HOA). A copy of the recorded restrictive covenants must be submitted to the Town proving compliance with this ordinance section prior to final approval. Discharging of air guns, air pistols and air rifles, not to exceed a caliber of .177, is permitted, as they are not considered firearms within the meaning of this section.

Sec. 30-385. Specifications for Drawings.

- (a) *Format.* The requirements of this section apply to the format of drawings.
- (b) *Preliminary plat.* The preliminary plat shall be drawn to the standards of G.S. § 47-30 Plats and Subdivision; Mapping Requirements at a scale between 1:100 and 1:20. Under special circumstances, with the Zoning Administrator's approval, a preliminary plat can be drawn to another scale which can clearly and accurately display the necessary information for review. The plat shall show the following:
 - (1) *Title data.* Name of the subdivision, the names and addresses of the owner or owners, name of designer of the plat, scale, date, approximate north point, and in large letters the words "Preliminary Plat."
 - (2) *Existing data.* Property lines, street lines and names, greenways, sidewalks, bicycle facilities, principal buildings, existing utility lines (water, sewer, electric, gas, etc.) watercourses (intermittent and perennial), wetlands, bridges, public/private easements, names of adjacent: subdivisions, property owners, zoning districts, land uses, distance to nearest street intersection, voluntary agricultural districts, corporate limits and/or planning district lines; and an inset sketch map showing the subdivision's location in relation to the Town and general area.
 - (3) *Data relating to subdivision.* Names, locations and other dimensions and/or metes and bounds of proposed streets, lots, easements, building lines, gross acreage to be developed, development existing and proposed impervious surfaces, buffers, and recreational/open space areas, if appropriate. A statement describing the water supply and sanitary sewage disposal facilities proposed to be installed in the subdivision.
 - (4) *Floodway data.* The boundaries of both the floodway and floodplain, shown on maps entitled flood hazard boundary map, shall be shown clearly.

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- (5) *Dedications for future right-of-way.* Whenever land to be subdivided includes any part of a planned thoroughfare improvement shown on the official plan(s) adopted by the Town, the applicant shall dedicate the right-of-way in the location and to the width specified in the comprehensive plan or roadway project to the DOT or HOA, whichever applies. Land reserved for future right-of-way shall not be counted in satisfying any yard, area, or dimensional requirements.
- (6) Stormwater Management Statement as required in the Johnston County Storm Water Management Ordinance and/or Johnston County Stormwater Design.
- (c) *Final plat.* The final plat shall be drawn in black ink on Mylar to a suitable scale to assure legibility. It shall show the following:
 - (1) *Title and documentation data.* Name of subdivision, the Township, the name of the licensed surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point; and all endorsements and certifications required by in section 30-386.
 - (2) *Data relating to the subdivision.* Lines and names of streets; lines of all lots, easements, areas devoted to common use, with notes stating clearly their proposed use, required landscape buffers, any limitations and the person or entity responsible for continued maintenance; corporate and/or other boundaries; lots numbered consecutively through the subdivision; building lines; metes and bounds survey information sufficient to determine readily on the ground the location of every street, lot line, boundary line, block line, easements line, and building line; the radius central angle, and tangent distance for both street lines of curved streets, the locations and types of all permanent monuments; the names of subdivisions, subdivision entrance sign easement, and streets adjoining the platted subdivision; if applicable, the location of mail kiosk; and designation of all streets and easements within the subdivision as public or private.
 - (3) *State statute.* All data shown on the final plat shall be consistent with the provisions set out in G.S. 47-30.
 - (4) *Easements.* All easements and their function shall be shown on the final plat. Drainage easements shall comply with Johnston County's Storm Water Management Ordinance, Johnston County Stormwater Design Manual and NCDOT Subdivision Road Standards.
 - (5) *Floodway data.* The boundaries of both the floodway and 100-year floodplain zone, as shown on the map entitled "Flood Boundary and Floodway Map," shall be shown. The FIRM panel and its adoption date shall be shown.
 - (6) *Future streets.* All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the plat, by the words "Reserved for Future Public Access."
 - (7) *Subdivision road disclosure statement.* The subdivision road disclosure statement shall be shown on the final plat. All roads shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as a public road shall be conclusively presumed an offer of dedication to the public. Where roads are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the road shall be noted on the final plat.
 - (8) *Plat Certificates* As required by section 30-386 below.

Sec. 30-386. - Certificates and Endorsements on Final Plat.

The following certificates and endorsements, where applicable, must be shown on all final plats of subdivisions:

- (1) Certificate of survey and accuracy.
- (2) Professional Land Surveyor's Certification
- (3) Certificate of Floodway Information.
- (4) Certificate of Ownership, Dedication and Maintenance.
- (5) Notice to Homeowners to Connect to Public Utility System.

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- (6) Certificate of Public Utilities
- (7) Certification of Approval of Water Supply and Sewage Disposal System.
- (8) NC Department of Transportation Division of Highways Certification
- (9) Road Maintenance Statement of Understanding.
- (10) Zoning Administrator's certification.
- (11) Review Officer's certification.
- (12) Register of Deed's certification.
- (13) Acceptance of offer of dedication
- (14) Subdivision road disclosure statement
- (15) Additional certifications, statements, or notations necessary.

TABLE 2: CERTIFICATES REQUIRED BY PLAT

Type	Reference Numbers (See the list of required certifications immediately above.)
Exempt	(1) – (5), (7) (10), (11), (12)
Minor	(1) – (7), (10-12) As applicable (6) through (9), (13), (14)
Major	(1) – (13)

Secs. 30-387. - Distribution of Recorded Plat and Recorded Covenants. (Formerly 30-421)

When approved by the Zoning Administrator, the Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator, along with a recorded copy of the required covenants in 30 days, and a blue line copy shall be on file with each of the county departments of environmental health and public utilities.

Secs. 30-388—30-409. - Reserved.

DIVISION 5. - DESIGN OF SUBDIVISIONS

Sec. 30-410. - Intent.

Subdivisions shall be designed with a street and pedestrian network which provides safe, adequate access to all lots within the subdivision. Extension of a public access to an adjoining property should be considered in the subdivision design where a compelling public need is deemed necessary for orderly development of these adjoining properties. However, the design of the local street network in a subdivision should not encourage large amounts of through traffic, the origins and destination of which are external to the subdivision, to use local roads in the subdivision. Due consideration should be given to preserving important natural features, such as trees, ponds,

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streams, lakes, as well as historical sites which are of value to the Town as a whole. Consideration shall also be given to grading to ensure the adequate flow of stormwater on the site, and the retention of stormwater as required by Johnston County Public Utilities Department.

Sec. 30-411. - Applicability of Lot Design Standards.

Each lot in a subdivision shall comply with the lot design standards contained in this division and in Article IV, Design Standards. Newly created or revised lots shall be designed so that any existing structures continue to meet the requirements of this division or so that any existing nonconformity is not increased, enlarged, or extended. The standards of this section, however, do not apply to recreation areas.

Sec. 30-412. - Lot Size Standards.

- (a) Every subdivided lot shall comply with the minimum lot size, lot width, and street frontage standard as stipulated in this Ordinance, as well as the standards of the Johnston County health department for lots not served by a public water and/or sanitary sewer system.¹³
- (b) Lots laid out for commercial or industrial purposes shall be of a size that is adequate to provide for the structure to be located on the site; off-street parking facilities required by the type and use of the development; and any required landscape buffer or screening areas. Lots for residential use shall comply with the provisions of this division.

Sec. 30-413. - Lot and Block Arrangement.

- (a) *Lots.* The arrangement of lots in a subdivision shall comply with the provisions of this division and the regulations of the Town and shall provide vehicular access to buildings on the lot from an approved street.
- (b) *Blocks.* Blocks shall be arranged with special consideration given to the type of land use proposed within the block.
 - (1) Blocks shall not exceed 1,500 feet in length.
 - (2) 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.
 - (3) 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.
 - (4) 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.

Sec. 30-414. - Flag Lots. ¹⁴

- (a) Flag lots and easement access lots shall be permitted only if it can be demonstrated by the applicant that the subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit flagpole lots. Hardships shall include the following:
 - (1) Topographic constraints or irregularly shaped land in which no alternative exists;
 - (2) Natural features such as ponds, streams, wetlands, or buffers exist which would limit street construction and/or lot design;
 - (3) A long narrow parent parcel which would limit alternative designs;
 - (4) A parent parcel that has limited or no direct road frontage which would require the use of a flagpole or easement with no alternative design available;

¹³ Adapted from Johnston County Ordinance Section 14-227.

¹⁴ Similar to Johnston County Ordinance.

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- (5) No alternative access is available or feasible such as a paved subdivision street or cul-de-sac street constructed to NCDOT standards.
- (b) It is the responsibility of the applicant to present evidence to the Zoning Administrator that one or more of the hardships listed in subsection (a) of this section exist.
- (c) Any decision of the waiver described in subsection (a) of this section may be appealed to the Board of Adjustment as described in section 2-46.
- (d) All flag lots or easement access lots within a major subdivision shall meet the following requirements:
 - (1) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
 - (2) The minimum flagpole width shall be 30 feet;
 - (3) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 100 feet;
 - (4) Where public water is available, the occupied building on the flag lot shall be within 500 feet of a fire hydrant. The hydrant shall not be across a street from a proposed flag lot. This distance shall be measured along the street, then along the flagpole, then from the end of the flagpole in a straight line to the building thereon;
 - (5) Where public sewer is available, the occupied building on the lot shall have a gravity service line, or the sewer pump requirements shall be noted on the recorded plat;
 - (6) Use of a single driveway to serve the flag lot and an adjoining lot is permitted and encouraged. In the case of a shared driveway, the location of the driveway shall be on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and
 - (7) Designate the building footprint and orientation of the house on the preliminary plat.
- (e) The flagpole portion of a lot shall not be used to calculate the area, width, or setbacks of the lot for the zoning district in which the lot is located.

Sec. 30-415. – Standards: Access, Circulation and Open Space.

The type and arrangement of streets within a development under this article shall comply with and coordinate with the Town's adopted transportation plan(s); or the decision of the Zoning Administrator. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrian and bicycle traffic. Accommodation for controlled turning movements into and out of the subdivision and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access shall be provided for emergency, service and school bus vehicles.

- (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.
 - (1) *Minimum construction standards.* All roads shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards, and shall:
 - A. 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;
 - B. 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.
 - (2) *Other road requirements.*

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- A. *Permits for connecting to state roads.* An approved permit is required to connect any subdivision street to an existing state 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.
 - B. *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.
 - C. *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of N. C. General Statutes section 136-44.14 and the Americans with Disabilities Act.
 - D. *Mail Box Kiosks:* All mail box kiosks shall meet the USPS Cluster Box Units Concrete Pad Installation – Interim Pad Policy (2/19/2017 or most recent edition) and the NC DOT Policy for Placement of Mail Cluster Box Units (9/1/2015 or most recent edition) and be subject to approval by the N.C. Dept. of Transportation.
 - (3) *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.
 - (4) *Cul-de-sac length.* No residential street terminating in a cul-de-sac shall exceed 1,500 feet in length.
 - (5) *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public street meeting the standards of the latest edition of the NCDOT subdivision roads minimum construction standards.
 - (6) *Direct residential driveway connections.* Subdivisions located on an arterial or collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto the arterial or 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 the collector street.
 - A. Major subdivisions to be located on a local road shall be so designed 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.
 - B. *Subdivision access.* A second full-service access built to the standards of the Johnston County Design manual (as adopted by Town) for the purpose of ingress and egress or emergency access easement will be required when meeting or exceeding the following thresholds:
 - (i) For subdivisions proposing between 100 and 200 lots, the developer has the option of providing a second full-service access built to the standards of the Johnston County Design Standards 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.
 - (ii) For subdivisions proposing 201 lots or more, a second full-service access built to Johnston County Design Standards for the purpose of ingress and egress will be required. In lieu of installation of a second full service access, a dedicated emergency vehicle access must be approved by the Planning Board and constructed as described above with a full service access approved by the Planning Board planned within the subdivision proposal for future development.
- Note: For determining when a second access is required, the count will be cumulative.
- (7) *Subdivision Road Standards.*

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- A. The applicant/developer shall be responsible for ensuring that all dedicated public subdivision streets are successfully accepted by NCDOT for maintenance. The applicant/developer shall be responsible for maintenance of all streets and protection of rights-of-way until such streets are accepted into the state road system.
- B. Where streets are dedicated to the public but not accepted into the state system at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the applicant / developer is ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system.
- C. *Stub out streets.* All stub out streets shall be posted with a sign at least 24 inches X 36 inches in area but no greater than 36 inches X 48 inches with a minimum height of three feet and a maximum height of five feet stating the following: Road subject to future extension for additional lots.
- (b) *Sidewalks.*
 - (1) *Specifications.* Sidewalks or shared use paths (or greenways) will be provided along both sides of new collector and arterial streets as stated in the adopted Bicycle and Pedestrian Plan, Town of Archer Lodge, NC (2020); Sidewalks or shared use paths shall be provided along one side of local streets inside major subdivisions of seven or more lots. Sidewalks and/or greenways will be provided to all required open spaces and public parks, greenways and schools. The Planning Board may adjust the sidewalk requirements to accommodate local conditions. Sidewalks shall be constructed to a minimum width of five 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. All shared use paths (or greenways) shall be constructed in accordance with NCDOT specifications and construction standards (Complete Streets) and the most recent edition of the Town's Bike and Pedestrian Plan.
 - (2) *Protection of significant trees.* Sidewalks and shared use paths (or greenways) shall be meandered as to protect and preserve existing significant trees. "Significant trees" depend on the species and health of the trees. Generally healthy overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant". For that purpose, sidewalks and shared use paths (or greenways) may be placed within a minimum 15-foot-wide public access easement located outside the public right-of-way. In no case shall more than thirty percent of a tree's roots be disturbed.
- (c) *Curb and gutter standards.* When provided or required by either the Planning Board or Town Council, curb and gutters shall be constructed in accordance with plans and profiles meeting NCDOT specifications for curb and gutters.
- (d) *Open space requirements.* All major subdivision residential developments shall provide or dedicate common open space or recreation areas suitable for the residents' common passive or active recreational uses or make a payment in lieu of provision or dedication.
 - (1) *Minimum common open space or recreation area.* Where common open space or recreational area must be provided or dedicated as part of a subdivision residential development, its total land area shall be at least 15 percent of the total gross land area of the development. Where amenities are proposed, a reduction in the required minimum acreage may be approved by the Planning Board. For major subdivisions with less than one acre of open space, the applicant/developer shall provide fee-in-lieu.
 - A. The required open space shall be contiguous, unless it is determined by the Planning Board that the required open space can be split and located at different places in a subdivision. Wherever possible, open space and recreation areas should be located as to abut existing open space in adjacent developments or phases. If a proposed subdivision contains wetlands and/or riparian or stream buffer areas, they must be designated as common open space. Overhead electric utility easements may be designated as common open space if open to the public and approved, in writing, by the electric utility. However, wetlands, riparian or stream buffer areas and overhead electric utility easements will count at fifty percent of their acreage toward the

- amount of required open space. No off-site septic areas for the benefit of residential lots can be included within the open space.
- B. Sidewalks and greenways shall count as a part of the required open space.
 - C. Any proposed reduction or change involving previously recorded open space must be approved by the Town Council. The applicant must provide sufficient information on why the change is requested and why no other alternative exists.
- (2) *Method of provision or dedication.* Land provided or dedicated for common open space or recreation purposes shall be designated on a final plat duly recorded with the county register of deeds. Amenities shall be designated on the final plat and shall be specific as to type of amenity/use. Design criteria can be found in article IV of this chapter. Such common open space land shall be dedicated or deeded to an appropriate public body upon their acceptance, land trust, nonprofit established for the purpose of land conservation or recreational purposes; or create a neighborhood or homeowner's association for the continuing maintenance and control of common open space or recreation area; or, held by the owner for the continuing maintenance and control of common open space or recreation area, subject to a binding agreement with financial surety for such maintenance. Any HOA covenants or binding agreement and the proposed financial security shall be reviewed and approved by Town and Town Attorney prior to recording a final plat.
 - (3) *Payments in lieu of provision or dedication.* In lieu of providing or dedicating common open space or recreation area required pursuant to this section, an applicant/developer of a subdivision may choose to make a payment to the Town. If the required open space to be provided is less than one acre fee-in-lieu shall be required.
 - (4) *Use of Fees-In-Lieu.* The Town shall use such fees only for the acquisition or development of open space, recreation, or park sites to serve residents of the Town. The amount of the payment shall be the product of the total number of proposed dwelling units recorded multiplied by the fee established in the Town's annual schedule of fees. The applicant/developer shall make the payment before approval of a final plat; however, the Zoning Administrator may allow phasing of payments consistent with the approved phasing of the major subdivision.
 - (5) *Access to open space.* All open space must be pedestrian accessible. Open space not contiguous to a proposed subdivision street must have a minimum of an improved 20 - foot fee-simple or easement access.
- (e) An incorporated homeowner's association shall be required for all major residential subdivisions. See section 30-384 for a list of the required covenants to be reviewed and approved by the Town.

Sec. 30-416. - Reserved.

Sec. 30-417. - Reverse Frontage Residential Lots.

For residential developments designed to have the dwelling units face an internal subdivision street and the rear of the dwelling units partially or completely facing an arterial or collector road, the following shall be required:

- (1) Landscape area "A" with the use of an eight-foot landscape berm, decorative wall, or opaque fence; excluding a wooden fence (see article IV of this chapter) is required for lots abutting a collector or arterial street.
- (2) Landscape area "B" with the use of only plant material (see article IV of this chapter) is required for lots abutting all other streets.
- (3) The natural existing vegetation may be used if the density meets or exceeds the landscape area "B" requirements and remains undisturbed.

Sec. 30-418. - Public Water, Fire Hydrants, and Sewer Systems.

Subdivisions that incorporate a public water distributions system and/or a public sewage collection system shall require that all future homeowners connect to the public water and/or sewer system prior to the issuance of a

certificate of occupancy for their principal structure. All subdivisions incorporating a public water distribution system and/or a public sewage collection system shall comply with the standards of the State of North Carolina, Johnston County, and any other public utility providers.

Sec. 30-419. - Other Utilities.¹⁵

For all new developments, except residential subdivisions of four lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

Sec. 30-420. – Outdoor Lighting¹⁶

- (a) In developments contemplating the use of outdoor lighting to ensure the security of property and the safety of persons using such development, streets, sidewalks and facilities, all principal entrances to the development, and internal areas as appropriate, should be sufficiently lighted to ensure the safety of residents and the security of the building.
- (b) All streets within a major subdivision shall incorporate a street lighting system to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.
- (c) Down lighting shall be provided where possible. Overflow lighting shall be prohibited, and all light pollution shall be minimized to the greatest extent practical.

Sec. 30-421. - Reserved.

¹⁵ Duplicate of Sec. 30-203.

¹⁶ Duplicate of Sec. 30-206.

Delete Chapter 30 Appendix Section 30.A4. in its entirety and replace with the following::

Appendix, Sec. 30.A.4 Plat Certificates

- (1)

Certificate of Survey and Accuracy:

I_____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book____, page____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book____, page____; that the ratio of precision or positional accuracy as calculated is____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this day of____, A.D.____.

Seal or Stamp

Professional Land Surveyor
License Number # _____
- (2)

Professional Land Surveyor's Certification:

As denoted by an "X" below, I_____, certify as to the following:

=

a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

=

b. That the survey is in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.

=

c. Any one of the following:

=

(1) That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

=

(2) That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.

=

(3) That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.

=

(4) That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.

=

d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

=

e. That the information available to the surveyor is such that the surveyor is unable to determine to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

(3)

Certificate of Floodway Information:

Property shown hereon_____is/is not located in a FEMA designated flood zone. FEMA Flood Hazard Panel:_____; Effective Date:_____.

Professional Land Surveyor
License Number # _____

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(4)

Certificate of Ownership, Maintenance and Dedication:

I hereby certify that I am the owner (or corporate officer) of the property shown and described hereon, which is located in the zoning and subdivision jurisdiction of Archer Lodge and that I hereby adopt this subdivision plan with my free consent, establish minimum setback lines, and dedicate all streets, alleys, parks and other sites and easements to the public or private as noted. I understand that I am responsible for maintenance of public property shown hereon until it is accepted by the appropriate government entity.

Date_____Owner/Officer of Corporation_____

(5)

Notice to Homeowners to Connect to Public Utility System:

Homeowner is required to connect to public water and/or sewer (where available) before a Certificate of Occupancy is issued for the principle structure and/or any structure served by water and/or sewer.

(6)

Certificate of Approval by Public Utilities:

The Director of Public Utilities for County of Johnston, North Carolina, hereby certifies that this plat meets all Johnston County standards and requirements for public utilities required by the Johnston County ordinances. Upon recordation of this plat, Johnston County accepts the owner's offer of dedication for public water and/or sanitary sewer purposes all easements, common areas, and/or rights-of-way shown and delineated on this plat as dedicated for public utility purposes. No structures or fences shall be placed within the public utility easements. Access to the dedicated areas shall not be blocked or obstructed by any fence or structures unless pre-approved access is provided with a 12' minimum opening gate. The County shall have the right to clear and/or remove any vegetation within the public utility easements. Furthermore, the County will not replace any landscaping (other than grass, which will be replaced with seed) within the public utility easement area disturbed for maintenance of the utilities.

THIS THE_____DAY OF_____, 20____.

COUNTY OF JOHNSTON

By:_____

Director of Public Utilities

(7)

Certification of Approval of Water Supply and Sewage Disposal System:

Certificate of preliminary approval of water supply and sewage disposal systems installed for installation in_____subdivision meet public health requirements as described in Archer Lodge Subdivision regulations. Final approval for individual lots with this subdivision will be based on detailed lot evaluation upon application and submission of plan for proposed use. This preliminary certification is advisory only and confers no guarantee.

Date_____Health Representative_____

Note: Each lot shown hereon may require the use of sewage pumps, low pressure pipe systems, fill systems, innovative systems or any other alternative system type and site modifications specified in the North Carolina Laws and rules for sewage treatment and disposal systems, 15A NCAC 18A Section 1900. The actual system type, design and site modifications will be determined at the time of permitting.

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JUNE 15, 2020

SPECIAL MEETING

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(8) NC Department of Transportation Division of Highways Certification:

Proposed Subdivision Road Construction Standards Certification

Approved: _____
Date District Engineer

Note: Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

Note: Site triangle takes precedent over any sign easement.

Note: Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.

Note: All drainage easements shall be dedicated as public and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures there in, so as to maintain the integrity of the drainage system and insure positive drainage.

Note: All lots shall be served by the internal street system.

(9) Road Maintenance Statement of Understanding:

I, _____ am responsible for the construction, maintenance and required road improvements of the subdivision streets on this plat until the earlier of the follow occurs:

(a) Approved and accepted for permanent maintenance by the North Carolina Department of Transportation as public roads; or

(b) Approved and taken over by the Homeowners Association for private roads permanent maintenance; or

(c) Private road maintenance agreement is signed and recorded by owners of each lot.

Name of Corporation or Owner _____

_____ Developer/Owner/Officer of Corporation
Date

(10) Zoning Administrator's Certification:

Certificate of Approval for Recording – Subdivision Plat

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County. This plat is null and void if not recorded at the Johnston County Deed Registry within sixty (60) days of the date written below.

_____ Zoning Administrator
Date

Certificate of Approval for Recording – Exempt Plat

I hereby certify that this plat is exempt from the Subdivision Regulations with the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County.

_____ Zoning Administrator
Date

(11) Review Officer's Certification:

State of North Carolina
County of _____

I, _____ Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ Review Officer
Date

(12) Register of Deed Certification:

State of North Carolina, Johnston County

This instrument was presented for registration and recording this _____ day of _____, 20____ at _____

_____ by _____
Register of Deeds Asst. Reg of Deeds

Recorded in PB _____ PG _____

(13) Acceptance of Offer of Dedication

NOTE: To be used only if Town Council accepts an offer of dedication.

I hereby certify that all parks and greenways as shown on this plat were accepted, as specified, by the Town Council by a resolution adopted at the meeting held on _____, 2 _____.

_____ Town Clerk
Date

(14) Subdivision Road Disclosure Statement:

Developers are required to give lot purchases a subdivision street disclosure statement pursuant to NC General Statutes section 136-102.6(F)

(15) Additional Certifications, Statements, or Notations necessary.

Notations:

1. Maximum Impervious Surface Per Lot.

2. Designate whether lot is within a protected watershed.

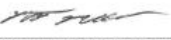
ORDINANCE# AL2020-06-1

Section 2. This ordinance shall become effective on June 15, 2020.

DULY ADOPTED, THIS 15TH DAY OF JUNE 2020.

TOWN OF ARCHER LODGE

(SEAL)


Matthew B. Mulhollem, Mayor

ATTEST:


Kim P. Batten, Town Clerk



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Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Adopted Ordinance# AL2020-06-1 Amending Chapter 30 - Zoning and Subdivisions, Article VI, Subdivisions as presented, and Staff will revisit Section 30-348 and discuss at the July 13, 2020 Regular Town Council Meeting.

CARRIED 4 - 1 (Wilson opposed)

d) Discussion and Consideration of Adopting Budget Amendment (BA 2020 04) for Fiscal Year Ending June 30, 2020

Ms. Batten mentioned that this Budget Amendment will be the final one for the fiscal year ending June 30th and she considered it to be the "clean up budget amendment." She shared that actual Investment Earnings have decreased during the year in all funds but there were some revenues in the General Fund that have increased as noted in the revenue section of the Budget Amendment. She added that the revenue increases allowed for additional appropriations in expenditures for some departments in the General Fund as the other funds only had one or two changes.

Mayor Mulhollem opened the floor for discussion. Having no discussion, Mayor Mulhollem called for a motion.

Adopted Budget Amendment (BA 2020 04) appears as follows:

BA 2020 04

Town of Archer Lodge

Budget Amendment

Fiscal Year Ending June 30, 2020

Budget Amendment #

Date

BA 2020 04

15-Jun-20

General Fund/Capital Reserve Fund/Park Reserve Fund/Public Safety Reserve Fund

Account	Account Number	Budget	Amendment	Amended Budget
Revenues:				
Gen: 2019 Property Taxes	10-3119-0000	728,000.00	4,000.00	732,000.00
Gen: 2019 Vehicle Taxes	10-3119-0120	95,000.00	12,000.00	107,000.00
Gen: Alcohol Beverage Tax	10-3322-0000	20,000.00	2,000.00	22,000.00
Gen: ABC Profits Johnston County	10-3337-0000	26,000.00	10,000.00	36,000.00
Gen: Fee in Lieu of Recreation	10-3345-0000	10,000.00	10,000.00	20,000.00
Gen: Investment Earnings	10-3831-0000	17,000.00	(3,500.00)	13,500.00
Cap Res: Investment Earnings	30-3831-0000	10,000.00	(3,000.00)	7,000.00
Park Res: Investment Earnings	31-3831-0000	5,000.00	(1,000.00)	4,000.00
Park Res: Transfer from Gen Fund 10	31-3900-3910	125,000.00	10,000.00	135,000.00
Public Safety Res: Investment Earnings	32-3831-0000	6,500.00	(1,500.00)	5,000.00
Total Increase (Decrease) in Revenues			39,000.00	
Expenditures:				
Gen/Gov Body: Bereavement/Illness Expenses	10-4110-2600	300.00	800.00	1,100.00
Gen/Admin: Salaries (Part-Time)	10-4120-1220	32,950.00	3,000.00	35,950.00
Gen/Admin: Supplies-Admin	10-4120-2000	2,500.00	500.00	3,000.00
Gen/Pub Bldgs: Repairs & Maintenance Buildings	10-4190-3520	9,000.00	500.00	9,500.00
Gen/Pub Bldgs: Veterans Memorial	10-4190-5200	-	700.00	700.00
Gen/Pub Safety: Contracted Services-AL Fire Dept	10-4300-3500	330,000.00	6,500.00	336,500.00
Gen/Public Works: Supplies-Public Works	10-4510-2000	-	1,000.00	1,000.00
Gen/Plan & Zone: Salaries (Part-Time)	10-4910-1220	44,070.00	5,000.00	49,070.00
Gen/Plan & Zone: FICA Taxes	10-4910-1810	5,200.00	500.00	5,700.00
Gen/Plan & Zone: Contracted Services	10-4910-3500	48,500.00	4,500.00	53,000.00
Gen/Plan & Zone: Legal Advertising	10-4910-3700	1,300.00	1,000.00	2,300.00
Gen/Plan & Zone: Dues & Subscriptions	10-4910-4000	920.00	500.00	1,420.00
Gen/Interfund Transfers: Transfer to Park Reserve Fund 31	10-9900-0031	125,000.00	10,000.00	135,000.00
Cap Res: Transfer to General Fund 10	30-9900-0010	35,000.00	(3,000.00)	32,000.00
Park Res: Recreation Development	31-6120-5500	64,000.00	(64,000.00)	-
Park Res: Transfer to Archer Lodge Town Park Fund 41	31-9900-0041	-	73,000.00	73,000.00
Public Safety Res: Public Safety Development	32-4300-5500	31,500.00	(1,500.00)	30,000.00
Total Increase (Decrease) in Expenditures			\$ 39,000.00	
			\$ -	

Moved by: Council Member Wilson
Seconded by: Council Member Jackson
Adopted Budget Amendment (BA 2020 04) for Fiscal Year Ending June 30, 2020

CARRIED UNANIMOUSLY

3. ADJOURNMENT:

a) Having no further business.

Moved by: Council Member Wilson
Seconded by: Council Member Jackson
Adjourned meeting at 8:23 p.m.

CARRIED UNANOMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



Regular Council - Minutes Monday, July 13, 2020

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson (Remotely)
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Julie Maybee, Town Planner
Marcus Burrell, Town Attorney
Al Benshoff, Special Attorney (Remotely)
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

GUEST PRESENT:

Chuck Hill, Project Engineer, Coulter | Jewell | Thames, PA
Jim Thames, Retired VP/Treasurer, Coulter | Jewell | Thames, PA

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:42 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Council Member Bruton and Council Member Jackson attended remotely via Phone Conferencing and Attorney Benshoff attended remotely via Webex Video Conferencing.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No additions or changes noted.

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. **CONSENT AGENDA:**

a) **Approval of Minutes:
03 Feb 2020 Regular Council Meeting Minutes**

Moved by Council Member Wilson
Seconded by Council Member Purvis
Approved Consent Agenda.

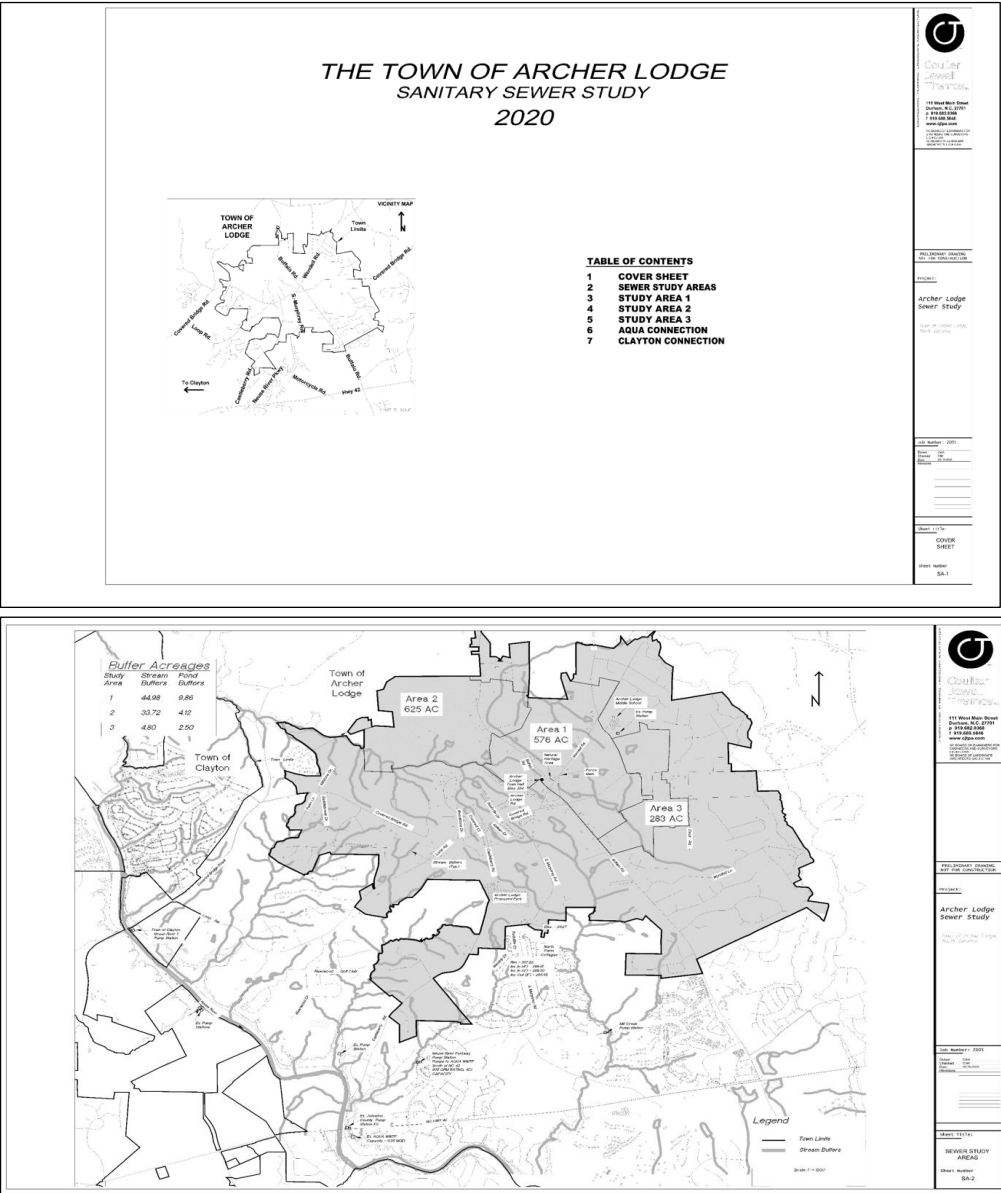
CARRIED UNANIMOUSLY

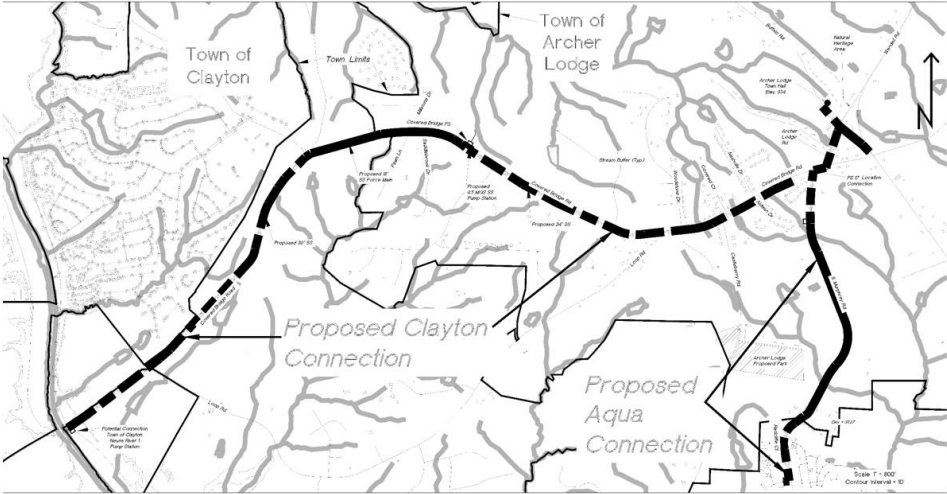
5. **RECOGNITION/PRESENTATION:**

a) **Sewer Feasibility Study Presentation ~ Coulter | Jewell | Thames, PA**

Mike Gordon, Town Administrator, welcomed Mr. Chuck Hill, Project Engineer with Coulter|Jewell|Thames, PA. from Durham, NC to share their results of the Sewer Feasibility Study. Mr. Hill introduced Mr. Jim Thames who recently retired from Coulter|Jewell|Thames, PA as Vice President/Treasurer and added that Mr. Thames was very instrumental in the preparation of the study and chose to attend tonight's meeting in support of the Town.

Following introductions, Mr. Hill shared a PowerPoint presentation to aid him with the Sewer Feasibility Study results and appears as follows:





ESTIMATED CONNECTIONS

Offices at 25 GPD/Person		
Offices	Staff	Avg Daily Flow (GPD)
8	4	800
Restaurant at 40 GPD/Seat		
Restaurants	Seats	Avg Daily Flow (GPD)
6	20	4800
Medical/Vet at 250 GPD/Practitioner		
Offices	Staff	Avg Daily Flow (GPD)
8	4	8000
Stores at 100 GPD/1000 SF		
Stores	SF	Avg Daily Flow (GPD)
2	2500	500
2	4500	900
2	6500	1300
Residential at 120 GPD/Bedroom		
Dwellings	Bedrooms	Avg Daily Flow (GPD)
20	3	7200
Total Avg Daily Flow		23,500 GPD
Peaking Factor		4.0
Peak Flow Rate		94,000 GPD

Recommendation #1

Design and construction of the Aqua Connection. The implementation of the Aqua Connection is expected to provide several years of sewer service with modest growth in portions of Archer Lodge.

Recommendation #2

Design and construction of the Clayton Connection. The implementation of the Clayton Connection is expected to provide many years of sewer service, to potential build-out of the three Study Areas.

Recommendation #3

Utilize the Study provided by Coulter Jewell Thames to manage upcoming system improvements.

Diligent management of the proposed Collection and Pumping Systems will be critical to avoid needless duplications or replacements of these systems in the future.

THANK YOU

Points of Discussion:

- Allows for more development
- Provide residents more goods and services
- Enhance tax base
- Study looked at three areas in Town regarding the following:
 - Areas that are prime for higher development such as commercial or retail, approximately 1,500 acres or 25% of the Town.
 - Location of streams in these areas
 - Number of pump stations and gravity sewers that would be needed.

Recommendations:

- **1st** - Aqua America Sewer System, relatively affordable at a cost of \$1.5M, and allows more goods and services to the residents in the general area for several years of development.
- **2nd** - Town of Clayton Sewer System, higher cost of \$10M but provides a long-term sewer. They are upgrading their plant due to their growth.
- **3rd** - Utilize this Master Plan study to design and plan for upcoming town improvements.

Summary:

- Archer Lodge is a growing area
- Time to plan is now for future years

Mr. Hill expressed appreciation for the opportunity to work with the Town. Discussion followed.

Mr. Thames commended Ms. Maybee, Mr. Gordon, and Ms. Batten for their expertise in working with the Town. He assured everyone that he continued working with Mr. Hill on the study since his retirement. Mr. Thames shared that the purpose of this study was to determine where and how an interceptor sewer system (piping system that carries waste like an interstate to its point of either treatment or the major pump station) can be provided in Archer Lodge. He further added that the town was fortunate to have two ports available: Aqua and Town of Clayton.

Mayor Mulhollem thanked Mr. Thames and Mr. Hill for their work and support. Mr. Gordon asked the Town Council of their thoughts on proceeding forward with the findings and recommendations. Discussion followed.

Town Council agreed for Staff and Legal Counsel to submit a letter of interest to Aqua America, Inc. No action taken.

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

- a) **Discussion and Consideration of Amending Code of Ordinances, Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 3. Procedures for Approval of a Major and/or Commercial Subdivision, Section 30-348 - Traffic Impact Analysis Submittal Requirements and Setting a Public Hearing for Monday, August 3, 2020**

Ms. Maybee referred to the Traffic Impact Analysis (TIA) memorandum dated June 22, 2020 which reflects alternatives for Section 30-348 that were discussed at the Special Meeting held on Monday, June 15, 2020. The TIA memo appears as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
Date: July 9, 2020
From: Julie Maybee, Town Planner
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm
Re: Proposed Revision of Chapter 30 – Zoning and Subdivisions, Article VI – Subdivisions, Division 3. Procedures for approval of a Major and/or Commercial Subdivision, Section 30-348 – Traffic Impact Analysis Submittal Requirements

Background Information:

On Monday, June 15, 2020, the Town Council adopted Ordinance# AL2020-06-1, An Ordinance Amending the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Zoning & Subdivisions, Article VI. Subdivisions and Appendix Section 30-A4.

At the meeting, the Mayor and Council asked staff to develop alternatives to Section 30-348 referenced above pertaining to traffic impact analysis submittal requirements.

Requested Town Council Action:

Staff respectfully requests direction as to whether to pursue options B, or C; and also revisit the issue of requiring off-site improvements to roads identified by the TIA; and, if desired, set a public hearing on an amendments at the next regular Council meeting on Monday, August 3, 2020.

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MEMO

TO: Mayor Matt Mulhollem, Mayor Pro-Tem Clyde Castleberry, Council Members Teresa Bruton, J. Mark Jackson, James Purvis, III, Mark Wilson, Town Attorney Chip Hewett
CC: Town Administrator Mike Gordon, Finance Officer/Town Clerk Kim Batten
FROM: Julie Maybee, Town Planner; Al Benshoff, The Brough Law Firm
RE: CODE OF ORDINANCES Section 30-348 Traffic Impact Analysis (TIA) Submittal Requirement
DATE: June 22, 2020

INTRODUCTION: The Mayor and Council asked the staff to develop alternatives to section 30-348. This memo contains two main alternatives to the adopted ordinance. The recently-adopted ordinance is included for your reference at section A) on page 1. Section B) on page 4 includes a version of Mr. Hewett's suggestions that developers required to select a traffic engineering firm from the Town's short list. In this scenario, the developer will pay for the TIA. One variant not included is Section B) with the developer reimbursing the Town for the cost of the TIA.

Section C) on page 4 is Mrs. Bruton's scenario. In this version the Town selects the traffic engineer and contracts directly with the engineering firm.

The original version of 30-348 appears to have been based on Johnston County's TIA policy. A copy of that policy starts on page 5.

Finally, there is a note from Al Benshoff on page 5 suggesting that we revisit the issue of requiring improvements to roads identified by TIAs.

A) Section 30-348 as adopted with comments by Commissioner Bruton [TB], Al Benshoff [AB] and Julie Maybee [JM].

Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement.

- (a) *Purpose:* Archer Lodge is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.

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June 22, 2020

- (b) *Requirement thresholds:*
- (1) Residential subdivision proposing 100 lots/units or more, no matter how many phases are proposed.

(2) Proposed nonresidential subdivision which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

(3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.
- Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.
- (c) *Retention of expert assistance and reimbursement by applicant*
- (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.

(2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.

(3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by

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- the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.
- (4) The developer may have a TIA conducted by a consultant of his or her choice but will be required to be submitted for review and evaluation by the Town's consultant. *[TB: Recommend that this not be allowed – if hired by the developer, there could be a conflict of interest. JM: I believe the option should exist. We would hire consultant and still review the TIA.]* Any cost associated with the Town's review shall be paid by the developer as described in subsections (c)(2) and (3).
- (d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in section 3 of the Johnston County Land Design Manual. *[TB: Recommend that all TIAs adhere to the current version of the NCDOT Congestion Management's Capacity Analysis Guidelines. AB: The Johnston County Design Manual provides for some local detail that may not be found in the general state model. Please see Section 3. JM: I concur with utilizing the County Design Manual as well.]*
- (e) *Improvement requirements.*
- (1) Left turn lane, right turn lane, and/or right turn taper. Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.

(2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Johnston County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.

(3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements to maintain the road segment or intersection at LOS D must be included. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels *[TB: Will the applicant be required to make these improvements? If so, need to indicate. AB: This is not the place to indicate that improvements are required. This section deals only with what is in the study. Town needs to be careful about requiring off-site improvements given our Supreme Court's decisions. Under the statutes as amended in 2019, if the Town requires something not clearly legal, the Town may end up paying the plaintiff's lawyer's fees.]*

(4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development.

Additionally, the Planning Board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.¹

B) Section 30-348 (c) Retention of Expert Assistance and Reimbursement as suggested by C. Hewett.

(c) *Retention of expert assistance and reimbursement by applicant*

- (1) The Town shall identify consultants and/or experts who are able to prepare, review and evaluate the traffic impact of the proposed development.
- (2) The Town will present a list of the consultants identified in (a) to the applicant. The applicant shall select one firm from the list to conduct a TIA for the applicant's proposed development at the applicant's expense.
- (3) The Town, applicant and consultant shall agree in writing to the scope of work and costs of the TIA. The selected consultant shall provide draft and final versions of the TIA directly to the Town.
- (4) The Town may retain a consultant to review and evaluate the applicant's TIA. Any cost associated with the Town's review shall be paid by the applicant. The applicant will provide funds for the review at step (2) above. The Town will hold the funds in escrow until either used for a TIA review or returned to the applicant.

C) Section 30-348 (c) Retention of Expert Assistance and Reimbursement as suggested by T. Bruton.

(c) *Retention of expert assistance and reimbursement by applicant*

- (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
- (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or

¹ Adapted from Johnston County ordinances (Amend. of 11-8-2004; Amend. of 02-03-2010(2))

consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.

- (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.

D) A note about Sub-Section 30-348 (e) Improvement Requirements.

There are now strict legal restrictions on requiring off-site improvements. DOT should require improvements to DOT roads, so the City will be left with possibly requiring improvements for private roads. This is a topic for another discussion we can have in the future at the appropriate time. AB

EXCERPT FROM JOHNSTON COUNTY DESIGN MANUAL

SECTION 3 - TRAFFIC IMPACT ANALYSIS GUIDELINES

A. INTENT

The intent of this Section is to provide specific guidelines for the completion of a Traffic Impact Analysis (TIA).

B. STANDARDS

- 1) Prior to beginning a TIA, the preparer must meet with Planning staff to determine the scope of the analysis including the appropriate intersections to study, surrounding factors and future developments to consider, proposed NCDOT road projects and any other concerns which may need to be addressed.
- 2) An executive summary shall be provided with the TIA noting the following:
 - a) Name of Development and township location,
 - b) Property owner and developer names,

Memo about TIAs
Page 6 of 7
June 22, 2020

- c) Description of uses proposed,
 - d) Number of lots proposed,
 - e) Number of access points proposed and studied,
 - f) Intersections and streets studied,
 - g) Existing traffic count for road(s) and intersection(s) studied and dates/times counts were conducted,
 - h) Existing and future Level of Service for studied intersections,
 - i) AM and PM Peak Hour Trips,
 - j) Average Daily Trips created by the development at build-out,
 - k) Existing Traffic Accident Counts, and
 - l) Any recommended improvements.
- 3) Studied roads and intersections shall be determined based on 10% contribution by the development to the total traffic counts.
- 4) Studied road segments, intersections, and development access points shall be evaluated based on current traffic counts, projected traffic generated by the development at time of build-out, projected background traffic at time of build-out, and projected traffic counts two years beyond build-out.
- 5) The TIA shall take into account the existing background traffic and growth of such traffic at time of build-out and two years beyond build-out with an annual background traffic growth rate based on townships as follows:
- a) Clayton, Cleveland, Pleasant Grove, Wilders: 9% annual growth rate.
 - b) Banner, Beulah, Elevation, Ingrams, Micro, O'Neals, Pine Level, Selma, Smithfield, Wilson Mills: 5% annual growth rate
 - c) Bentonville, Boon Hill, Meadow: 3% annual growth rate
- 6) Traffic counts no older than one year must be provided for all studied intersections, road segments, and development access points and shall be based on the AM and PM peak hour.
- 7) Number of Daily Trips generated by the proposed development along with AM and PM peak hour trips shall be evaluated by the TIA.
- 8) Studied intersections shall be evaluated based on AM and PM peak hour traffic with Level of Service provided at time of build-out and two years beyond build-out.
- 9) Provide trip distribution for access points and studied intersections.
- 10) TIA shall evaluate sight distances at all proposed access points based on the existing speed limit.
- 11) Evaluate the offset of the proposed access points with existing driveways or streets to ensure the reduction of conflicting movements.
- 12) Traffic accident counts for studied intersections and road segments shall

Memo about TIAs
Page 7 of 7
June 22, 2020

- be evaluated based on the latest records obtained from NCDOT, local law enforcement, and/or the Highway Patrol Office.
- 13) TIA shall take into consideration proposed/planned NCDOT roadway improvement projects, future County Thoroughfare Plan recommendations, and proposed development projects potentially affecting the road network and traffic generation.
- 14) Recommended improvements within the TIA shall take into account the County's *Improvement Requirements* listed in Section 14-366(5) of the Land Development Code. Additional recommended improvements not addressed in the Land Development Code shall be provided to ensure that all the Guidelines within this Section have been addressed.

Mayor Mulhollem referred to the memo and shared that A) was adopted and supplied for reference only. Discussion followed regarding alternatives B) and C). Mayor Mulhollem called for a motion to set a Public Hearing on Monday, August 3, 2020 at the Regular Town Council Meeting.

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Set a Public Hearing to be held on Monday, August 3, 2020 for the purpose of amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 3. Procedures for Approval of a Major and/or Commercial Subdivision, Section 30-348 - Traffic Impact Analysis Submittal Requirements.

CARRIED UNANIMOUSLY

b) Discussion and Consideration of Amending Code of Ordinances, Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 4. Final Plat Approval, Section 30-384 - Required Restrictive Covenants and Review by Town and Setting a Public Hearing for Monday, August 3, 2020

Ms. Maybee reminded Council that at their June 1, 2020 Regular Council meeting, staff was asked to look at ordinance provisions pertaining to subdivision road maintenance responsibilities. She referred Council to the Restrictive Covenants information provided in the agenda on pages 19-21 which details an Applicant/Developer's responsibility prior to the Town approving any final subdivision plat. Ms. Maybee's background information, staff's request and Section 30-384 appears as follows:



TOWN OF ARCHER LODGE
 14094 Buffalo Road
 Archer Lodge, NC 27527
 Main: 919-359-9727
 Fax: 919-359-3333

Mayor:
 Matthew B. Mulhollem

Council Members:
 Clyde B. Castleberry
Mayor Pro Tem
 Teresa M. Bruton
 J. Mark Jackson
 James (Jim) Purvis, III
 Mark B. Wilson

To: Town Council

Date: July 9, 2020

From: Julie Maybee, Town Planner

Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm

Re: Proposed Revision of Chapter 30 – Zoning and Subdivisions, Article VI – Subdivisions, Division 4. Final Plat Approval, Section 30-384 – Required Restrictive Covenants and Review by Town

Background Information:

On Monday, June 15, 2020 the Town Council adopted Ordinance# AL2020-06-1, An Ordinance Amending the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Zoning & Subdivisions, Article VI. Subdivisions and Appendix Section 30-A4.

At the meeting on Monday, June 1, 2020, the Mayor and Council asked staff to look at ordinance provisions pertaining to subdivision road maintenance responsibilities; and also encourage Developers and Homeowner's Associations (HOA) to turn over subdivision roads over to NC Department of Transportation (NCDOT) for maintenance.

On Tuesday, May 19, 2020, Sam Lawhorn, P.E., District 3 Engineer, Highway Division 4, North Carolina Department of Transportation, relayed to staff the following information:

"For a road to be considered for State maintenance, it needs to be a recorded as a public street, have been built to NCDOT standards, meet a minimum housing density of 2 homes

Page 1

per 0.10 miles and in a current acceptable state of maintenance. For us to consider adding a street to the system, it is to first be petitioned by the developer or homeowners by completing a NCDOT SR-1 form located on our website. NCDOT does not review the subdivision at all until this official form is submitted to the NCDOT. Once petitioned we will perform an inspection and provide a list of repairs or discrepancies necessary for either an acceptable state of maintenance or to get the street to meet minimum standards. Once the requirements have been provided, repairs must be performed within 90 days and a follow up inspection must be requested. If all requirements have been satisfied and repairs have been made, the petition will be submitted to the local County Commissioners and NCDOT Board of Transportation for final approval. "

It should be noted, it may take years, if at all, before a subdivision road meets NCDOT criteria and turned over to for maintenance. In the meantime, things can happen – death of the developer or bankruptcy, insufficient funds to bring roads up to NCDOT standards, no restrictive covenants or no homeowner's association etc. Consequently, subdivision roads eventually fall into a state of disrepair.

As conveyed by Attorney Benshoff, "... If NCDOT won't accept the roads, then, eventually they become orphaned unless the homeowners maintain the streets...",

Requested Town Council Action:

Staff respectfully requests Council's input on the restrictive covenants attached (blue text is existing language in Section 30-384) to address concerns referenced above. If desired, model covenants can be also be developed.

If Council concurs, staff requests that a public hearing on draft amendments be set for the next regular Council meeting on Monday, August 3, 2020.

Sec. 30-384. - Required Restrictive Covenants and Review by Town.

- (a) Prior to the approval of any final subdivision plat the applicant/developer shall create a homeowner's association to be responsible for the at least the items listed in this section. The restrictive covenants will contain the model language found in Appendix _____. The proposed restrictive covenants will be reviewed and approved by the Town Attorney. The model language need not be followed, if substantial similar covenants accomplishing the goals of this section are proposed and then approved by the Town Attorney. A copy of the recorded covenants will be provided to the Administrator before the final plat is recorded. If a development is built in phases the covenants will be reviewed and approved before the final plat is issued for the first phase.
- (b) Prior to final approval of any residential major subdivision submitted after the effective date of this ordinance, the applicant/developer shall include in the restrictive covenants a provision that mandates the discharge of firearms is strictly prohibited anywhere in the subdivision or on any adjoining property owned by the developer or Homeowner Association (HOA). Discharging of air guns, air pistols and air rifles, not to exceed a caliber of 0.177, is permitted, as they are not considered firearms within the meaning of this section.
- (c) Prior to the final approval of any major subdivision submitted after _____, 2020, the applicant/developer will meet the following goals regarding ownership, maintenance and repair of the subdivision's rights-of-way, roads, sidewalks, greenways:
 - (1) A homeowner's association will be created by the applicant/developer, known in this subsection as the declarant.
 - (2) Membership in the HOA is mandatory for all current and future property owners for the purpose of maintaining the streets, sidewalks, greenways and related drainage infrastructure.
 - (3) The declarant will own and maintain the roads, sidewalks, greenways and associated drainage infrastructure until such time as the ownership interest is transferred to the HOA;
 - (4) The HOA is responsible for the maintenance and repair of the streets, sidewalks and related drainage infrastructure to NC DOT Standards in the current edition of the "Subdivision Roads Minimum Construction Standards."
 - (5) Each member of the HOA will be assessed annually their pro rata share of the costs of road, sidewalks and greenway maintenance, but in no case less than \$ _____.
 - (6) The assessments will be held in an escrow account. Every year the HOA will report to the town the name of this institution holding the escrow account, the account number the total amount held and the total annual contribution.
 - (7) The HOA or Declarant, whichever the case may be, shall either (i) Petition the NC DOT to assume ownership and maintenance of the rights-of-way, roads, sidewalks greenways and related drainage infrastructure or (ii) Provide that the rights-of-way, roads, sidewalks, greenways and related drainage infrastructure be privately owned and maintained to NC DOT standards in perpetuity.
 - (8) To the extent permitted by law, the HOA cannot dissolve without passing road, sidewalk, greenway and related drainage infrastructure to another legal entity.

Discussion followed about subdivision roads being discussed years ago; however, staff suggested revising the ordinance to include required restrictive covenants which protects the town further. Mayor Mulhollem called for a motion to set a Public Hearing on Monday, August 3, 2020 at the Regular Town Council meeting.

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Set a Public Hearing to be held on Monday, August 3, 2020 for the propose of amending Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 4. Final Plat Approval, Section 30-384 - Required Restrictive Covenants and include any reference items as presented by Staff.

CARRIED UNANIMOUSLY

7. TOWN ATTORNEY'S REPORT:

- a) **Attorney Burrell and Special Attorney Benshoff had no reports.**

8. TOWN ADMINISTRATOR'S REPORT:

- a) Mr. Gordon shared the following:
- Obtaining quotes to connect the sidewalk at the back of Town Hall to the AL Veterans Memorial
 - Planning to place borders around the Veterans Memorial Site as a barrier
 - Advised Council to contact him with any questions/concerns

9. PLANNING/ZONING REPORT:

a) **Planning Activity**

- Ms. Maybee reported the following:
- 41 Zoning Permits issued in FY2019-2020
 - Planning & Zoning emails:
Incoming: 11,859
Responded: 4,181

b) **Projects**

- Ms. Maybee reported the following:
- Updated 2020 Census Information
 - Permit Software is being implemented
 - Planning Board accomplished their goals for the year
 - Continuing to update the Town Ordinances
 - Planning to present the proposed Commercial Design Standards at the July 15, 2020 Planning Board Meeting
 - Planning to present the proposed Commercial Design Standards to the Town Council for consideration at the September 8, 2020 Regular Meeting if the Planning Board recommends approval

c) Code Enforcement

Ms. Maybee provided an updated Code Report and explained the color coding which identifies the status. She asked Council to review and if they have any questions/comments, please contact her.

10. MAYOR'S REPORT:

- a) Mayor Mulhollem had no report. He thanked Staff for their extra hard work over the past several months during the Coronavirus Pandemic and in doing so, the Town Council continued to meet and conduct the Town's business.**
-

11. COUNCIL MEMBERS' REMARKS:

(town related, non-agenda items)

- a) Council Member Wilson asked everyone to stay safe and if possible, please stay at home due to COVID-19.**
-
- b) Council Member Bruton asked Staff to review the time frame in the ordinances that allow citizens time to transition from a single-wide to a double-wide manufactured home.**
-
- c) Council Member Jackson shared that he will have the honor of participating in an Award Ceremony for the WWII Army National Guard unit, 30th Infantry Division, nicknamed "Old Hickory," who after 75 years, will be recognized and awarded the Presidential Unit Citation for their extraordinary heroism at the Battle of Mortain, France in 1944.**
-
- d) Mayor Pro Tem Castleberry mentioned that several homes in the area had been vandalized recently.**
-
- e) Council Member Purvis reminded everyone that early voting begins on October 15, 2020 at the Archer Lodge Community Center and encouraged all to vote.**
-

12. ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem called for a motion to adjourn the meeting.**

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Adjourned meeting at 8:45 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



**Regular Council Meeting &
Public Hearing Minutes on Amending the Code of
Ordinances, Town of Archer Lodge, NC in
accordance with State Law as referenced below:**

1. *Chapter 30, Article VI - Subdivisions, Division 3, Section 30-348 - Traffic Impact Analysis*
2. *Chapter 30, Article VI - Subdivisions, Division 4, Section 30-384 - Required Restrictive Covenants and Review by Town and Appendix*

Monday, August 3, 2020

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Marcus Burrell, Town Attorney
Kim P. Batten, Finance Officer/Town Clerk
Julie Maybee, Town Planner

COUNCIL ABSENT:

GUEST PRESENT:

Boy Scout Troop 421
Kerry Barnes, Animal Control Officer
Lieutenant John LeQuire, Clayton Police Officer

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Council Member Bruton attended remotely via Phone Conferencing.

b) Pledge of Allegiance

Members in attendance with Boy Scout Troop 421 led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No additions or changes noted.

Moved by: Council Member Wilson
Seconded by: Council Member Jackson
Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. RECOGNITION/PRESENTATION:

a) Welcome Officer Kerry Barnes, Archer Lodge's new Animal Control Officer from the Town of Clayton

Mayor Mulhollem introduced the new Archer Lodge Animal Control Officer, Kerry Barnes and welcomed her and Lieutenant John LeQuire, Clayton Police Department to the meeting.

b) Officer Kerry Barnes will be sworn in by Mayor Matthew Mulhollem as our Animal Control Officer.

Animal Control Officer Kerry Barnes, with the support of Lieutenant John LeQuire, was sworn in by Mayor Matthew B. Mulhollem.

The Oath of Animal Control Officer Kerry Barnes appears as follows:

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON
TOWN OF ARCHER LODGE

OATH OF ANIMAL CONTROL OFFICER
TOWN OF ARCHER LODGE

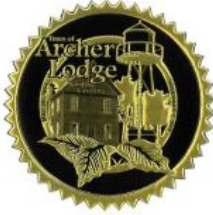
I, **KERRY BARNES**, do solemnly affirm that I will support the Constitution of the United States of America; that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **KERRY BARNES**, do affirm that I will be alert and vigilant to enforce the animal control laws of this municipality; that I will not be influenced in any manner on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as an Animal Control Officer according to the best of my skill, ability, and judgment; so help me God.


KERRY BARNES

Sworn to and subscribed before me
this 3rd day of August 2020.


HONORABLE MATTHEW B. MULHOLLEM
MAYOR



5. PUBLIC HEARINGS,DISCUSSION AND CONSIDERATION:

- a) **PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Article VI-Subdivisions, Division 3. Procedures for Approval of Major and/or Commercial Subdivisions, Section 30-348-Traffic Impact Analysis, clarify provisions pertaining to the retention of expert assistance and reimbursement by applicant.**
1. **Open Public Hearing**
 2. **Staff Report and Planning Board Recommendations**
 3. **Public Comments**
 4. **Close Public Hearing**
 5. **Governing Body**
 - **Discussion and Consideration of Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2020-08-1 Amending Chapter 30, Article VI, Division 3, Section 30-348-Traffic Impact Analysis**

1. Mayor Mulhollem asked for a motion to **Open the Public Hearing.**

2. Staff Report and Planning Board Recommendations

Ms. Maybee read the Staff Report and Planning Board Recommendations for the Proposed Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 3. Procedures for Approval of Major and/or Commercial Subdivisions, Section 30-348 - Traffic Impact Analysis (TIA) Submittal Requirements and appears as follows:



Archer Lodge
North Carolina
10th ANNIVERSARY

TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council

Date: August 3, 2020

From: Julie Maybee, Town Planner

Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm

Re: Proposed Revision of Chapter 30 – Zoning and Subdivisions, Article VI – Subdivisions, Division 3. Procedures for Approval of a Major and/or Commercial Subdivision, Section 30-348 – Traffic Impact Analysis Submittal Requirements

Background Information:

On Monday, June 15, 2020, the Town Council adopted Ordinance# AL2020-06-1, An Ordinance Amending the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Zoning & Subdivisions, Article VI. Subdivisions and Appendix Section 30-A4.

At the meeting, the Mayor and Council asked staff to develop alternatives to Section 30-348 referenced above pertaining to traffic impact analysis submittal requirements.

On July 13, 2020, alternatives were presented to the Council for input (see pages 4-9).

Staff advised Council that the Planning Board would also be reviewing alternatives on Wednesday, July 15, 2020.

After deliberation/direction from Council, a public hearing was set for Monday, August 3, 2020.

Page 1

Planning Board Recommendations Consistency Statement:

The Planning Board finds that the proposed amendments to Chapter 30, Article VI, Subdivisions, Division 3. Procedures for Approval of Major Subdivisions and/or Commercial Subdivision, Section 30-348 - Traffic Impact Analysis (TIA) are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town. Direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

After making consistency statement findings on Wednesday, July 15, 2020, the Planning Board recommended approval of the amendments.

Staff Comments & Recommendations:

Staff concurs with the Planning Board's recommendations and findings.

Requested Town Council Action:

Staff respectfully requests that the Town Council: (1) conduct a public hearing; (2) consider the Planning Board's recommendations; (3) deliberate and make consistency statement findings (draft Town Council Consistency Statement included on page 3 of staff report); and (4) approve the ordinance revisions (see draft Town Council Ordinance #AL2020-08-1).

TOWN COUNCIL DRAFT CONSISTENCY STATEMENT:

The Town Council finds that the proposed amendments to Chapter 30, Article VI, Subdivisions, Division 3. Procedures for Approval of Major Subdivisions and/or Commercial Subdivision, Section 30-348 Traffic Impact Analysis (TIA) are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town. Direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

MEMO

TO: Mayor Matt Mulhollem, Mayor Pro-Tem Clyde Castleberry, Council Members Teresa Bruton, J. Mark Jackson, James Purvis, Mark Wilson, Town Attorney Chip Hewett

FROM: Julie Maybee, Town Planner; Al Benshoff, The Brough Law Firm

RE: CODE OF ORDINANCES Section 30-348 Traffic Impact Analysis (TIA) Submittal Requirement

DATE: June 22, 2020

INTRODUCTION: The Mayor and Council asked the staff to develop alternatives to section 30-348. This memo contains two main alternatives to the adopted ordinance. The recently-adopted ordinance is included for your reference at section A) on page 1. Section B) on page 4 includes a version of Mr. Hewett's suggestions that developers required to select a traffic engineering firm from the Town's short list. In this scenario, the developer will pay for the TIA. One variant not included is Section B) with the developer reimbursing the Town for the

Section C) on page 4 is Mrs. Bruton's scenario. In this version the Town selects the traffic engineer and contracts directly with the engineering firm.

The original version of 30-348 appears to have been based on Johnston County's TIA policy. A copy of that policy starts on page 5. cost of the TIA.

Finally, there is a note from Al Benshoff on page 5 suggesting that we revisit the issue of requiring improvements to roads identified by TIAs.

A) Section 30-348 as adopted with comments by Commissioner Bruton /TB/, Al Benshoff /AB/ and Julie Maybee /JM/.

Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement.

- (a) *Purpose:* Archer Lodge is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.
- (b) *Requirement thresholds:*
 - (1) Residential subdivision proposing 100 lots/units or more, no matter how many phases are proposed.

Page 4

- (2) Proposed nonresidential subdivision which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- (3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.

Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.

- (c) *Retention of expert assistance and reimbursement by applicant*
 - (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
 - (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.
 - (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.
 - (4) The developer may have a TIA conducted by a consultant of his or her choice but will be required to be submitted for review and evaluation by the Town's consultant. *[TB: Recommend that this not be allowed – if hired by the developer, there could be a conflict of interest. JM: I believe the option should exist. We would hire consultant and still review the*

Page 5

TIA.] Any cost associated with the Town's review shall be paid by the developer as described in subsections (c)(2) and (3).

(d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in section 3 of the Johnston County Land Design Manual. *[TB: Recommend that all TIAs adhere to the current version of the NCDOT Congestion Management's Capacity Analysis Guidelines. AB: The Johnston County Design Manual provides for some local detail that may not be found in the general state model. Please see Section 3. JM: I concur with utilizing the County Design Manual as well.]*

(e) *Improvement requirements.*

- (1) Left turn lane, right turn lane, and/or right turn taper. Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.
- (2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Johnston County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
- (3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements to maintain the road segment or intersection at LOS D must be included. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels *[TB: Will the applicant be required to make these improvements? If so, need to indicate. AB: This is not the place to indicate that improvements are required. This section deals only with what is in the study. Town needs to be careful about requiring off-site improvements given our Supreme Court's decisions. Under the statutes as amended in 2019, if the Town requires something not clearly legal, the Town may end up paying the plaintiff's lawyer's fees.]*
- (4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the Planning Board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.¹

B) Section 30-348 (c) Retention of Expert Assistance and Reimbursement as suggested by C. Hewett.

(c) *Retention of expert assistance and reimbursement by applicant*

¹ Adapted from Johnston County ordinances (Amend. of 11-8-2004; Amend. of 02-03-2010(2))

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- (1) The Town shall identify consultants and/or experts who are able to prepare, review and evaluate the traffic impact of the proposed development.
- (2) The Town will present a list of the consultants identified in (a) to the applicant. The applicant shall select one firm from the list to conduct a TIA for the applicant's proposed development at the applicant's expense.
- (3) The Town, applicant and consultant shall agree in writing to the scope of work and costs of the TIA. The selected consultant shall provide draft and final versions of the TIA directly to the Town.
- (4) The Town may retain a consultant to review and evaluate the applicant's TIA. Any cost associated with the Town's review shall be paid by the applicant. The applicant will provide funds for the review at step (2) above. The Town will hold the funds in escrow until either used for a TIA review or returned to the applicant.

C) Section 30-348 (c) Retention of Expert Assistance and Reimbursement as suggested by T. Bruton.

(c) *Retention of expert assistance and reimbursement by applicant*

- (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
- (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.
- (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.

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D) A note about Sub-Section 30-348 (e) Improvement Requirements.

There are now strict legal restrictions on requiring off-site improvements. DOT should require improvements to DOT roads, so the City will be left with possibly requiring improvements for private roads. This is a topic for another discussion we can have in the future at the appropriate time. AB

There are now strict legal restrictions on requiring off-site improvements. DOT should require improvements to DOT roads, so the City will be left with possibly requiring improvements for private roads. This is a topic for another discussion we can have in the future at the appropriate time. AB

EXCERPT FROM JOHNSTON COUNTY DESIGN MANUAL

SECTION 3 - TRAFFIC IMPACT ANALYSIS GUIDELINES

A. INTENT

The intent of this Section is to provide specific guidelines for the completion of a Traffic Impact Analysis (TIA).

B. STANDARDS

- 1) Prior to beginning a TIA, the preparer must meet with Planning staff to determine the scope of the analysis including the appropriate intersections to study, surrounding factors and future developments to consider, proposed NCDOT road projects and any other concerns which may need to be addressed.
- 2) An executive summary shall be provided with the TIA noting the following:
 - a) Name of Development and township location,
 - b) Property owner and developer names,
 - c) Description of uses proposed,
 - d) Number of lots proposed,
 - e) Number of access points proposed and studied,
 - f) Intersections and streets studied,
 - g) Existing traffic count for road(s) and intersection(s) studied and dates/times counts were conducted,
 - h) Existing and future Level of Service for studied intersections,
 - i) AM and PM Peak Hour Trips,
 - j) Average Daily Trips created by the development at build-out,
 - k) Existing Traffic Accident Counts, and
 - a) Existing Traffic Accident Counts, and
 - b) Any recommended improvements.
- 3) Studied roads and intersections shall be determined based on 10% contribution by the development to the total traffic counts.
- 4) Studied road segments, intersections, and development access points shall be evaluated based on current traffic counts, projected traffic generated by the development at time of build-out, projected background traffic at time of build-

Page 8

out, and projected traffic counts two years beyond build-out.

- 5) The TIA shall take into account the existing background traffic and growth of such traffic at time of build-out and two years beyond build-out with an annual background traffic growth rate based on townships as follows:
 - a) Clayton, Cleveland, Pleasant Grove, Wilders: 9% annual growth rate.
 - b) Banner, Beulah, Elevation, Ingrams, Micro, O'Neals, Pine Level, Selma, Smithfield, Wilson Mills: 5% annual growth rate
 - c) Bentonville, Boon Hill, Meadow: 3% annual growth rate
- 6) Traffic counts no older than one year must be provided for all studied intersections, road segments, and development access points and shall be based on the AM and PM peak hour.
- 7) Number of Daily Trips generated by the proposed development along with AM and PM peak hour trips shall be evaluated by the TIA.
- 8) Studied intersections shall be evaluated based on AM and PM peak hour traffic with Level of Service provided at time of build-out and two years beyond build-out.
- 9) Provide trip distribution for access points and studied intersections.
- 10) TIA shall evaluate sight distances at all proposed access points based on the existing speed limit.
- 11) Evaluate the offset of the proposed access points with existing driveways or streets to ensure the reduction of conflicting movements.
- 12) Traffic accident counts for studied intersections and road segments shall be evaluated based on the latest records obtained from NCDOT, local law enforcement, and/or the Highway Patrol Office.
- 13) TIA shall take into consideration proposed/planned NCDOT roadway improvement projects, future County Thoroughfare Plan recommendations, and proposed development projects potentially affecting the road network and traffic generation.
- 14) Recommended improvements within the TIA shall take into account the County's *Improvement Requirements* listed in Section 14-366(5) of the Land Development Code. Additional recommended improvements not addressed in the Land Development Code shall be provided to ensure that all the Guidelines within this Section have been addressed.

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3. Mayor Mulhollem asked if there were any Public Comments.
There were no public comments.

4. Mayor Mulhollem asked for a motion to Close the Public Hearing.

5. Mayor Mulhollem opened the floor for the Governing Body Discussion session:

Consistency Statement

- No discussion regarding the Consistency Statement.

Ordinance# AL2020-08-1

- Council Member Bruton shared her concerns with the changes in the proposed ordinance that could require the developer to be responsible for the cost of a Town preferred TIA Consultant and also risk the possibility of having to incur more cost if the Town requested a review from another TIA Consultant.
- Ms. Maybee responded that the Town's List will consist of qualified TIA Consultants and the Town would initially have a consultation with the developer to discuss the requirements expected. Monies will be in an escrow account to cover the cost of the TIA in the event a review is required.

Having no further discussion, Mayor Mulhollem asked for a motion to adopt the Consistency Statement as written and presented by Staff.

The Adopted Archer Lodge Town Council Consistency Statement appears as follows:

The Town Council finds that the proposed amendments to Chapter 30, Article VI, Subdivisions, Division 3. Procedures for Approval of Major Subdivisions and/or Commercial Subdivision, Section 30-348 Traffic Impact Analysis (TIA) are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town. Direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Having adopted the Consistency Statement, Mayor Mulhollem asked for a motion to Adopt Ordinance# AL2020-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 3. Procedures for Approval of a Major and/or Commercial Subdivision, Section 30-348 - Traffic Impact Analysis.

The Adopted Ordinance# AL2020-08-1 as presented appears as follows:

ORDINANCE# AL2020-08-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 – ZONING AND SUBDIVISIONS,
ARTICLE VI - SUBDIVISIONS , DIVISION 3, SECTION 30-348
TRAFFIC IMPACT ANALYSIS

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 - Zoning & Subdivisions, Article VI. – Subdivisions, Division 3. – Procedures for Approval of a Major and/or Commercial Subdivisions, Section 30-348 Traffic Impact Analysis, subsection (c) is deleted in its entirety and replaced with the following:

(c) Retention of expert assistance and reimbursement by applicant

(1) The Town shall identify consultants and/or experts who are able to prepare, review and evaluate the traffic impact of the proposed development.

(2) The Town will present a list of the consultants identified in (a) to the applicant. The applicant shall select one firm from the list to conduct a TIA for the applicant’s proposed development at the applicant’s expense.

(3) The Town, applicant and consultant shall agree in writing to the scope of work and costs of the TIA. The selected consultant shall provide draft and final versions of the TIA directly to the Town.

(4) The Town may retain a consultant to review and evaluate the applicant’s TIA. Any cost associated with the Town’s review shall be paid by the applicant. The applicant will provide funds for the review at step (2) above. The Town will hold the funds in escrow until either used for a TIA review or returned to the applicant.

Section 2. This ordinance shall become effective upon adoption.

DULY ADOPTED, THIS 3RD DAY OF AUGUST 2020.

TOWN OF ARCHER LODGE

(SEAL)


Matthew B. Mulhollem, Mayor

ATTEST:

Kim P. Batten, Town Clerk



Moved by: Council Member Wilson
Seconded by: Council Member Jackson
Approved to Open the Public Hearing at 6:38 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Approved to Close the Public Hearing at 6:43 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Mayor Pro Tem Castleberry
Adopted the Consistency Statement as written.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Council Member Purvis
Adopted Ordinance# AL2020-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 3. Procedures for Approval of a Major and/or Commercial Subdivision, Section 30-348 - Traffic Impact Analysis as presented.

CARRIED 4 to 1 (Bruton Opposed)

AUGUST 3, 2020

REGULAR COUNCIL MEETING

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- b) **PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Article VI-Subdivisions, Division 4. Final Plat Approval, Section 30-384-Required Restrictive Covenants and Review by Town, clarify/update ordinance provisions pertaining to new major subdivisions addressing ownership, maintenance and repair of the subdivision's right-of-way, roads, sidewalks, and greenways; and add model provisions to Chapter 30, Appendix.**
1. **Open Public Hearing**
 2. **Staff Report and Planning Board Recommendations**
 3. **Public Comments**
 4. **Close Public Hearing**
 5. **Governing Body**
 - **Discussion and Consideration of Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2020-08-2 Amending Chapter 30, Article VI, Division 4, Section 30-384-Required Restrictive Covenants and Review by Town**

1. Mayor Mulhollem asked for a motion to **Open the Public Hearing.**

2. Staff Report and Planning Board Recommendations

Ms. Maybee read the Staff Report and Planning Board Recommendations for the Proposed Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Article VI-Subdivisions, Division 4. Final Plat Approval, Section 30-384 - Required Restrictive Covenants and Review by Town, clarify/update ordinance provisions pertaining to new major subdivisions addressing ownership, maintenance and repair of the subdivision's right-of-way, roads, sidewalks, and greenways; and add model provisions to Chapter 30, Appendix and appears as follows:



TOWN OF ARCHER LODGE
 14094 Buffalo Road
 Archer Lodge, NC 27527
 Main: 919-359-9727
 Fax: 919-359-3333

Mayor:
 Matthew B. Mulhollem

Council Members:
 Clyde B. Castleberry
Mayor Pro Tem
 Teresa M. Bruton
 J. Mark Jackson
 James (Jim) Furvis, III
 Mark B. Wilson

To: Town Council

Date: August 3, 2020

From: Julie Maybee, Town Planner

Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm

Re: Proposed Revision of Chapter 30 – Zoning and Subdivisions, Article VI – Subdivisions, Division 4. Final Plat Approval, Section 30-384 – Required Restrictive Covenants and Review by Town and Chapter 30, Appendix

Background Information:

On Monday, June 15, 2020 the Town Council adopted Ordinance# AL2020-06-1, An Ordinance Amending the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Zoning & Subdivisions, Article VI. Subdivisions and Appendix Section 30-A.4.

At the meeting on Monday, June 1, 2020, the Mayor and Council asked staff to look at ordinance provisions pertaining to subdivision road maintenance responsibilities; and also encourage Developers and Homeowner’s Associations (HOA) to turn over subdivision roads to NC Department of Transportation (NCDOT) for maintenance.

In response, draft ordinance provisions were presented to the Town Council on Monday, July 13, 2020 for input.

Staff advised Council that the Planning Board would also be reviewing the draft provisions on Wednesday, July 15, 2020.

Page 1

After deliberation/direction from Council, a public hearing was set for Monday, August 3, 2020.

NC Department of Transportation Correspondence:

On Tuesday, May 19, 2020, Sam Lawhorn, P.E., District 3 Engineer, Highway Division 4, North Carolina Department of Transportation (NCDOT), relayed to staff the following:

"...For a road to be considered for State maintenance, it needs to be a recorded as a public street, have been built to NCDOT standards, meet a minimum housing density of 2 homes per 0.10 miles and in a current acceptable state of maintenance. For us to consider adding a street to the system, it is to first be petitioned by the developer or homeowners by completing a NCDOT SR-1 form located on our website. NCDOT does not review the subdivision at all until this official form is submitted to the NCDOT. Once petitioned we will perform an inspection and provide a list of repairs or discrepancies necessary for either an acceptable state of maintenance or to get the street to meet minimum standards. Once the requirements have been provided, repairs must be performed within 90 days and a follow up inspection must be requested. If all requirements have been satisfied and repairs have been made, the petition will be submitted to the local County Commissioners and NCDOT Board of Transportation for final approval.... "

Planning Board Recommendations Consistency Statement:

The Planning Board finds that the proposed amendments to Chapter 30, Article VI, Subdivisions, Division 4. Final Plat Approval, Section 30-384 Restrictive Covenants and applicable provisions in the Appendix pertaining to model covenants, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town. Direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

After making consistency statement findings on Wednesday, July 15, 2020, the Planning Board recommended approval of the amendments.

Staff Comments & Recommendations:

It may take years, if at all, before a subdivision road meets NCDOT criteria and turned over to for maintenance. In the meantime, things can happen – death of the developer or bankruptcy, insufficient funds to bring roads up to NCDOT standards, no restrictive covenants or no homeowner's association etc. in place at the time the subdivision plat is recorded. Consequently, subdivision roads eventually often fall into a state of disrepair.

As conveyed by Attorney Benshoff, "... If NCDOT won't accept the roads, then, eventually they become orphaned unless the homeowners maintain the streets...".

The proposed ordinance provisions will help facilitate ongoing maintenance of new major subdivision roads.

Staff concurs with the Planning Board's recommendations and findings.

Requested Town Council Action:

Staff respectfully requests that the Town Council: (1) conduct a public hearing; (2) consider the Planning Board's recommendations; (3) deliberate and make consistency statement findings (draft Town Council Consistency Statement included on page 4 of staff report); and (4) approve the ordinance revisions (see draft Town Council Ordinance #AL2020-08-2).

TOWN COUNCIL DRAFT CONSISTENCY STATEMENT:

The Town Council finds that the proposed amendments to Chapter 30, Article VI, Subdivisions, Division 4. Final Plat Approval, Section 30-384 Restrictive Covenants and applicable provisions in Appendix Section 30-A.5, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town. Direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Page 4

3. Mayor Mulhollem asked if there were any Public Comments.
There were no public comments.

4. Mayor Mulhollem asked for a motion to Close the Public Hearing.

5. Mayor Mulhollem opened the floor for the Governing Body Discussion session:

Consistency Statement

- No discussion regarding the Consistency Statement.

Ordinance# AL2020-08-2

- Council Member Wilson had reservations regarding a developer's ability to meet NCDOT standards for NCDOT to acquire the roads.
- Ms. Maybee responded that before a final major subdivision plat is approved and signed, the Town will require a letter from NCDOT stating that the roads follow the NCDOT standards, inspections have been performed and permits are in place.
- Council Member Bruton shared that she agreed that something should be in place regarding the roads being maintained by NCDOT.
- Ms. Maybee confirmed that only major subdivisions require a Homeowner Association (HOA) and minor subdivisions can be done at another time.
- Attorney Burrell shared information on HOA's and the dissolution of an HOA.
- Ms. Maybee emphasized the importance of Restrictive Covenants because they protect homeowners and the subdivision if the developer goes bankrupt.
- Mayor Mulhollem shared that restrictive covenants will hopefully reduce the risk of roads not being maintained in subdivisions in the future.

Having no further discussion, Mayor Mulhollem asked for a motion to adopt the Consistency Statement as written and presented by Staff.

The Adopted Archer Lodge Town Council Consistency Statement appears as follows:

The Town Council finds that the proposed amendments to Chapter 30, Article VI, Subdivisions, Division 4. Final Plat Approval, Section 30-384 Restrictive Covenants and applicable provisions in Appendix Section 30-A.5, are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town. Direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

Having adopted the Consistency Statement, Mayor Mulhollem asked for a motion to Adopt Ordinance# AL2020-08-2 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 4. Final Plat Approval, Section 30-384 - Required Restrictive Covenants and Review by Town and Chapter 30, Appendix.

The Adopted Ordinance# AL2020-08-2 as presented appears as follows:

ORDINANCE# AL2020-08-2

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 - ZONING AND SUBDIVISIONS,
ARTICLE VI - SUBDIVISIONS, DIVISION 4, SECTION 30-384 AND
CHAPTER 30 APPENDIX

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 - Zoning & Subdivisions, Article VI, Division 4, Section 30-384 and Chapter 30 Appendix as follows:

Delete ordinance text in its entirety in Article VI, Division 4, Section 30-384 and replace with the following:

Sec. 30-384. - Required Restrictive Covenants and Review by Town.

- Prior to the approval of any final subdivision plat the applicant/developer shall create a homeowner's association to be responsible for the at least the items listed in this section. The restrictive covenants will contain the model language found in Appendix Sec. 30-A.5. The proposed restrictive covenants will be reviewed and approved by the Town Attorney. The model language need not be followed, if substantial similar covenants accomplishing the goals of this section are proposed and then approved by the Town Attorney. A copy of the recorded covenants will be provided to the Administrator before the final plat is recorded. If a development is built in phases the covenants will be reviewed and approved before the final plat is issued for the first phase.
- Prior to final approval of any residential major subdivision submitted after the effective date of this ordinance, the applicant/developer shall include in the restrictive covenants a provision that mandates the discharge of firearms is strictly prohibited anywhere in the subdivision or on any adjoining property owned by the developer or Homeowner Association (HOA). Discharging of air guns, air pistols and air rifles, not to exceed a caliber of 0.177, is permitted, as they are not considered firearms within the meaning of this section.
- Prior to the final approval of any major subdivision submitted after August 3, 2020, the applicant/developer will meet the following goals regarding ownership, maintenance and repair of the subdivision's rights-of-way, roads, sidewalks, greenways and related stormwater drainage infrastructure:
 - A homeowner's association will be created by the applicant/developer, known in this sub-section as the declarant.
 - Membership in the HOA is mandatory for all current and future property owners for the purpose of maintaining the streets, sidewalks, greenways and related stormwater drainage infrastructure.
 - The declarant will own and maintain the roads, sidewalks, greenways and associated stormwater drainage infrastructure until such time as the ownership interest is transferred to the HOA or to NCDOT.
 - The HOA is responsible for the maintenance and repair of the streets, sidewalks and related stormwater drainage infrastructure to NC DOT Standards in the current edition of the "Subdivision Roads Minimum Construction Standards."
 - Each member of the HOA will be assessed annually their pro rata share of the costs of road, sidewalks and greenway maintenance and related stormwater drainage infrastructure but in no case less than \$100.

1

ORDINANCE# AL2020-08-2

- (6) The Association shall deposit all assessments for the purpose of maintenance, repair, and upkeep of the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision into a separate account with an accredited, FDIC backed banking institution in the name of the Association. The Association shall file with the Town, by the first day of the calendar year, an annual accounting of said maintenance account.
- (7) The HOA or Declarant, whichever the case may be, shall either (i) Petition the NC DOT to assume ownership and maintenance of the rights-of-way, roads, sidewalks greenways and related stormwater drainage infrastructure or (ii) Provide that the rights-of-way, roads, sidewalks, greenways and related stormwater drainage infrastructure be privately owned and maintained to NC DOT standards in perpetuity.
- (8) To the extent permitted by law, in the event that the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the right-of-ways thereto have not been previously dedicated to the NC DOT, in the event the Association should dissolve, the Association shall transfer any and all ownership interest in the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the right-of-ways thereto, as well as the associated maintenance account as described in Paragraph (6) above, to another legal entity for the purpose of maintenance, repair, and upkeep.

[Space below intentionally left blank]

ORDINANCE# AL2020-08-2

Add to Chapter 30, Appendix the following section:

Sec. 30-A.5. Model Language for Declaration of Restrictive Covenants

**MODEL LANGUAGE FOR
DECLARATION OF RESTRICTIVE COVENANTS**

THIS DECLARATION AND AGREEMENT is entered into this the ____ day of _____, 20____, between (Developer) (hereinafter "Declarant") and all parties hereafter acquiring any of the described property.

WITNESSETH:

WHEREAS, Declarant is the owner and developer of all lots within a subdivision of the Town of Archer Lodge, Johnston County, NC, known as _____ and being that certain tract or parcel more particularly described by map and survey in Plat Book _____, Page _____, of the Johnston County Registry; and

WHEREAS, it is in the best interest of the Declarant and to the benefit, interest, and advantage of every party hereinafter acquiring any of the described property that certain covenants, conditions, easements, assessments, liens, and restrictions governing and regulating the use of the property be established; and

WHEREAS, Declarant desires to provide for the continued ownership, maintenance, and repair of all streets, roads, sidewalks, and greenways together with the associated stormwater drainage infrastructure located in the above-named subdivision; and

WHEREAS, Declarant has caused or will cause to be incorporated under the laws of the State of North Carolina, a non-profit corporation known as "_____" (hereinafter referred to as "Association") for the purpose of exercising the functions aforesaid, and which are hereinafter fully set forth.

NOW, THEREFORE, in consideration of the premises, the Declarant agrees with all parties hereafter acquiring any of the property herein described, that it shall be and is hereby subject to the following restrictions, covenants, conditions, easements, assessments, and liens relating to the use thereof, which shall be construed as covenants running with the land, which shall be binding on all parties acquiring any right, title, or interest in any of the properties and which shall inure to the benefit of each owner thereof.

- (1) **MEMBERSHIP:** Every person who is a record owner of a fee or undivided fee interest in any lot which is subject to assessment by the Association, including contract sellers, but excluding persons who hold an interest merely as security for the performance of any obligations, shall be a member of the Association. Ownership of such interest shall be the sole qualification for such membership. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment. Membership in the Association is mandatory and may not be waived by the Association for any such owner.

ORDINANCE# AL2020-08-2

- (2) **OWNERSHIP OF STREETS, ROADS, SIDEWALKS, AND GREENWAYS:** The Declarant shall own and maintain the streets, roads, sidewalks, and greenways together with the associated stormwater drainage infrastructure of the subdivision until such a time that the ownership interest in the above shall be transferred to the Association or to NC DOT.
- (3) **MAINTENANCE, REPAIR, AND UPKEEP OF STREETS AND ROADS:** Until such a time that the ownership interest in the streets and roads of the subdivision shall be transferred to the Association or NC DOT, the Declarant shall maintain and repair said streets and roads in the subdivision at a minimum of NC DOT standards as set forth in the most current edition of the "Subdivision Roads Minimum Construction Standards." In the event that, and after such a time that, the ownership interest in the streets and roads of the subdivision has been transferred to the Association, the Association shall maintain and repair said streets and roads in the subdivision at a minimum of NC DOT standards as set forth in the most current edition of the "Subdivision Roads Minimum Construction Standards."
- (4) **ASSESSMENTS FOR MAINTENANCE, REPAIR, AND UPKEEP OF STREETS, ROADS, SIDEWALKS, AND GREENWAYS:** Each member of the Association shall be required to pay an annual assessment for their pro rata share of the costs of maintenance, repair, and upkeep of the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision, with a minimum annual payment of \$ ____.
- (5) **MAINTENANCE ACCOUNT:** The Association shall deposit all assessments for the purpose of maintenance, repair, and upkeep of the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision into a separate account with an accredited, FDIC backed banking institution in the name of the Association. The Association shall file with the Town, by the first day of the calendar year, an annual accounting of said maintenance account.
- (6) **CONTINUED STREET, ROAD, SIDEWALK, AND GREENWAY MAINTENANCE:** Either the Declarant or the Association, whichever shall possess the ownership interest in the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure, shall either (i) Petition the NC DOT to assume ownership and maintenance of the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the right-of-ways thereto, or (ii) Provide that the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the right-of-ways thereto shall be privately owned and maintained to NC DOT standards as set forth in the most current edition of the "Subdivision Roads Minimum Construction Standards" by the Association, its successors or assigns, in perpetuity.
- (7) **TRANSFER OF OWNERSHIP INTEREST UPON DISSOLUTION OF ASSOCIATION:** To the extent permitted by law, in the event that the streets, roads, sidewalks, and greenways together with associated stormwater drainage infrastructure of the subdivision and the right-of-ways thereto have not been previously dedicated to the NC DOT, in the event the Association should dissolve, the Association shall transfer any and all ownership interest in the streets, roads, sidewalks, and greenways

ORDINANCE# AL2020-08-2

- together with associated stormwater drainage infrastructure of the subdivision and the right-of-ways thereto, as well as the associated Maintenance Account as described in Paragraph (5) above, to another legal entity for the purpose of maintenance, repair, and upkeep.
- (8) **FIREARMS:** The discharge of firearms of any kind is strictly prohibited anywhere in the subdivision or on any adjoining land owned by the Association, a member of the Association, or the Declarant. Discharging of air guns, air pistols, and air rifles, not to exceed a caliber of 0.177, is permitted, as they are not considered firearms within the meaning of this section.

Section 2. This ordinance shall become effective on August 3, 2020.

DULY ADOPTED, THIS 3RD DAY OF AUGUST 2020.

TOWN OF ARCHER LODGE

(SEAL)

Matthew B. Mulhollem, Mayor

ATTEST:

Kim P. Batten, Town Clerk



Moved by: Council Member Wilson
Seconded by: Council Member Jackson

Approved to Open the Public Hearing at 6:52 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Mayor Pro Tem Castleberry

Approved to Close the Public Hearing at 7:14 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Purvis
Seconded by: Council Member Jackson

Adopted the Consistency Statement as written.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Adopted Ordinance# AL2020-08-2 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI - Subdivisions, Division 4. Final Plat Approval, Section 30-384 - Required Restrictive Covenants and Review by Town and Chapter 30, Appendix.

CARRIED 4 TO 1 (Wilson Opposed)

6. TOWN ATTORNEY'S REPORT:

- a) **On behalf of Attorney Hewett, Attorney Burrell discussed the need for having a Title VI Civil Rights Act Policy/Resolution for the Town since the Town received the Bicycle and Pedestrian Grant from NCDOT/Federal funds.**

7. TOWN ADMINISTRATOR'S REPORT:

- a) **Mr. Gordon reported the following:**

- Regarding the Sewer Study, a Letter of Interest has been sent to Aqua America, Inc., Water Utilities Company as directed by Council.
- Reviewing quotes for the Sidewalk Project that will provide access from the back of Town Hall to the Archer Lodge Veterans Memorial.
- Town sent sympathy flowers to the families of Mr. W.R. Dean, former Planning Board and Board of Adjustment member and Mrs. Jean Moore, mother of Lisa Barnes, former employee/volunteer for the Town. Cards of appreciation have been received.
- Town Hall will delay opening Tuesday, August 4, 2020 due to Hurricane Isaias.

8. FINANCIAL/TOWN CLERK'S REPORT:

- a) **Preliminary June 30, 2020 Interim Financials & Year-to-Date Comparison (FY19 compared to FY20)**

Ms. Batten provided a preliminary summary for all funds for fiscal year ending June 30, 2020. She mentioned that additional revenues will be received for that period through September 15, 2020 such as sales taxes and utility franchise sales taxes. In addition, she shared that additional expenditures for that same period will be paid by September 30, 2020. Preliminary figures currently demonstrate an increase in fund balances for all funds and she anticipated that the audit will show increases as well.

Comparing preliminary financials for June 2020 with June 2019, Ms. Batten noted that the net difference between revenues and expenditures shows an increase in June 2020 by approximately \$27,000. She shared that the audit for both years would detail the actual difference. No further comments or discussion.

9. PLANNING/ZONING REPORT:

a) Planning Activity

- Ms. Maybee reported the following:
- Johnston County is ranked at the top with population growth and the projection over the next ten years shows a 27% increase.
 - Fiscal Year 2019-2020:
 - 14 Permits for Single-Family Homes with the majority issued in Woodfin Subdivision.
 - Bittle Creek Subdivision in final stages of development.
 - Vinson Park Subdivision is still underway.
-

b) Projects

- Ms. Maybee shared some accomplishments during Fiscal Year 2019-2020:
- Joint Town Council/Planning Board Meeting held.
 - Majority of Planning Board Goals accomplished with implementation underway.
 - Updating of ordinances to comply with new General Statue 160D is progressing.
 - Bicycle and Pedestrian Plan adopted.
 - Updated the 2020 Census Information.
 - Edmunds GovTech Permitting Software is progressing.
 - Continuing to develop partnerships with Town of Clayton Animal Control, Environmental Development, Public Utilities, NCDOT, Johnston County Tax Office, Register of Deeds, Appraisal Office and other Johnston County Agencies.
 - Staying up to date with CAMPO, Boundary & Annexation Surveys, and Residential Code Reports.
 - Continuing to review Major/Minor Exempt Plats as of July 1, 2020.
 - The Town of Lodge Addressing Project is completed.

In addition, Ms. Maybee noted that her goal is that NCDOT paves roads each year in Archer Lodge and she will check the NCDOT list of roads that are on schedule for paving.

c) Code Enforcement

- Ms. Maybee shared that the following code enforcement violations have been reported:
- Tall grass
 - Pile of refuse in yard
 - Trees cut down causing drainage issues
- She shared that these items are being addressed as noted in the Code Report provided to Council.
-

10. MAYOR'S REPORT:

a) Mayor Mulhollem reported the following:

- Recognized Council Member Wilson for being elected as 2nd Vice Chair on the Triangle J Council of Governments (TJCOG) Board of Officers. He was formerly the Secretary.

- State of Emergency was declared due to Hurricane Isaias on Monday, August 3, 2020 at 4:30 p.m. and appears as follows:

**PROCLAMATION
DECLARING A STATE OF EMERGENCY
IN THE TOWN OF ARCHER LODGE**

WHEREAS, Hurricane/Tropical Storm Isaias may cause widespread damage in the Town of Archer Lodge; and

WHEREAS, because of the above-described disaster, I have determined that there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities will be unable to maintain public order or afford adequate protection for lives or property; and

WHEREAS, declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the Town of Archer Lodge under Article 1A of Chapter 166A of the North Carolina General Statutes and Chapter 10, Article II, Sec. 10-20 – State of Emergency of the Town of Archer Lodge Code of Ordinances:

Section 1. A State of Emergency is hereby declared within the jurisdiction of the Town of Archer Lodge.

Section 2. The emergency area covered by this state of emergency shall be within the entire Town of Archer Lodge.

Section 3. Restrictions and prohibitions under Chapter 10, Article II, Sec. 10-23 – Restrictions during Emergency of the Town of Archer Lodge Code of Ordinances may be later proclaimed during the continued or threaten existence of a State of Emergency

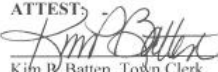
Section 4. I hereby order all Town of Archer Lodge employees and all other emergency management personnel subject to our control to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the Johnston County Emergency Operations Plan.

Section 5. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk of the Town of Archer Lodge Town Council and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

Section 6. This declaration shall take effect on Monday, August 3, 2020 at 4:30 p.m. and shall remain in effect until modified or rescinded.

Duly proclaimed this 3rd day of August 2020.

ATTEST:



Kim W. Batten, Town Clerk





Matthew B. Mulhollem, Mayor

In closing, Mayor Mulhollem hoped everyone would remain safe.

11. COUNCIL MEMBERS' REMARKS:

(Town related, non-agenda items)

- a) Council Member Wilson shared that he appreciated the recognition and noted that he enjoyed being a member of TJCOG.
- b) Council Member Jackson shared that it was an honor participating in the presentation of the Presidential Unit Citation to the WWII National Guard Unit, 30th Infantry Division, nicknamed "Old Hickory."
- c) Mayor Pro Tem Castleberry asked everyone to stay safe during Hurricane Isaias.
- d) Council Member Purvis shared safety concerns as well for upcoming Hurricane/Tropical Storm Isaias.
- e) Council Member Bruton had no remarks.

12. ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem asked for a motion to adjourn the meeting.

Moved by: Council Member Jackson
Seconded by: Council Member Purvis
Adjourned Meeting at 7:43 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



**Regular Council - Minutes
Tuesday, September 8, 2020**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry (Remotely)
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Marcus Burrell, Town Attorney
Kim P. Batten, Finance Officer/Town Clerk
Julie Maybee, Town Planner

COUNCIL ABSENT:

GUESTS PRESENT:

Chad Meadows, CodeWright Planners, LLC

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:33 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

Due to the State of NC Guidelines and to limit the spread of Coronavirus (COVID-19) Mayor Pro Tem Castleberry and Council Member Bruton attended remotely via phone conferencing.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No additions or changes noted.

Moved by: Council Member Wilson
Seconded by: Council Member Purvis

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. **CONSENT AGENDA:**

- a) **Approval of Minutes:**
29 Feb 2020 Budget Planning Retreat ~ FY 2020/2021
02 Mar 2020 Regular Council Meeting Minutes
06 Apr 2020 Regular Council Meeting Minutes

Council Member Bruton commented that she's aware that staff remains busy; however, approving minutes older than six months is hard.

Moved by: Council Member Wilson
Seconded by: Council Member Jackson

Approved Consent Agenda.

CARRIED 4 to 1 (Bruton opposed)

5. **RECOGNITION/PRESENTATION:**

- a) **Commercial Building Design Standards ~ Julie Maybee, Town Planner & Chad Meadows, CodeWright Planners, LLC**

Ms. Maybee shared some background information followed by a brief overview which appears as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
Date: September 8, 2020
From: Julie Maybee, Town Planner; Chad Meadows, CodeWright Planners, LLC
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, The Brough Law Firm
Re: Proposed Revision of Chapter 30 – Zoning and Subdivisions, Article IV – Design Standards, Section 30-208 – Commercial Building Design Standards

Background Information:

At the Town Council's Budget Planning Retreat on Saturday, February 29, 2020, Staff presented the Planning Board's goals for the upcoming year that included, but not limited to, the development of commercial design standards.

Chad Meadows, AICP, CodeWright Planners, LLC, discussed the development of commercial design standards for Archer Lodge with the Town Council at the work session meeting on Monday, June 15, 2020. Below is a link to his presentation:

<https://townofarcherlodge.civicweb.net/document/13020/Archer%20Lodge%20Commercial%20Design%20Standards%20Discussio.pdf?handle=67308F7817344E72A45084D84A830D66>

Page 1

As conveyed by Mr. Meadows, design standards benefit a community by:

- Protecting community character
- Enhancing property values
- Encouraging desirable development
- Establishing/promoting a "Sense of Place", and
- Doesn't limit development – seek to control its impacts

The standards will be included in a new set of proposed zoning ordinance amendments that will be forwarded to Planning Board/Town Council later this month.

These standards include cross-reference placeholders shown in yellow highlight. The correct citation number for the referenced section will need to be inserted once this text is located in the ordinance.

The draft includes footnotes at the bottom of each page that provide background or pose questions for the Town to consider. Footnotes should be deleted from the draft when consolidated with the other material in the ordinance.

Planning Board Recommendation:

The proposed commercial design standards were considered by the Planning Board on July 15, 2020. The Board made consistency statement findings and recommended approval. Suggested revisions were addressed/incorporated into the revised text.

Requested Town Council Action:

No action is requested at this time. The draft commercial design standards will be incorporated into a new set of proposed zoning ordinance amendments complying with NC General Statute 160D, as amended.

Ms. Maybee reintroduced Mr. Chad Meadows to Council for his portion of the agenda. In assisting Mr. Meadows with his Revised Draft of Archer Lodge Commercial Design Standards dated 7-16-20, he provided the following PowerPoint presentation:



Guiding Principles

2

For Commercial Design Standards

- Keep it simple
- Provide clear, quantitative requirements
- Avoid vague guidelines or suggestions
- Regulate only those elements with the most impact on development quality

Timeline

3

Click to add text

TASK #	DESCRIPTION	TIMING
1. Initial Presentation	Discussion with Town Council	June 15
2. Draft Standards	Purpose, applicability, site configuration, building configuration, illustrations, incentives(?), definitions	July 7
3. Discussion	Address staff comments on draft	July 9
4. Presentation	To Planning Board	July 15
5. Revision	Addressed comments	July 16
6. Final Presentation	To Town Council	September 8

Section 30-208. Commercial Design Standards

4

Archer Lodge Commercial Design Standards
Initial Draft 7-8-20

Sec. 30-208 Commercial Design Standards¹

(a) Purpose and Intent

These commercial design standards supplement the applicable zoning district and use-specific standards of this Ordinance and provide minimum requirements for the design of commercial development. These standards are intended to provide clarity to the Town's requirements for new commercial development quality and appearance. More specifically, the purpose of these standards is to:

- (1) Impart the public perception from the Comprehensive Plan quality perception of the desired small-town community character;
- (2) Foster a fair and consistent application of the commercial design standards to new development and redevelopment;
- (3) Foster historical compatibility between commercial development and nearby residences;
- (4) Encourage the maintenance of a village atmosphere; and
- (5) Preserve property values and protect existing public and private investments.

(b) Applicability

The standards in this section shall be applied to the following forms of development and land use activities:

- (1) New Commercial Development. The establishment of new principal structures containing or intended for a commercial office, personal service, retail, restaurant, or light industrial use type, as identified in the principal table of uses found in this Ordinance;
- (2) Changes in Use. Changes in use of an existing principal building on development site where the new use is subject to these commercial design standards that are different in use type or appearance are presumed shall comply with the requirements of **Section 30-208(a) Purpose and Intent** and are not required to comply with the standards in **Section 30-208(b) Building Configuration**;
- (3) Addition and Expansion to Existing Development. Addition to an existing commercial building's floor area or commercial site's impervious surface by 75 percent or more beyond that in existence as the effective date of these standards shall require full compliance with these provisions;
- (4) Redevelopment of Existing Buildings. Reconstruction or redevelopment of an existing commercial building shall be treated as new development for the purposes of these standards.

(c) Exceptions

The standards in this section shall not apply to the following forms of development:

- (1) Commercial development existing prior to effective date of these standards unless subject to redevelopment, addition, or expansion;
- (2) Commercial development taking place as part of a house flip item;
- (3) Commercial development subject to a historic landmark designation or subject to standards applicable to a local historic district; and
- (4) Development of civic, religious, or historical organizations use types.

(d) Timing of Review

¹These standards are developed based on the presentation given to the Archer Lodge Town Council on 6.15.20 and is discussed with Town Staff on 6.23.20.

This language anticipates the development of a commercial design use table if such table is not prepared, this section needs to be revised to take specific use types from the zoning district language.

CodeWright Planners Page 2

- A. Purpose & Intent
- B. Applicability
- C. Exemptions Standards
- E. Site Configuration
- F. Building Configuration
- G. Definitions

30-208(a) Purpose & Intent (pg. 2)

5

Click to add text

- Protect small-town community character
- Fair and consistent application of standards
- Foster compatibility between commercial and adjacent residential
- Maintain village atmosphere
- Protect property values

30-208(b) Applicability (pg. 2)

6

- Click to add text
- ☐ New Commercial Development
 - ☐ Changes in Use
 - ☐ Subject to site configuration standards only
 - ☐ Additions & Expansions
 - ☐ Full compliance for increases of 51% +
 - ☐ Reconstruction

30-208(c) Exemptions (pg. 2)

7

- Click to add text
- ☐ Prior existing commercial development
 - ☐ Commercial buildings on a farm
 - ☐ Historic landmarks
 - ☐ Civic, religious, fraternal organizations
 - ☐ Adult & gaming uses exempted from transparency requirements

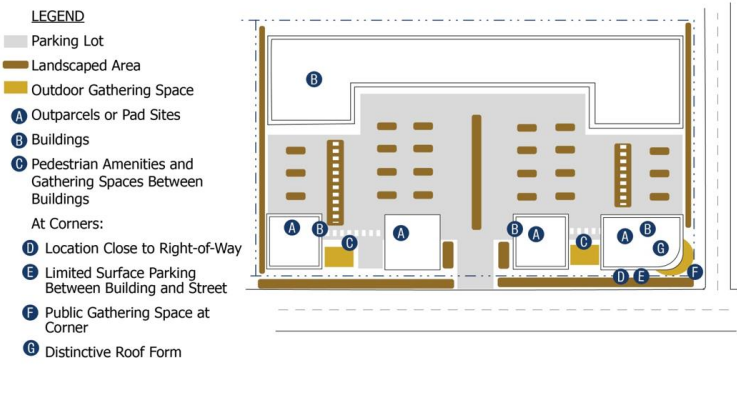
30-208(e) Site Configuration (pg. 3)

8

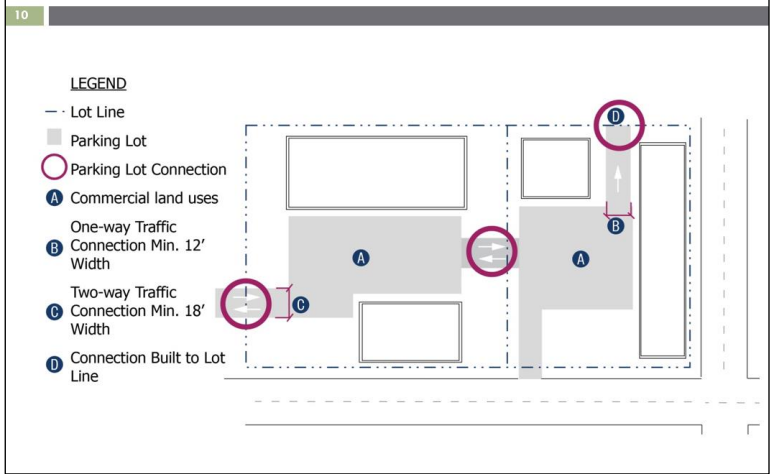
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- ☐ Building Placement
 - ☐ Outparcel Development
 - ☐ On-Site Circulation
 - ☐ Off-Street Parking Location
 - ☐ Signage
 - ☐ Service Areas
 - ☐ Equipment Screening
 - ☐ Stormwater
 - ☐ Utilities

Outparcel Development

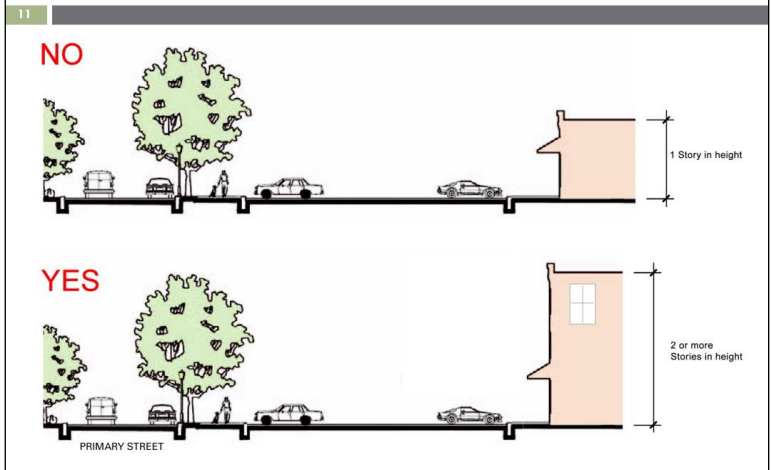
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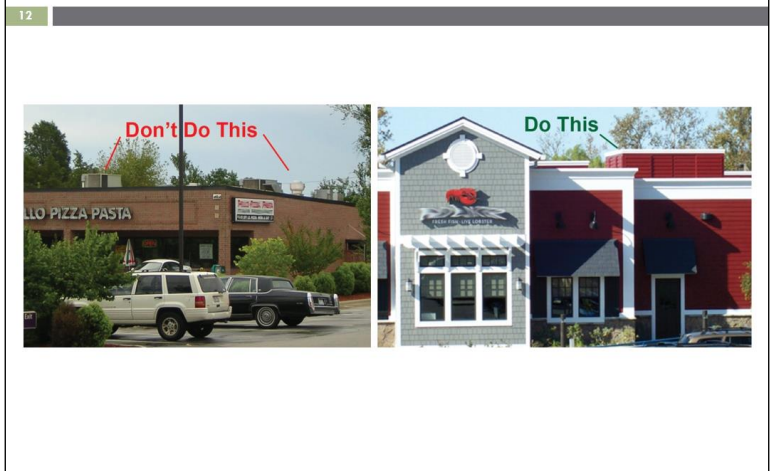
Parking Lot Connections



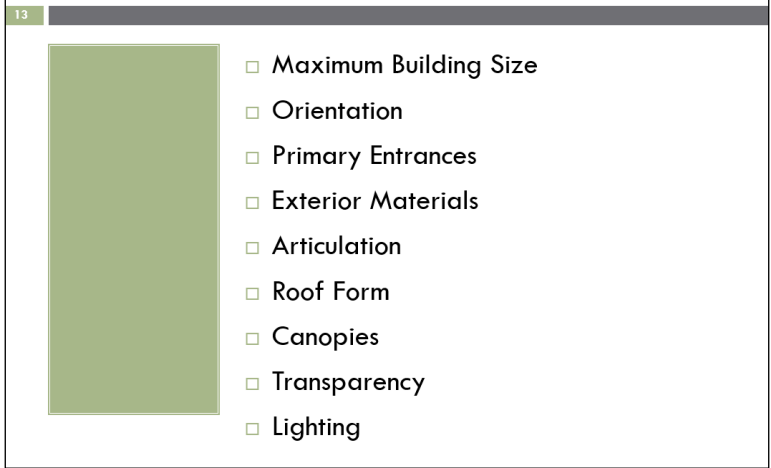
Parking Placement



Rooftop Screening



30-208(f) Building Configuration (pg. 7)



Building Orientation

14

LEGEND

- A Primary Entrance On Front Facade Facing Primary Street
- B Front Facade Parallel to Front Lot Line and Street

Primary Entrances

15

LEGEND

A Change in Building Material or Color	E Canopy, Gallery or Arcade
B Change in Paving Material	F Architectural Detail Such as Tile Work
C Significant Architectural Feature	G Landscaping Planter
D Projections or Recesses	H Outdoor Pedestrian Gathering Area

Exterior Materials

16

LEGEND

- A Heavier Materials Below Lighter Materials
- B Heavier Materials around Doors and Windows
- C Material Changes at Logical Locations

Articulation

17

LEGEND

- A Primary Facade
- B Recess
- C Projection
- Primary Facade Plane

Transparency

18

EXAMPLE

First Floor Facade: 10' x 20' = 200 sf

Transparency:
2 Windows at 28 sf Each = 56 sf
Glass Door & Transom = 27 sf

First Floor Facade Transparency:
83' ÷ 200' = 41.5%

(Minimum First Floor Facade Transparency Requirement: 25%)



Definitions

19

Archer Lodge Commercial Design Standards	
Revised Draft 7-16-20	
1	
ACCESSORY BUILDING	As applied in the commercial design standards, a detached structure or outbuilding, separate from the principal structure, used for storage, parking, or other purposes, and not a part of the principal structure.
ADDITION OR EXPANSION	As applied in the commercial design standards, an addition or expansion to an existing building or structure.
ADJACENT	As applied in the commercial design standards, a parcel of land or building that is adjacent to another parcel of land or building.
ADOPTED POLICY GUIDELINES	As applied in the commercial design standards, a set of guidelines that are adopted by the City of Archer Lodge, and which are used to guide the design and construction of buildings and structures.
ARCHITECT	As applied in the commercial design standards, a person or firm that is responsible for the design and construction of a building or structure.
ARTERIAL STREET	As applied in the commercial design standards, a street that is used for through traffic and is the principal means of access to a building or structure.
ARTICULATION	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
BUILDING	As applied in the commercial design standards, a structure that is used for housing, business, or other purposes, and which is a part of the principal structure.
BUILDING PROTECTION	As applied in the commercial design standards, a design element that is used to protect a building or structure from fire, theft, or other hazards.
BUILDING RECEIPT	As applied in the commercial design standards, a document that is used to record the receipt of a building or structure.
BUILDING WINGS	As applied in the commercial design standards, a part of a building that is used for a specific purpose, and which is a part of the principal structure.
BUMP OUT	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
CANOPY	As applied in the commercial design standards, a design element that is used to provide shelter from the sun or rain.
CHANGE OF USE	As applied in the commercial design standards, a change in the use of a building or structure.
COLLECTOR STREET	As applied in the commercial design standards, a street that is used for local traffic and is the principal means of access to a building or structure.
COMPLEMENTARY PLANT	As applied in the commercial design standards, a plant or tree that is used to complement the design of a building or structure.
CodeWright Planners	

Archer Lodge Commercial Design Standards	
Revised Draft 7-16-20	
1	
CORNER	As applied in the commercial design standards, a corner of a building or structure.
DEVELOPMENT	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
EAVE	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
FACADE WALL	As applied in the commercial design standards, a wall that is used to create a sense of movement and rhythm in a building or structure.
FALSE WINDOW OR DISPLAY CASE	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
FACADE	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
FRONT FACADE	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
GABLE	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
GATED DRIVEWAY OR AREA	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
GLAZING	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
GRASSYOUS PLANT	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
LED LIGHTING	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
LOCAL STREET	As applied in the commercial design standards, a street that is used for local traffic and is the principal means of access to a building or structure.
MECHANICAL	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
OFFICE	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
OUTDOOR DISPLAY	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
OUTDOOR STORAGE	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
OUTPAVE DRIVEWAY	As applied in the commercial design standards, a design element that is used to create a sense of movement and rhythm in a building or structure.
CodeWright Planners	

Discussion

20



The Revised Draft of Archer Lodge Commercial Design Standards dated 7-16-20 that was provided to Council appears as follows:

Archer Lodge Commercial Design Standards

Revised Draft 7-16-20

Sec. 30-208. Commercial Design Standards:¹

- (a) Purpose and Intent
- These commercial design standards supplement the applicable zoning district and use-specific standards of this Ordinance and provide minimum requirements for the design of commercial development. These standards are intended to provide clarity on the Town's expectations for new commercial development quality and appearance. More specifically, the purpose of these standards is to:
- (1) Implement the policy guidance from the Comprehensive Plan regarding protection of the desired small-town community character;
 - (2) Assure a fair and consistent application of the commercial design standards to new development and redevelopment;
 - (3) Foster increased compatibility between commercial development and nearby residences;
 - (4) Encourage the maintenance of a village atmosphere; and
 - (5) Promote property values and protect existing public and private investment.
- (b) Applicability
- The standards in this section shall be applied to the following forms of development and land use activities:
- (1) New Commercial Development. The establishment of new principal structures containing or intended for a commercial, office, personal service, retail, restaurant, or light industrial use type, as identified in the principal table of uses found in this Ordinance.²
 - (2) Changes in Use. Changes in use of an existing principal building or development site where the new use is subject to these commercial design standards but no additions or expansions are proposed shall comply with the requirements in [Section <>, Site Configuration](#), but are not required to comply with the standards in [Section <>, Building Configuration](#).
 - (3) Additions and Expansions to Existing Development. Increases in an existing commercial building's floor area or a commercial site's impervious surface by 51 percent or more beyond that in existence on the effective date of these standards shall require full compliance with these provisions.
 - (4) Reconstruction of Existing Buildings. Reconstruction of an existing commercial building shall be treated as new development for the purposes of these standards.
- (c) Exemptions
- (1) The standards in this section shall not apply to the following forms of development:
 - a. Commercial development existing prior to effective date of these standards unless subject to a change in use, reconstruction, addition, or expansion;
 - b. Commercial development taking place as part of a bona fide farm;
 - c. Commercial development subject to a historic landmark designation or subject to standards applicable in a local historic district; and
 - d. Development of civic, religious, or fraternal organization use types.
 - (2) Adult uses and gaming establishments shall be exempted from the transparency standards in [Section <>, Transparency](#).

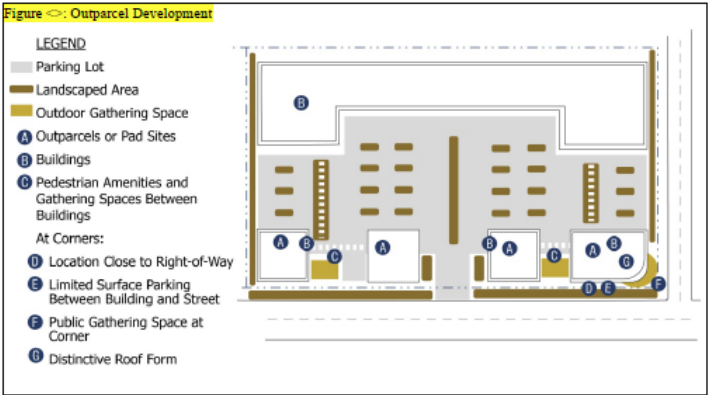
¹ These standards are developed based on the presentation given to the Archer Lodge Town Council on 6.15.20 and as discussed with Town staff on 6.23.20.
² This language anticipates the development of a consolidated principal use table; if such a table is not prepared, this section needs to be revised to site specific use types from the zoning district language.

Archer Lodge Commercial Design Standards

Revised Draft 7-16-20

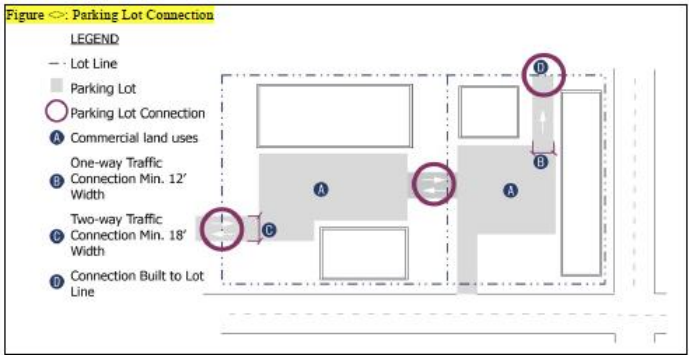
- (d) Timing of Review
- Development subject to these standards shall be reviewed for compliance at the time of site plan, special use permit, or conditional rezoning application review, as appropriate. In cases where a development application is considered by more than one review authority, the decision regarding compliance with these standards shall be made by the review authority making the final decision on the application under review.
- (e) Commercial Site Configuration Standards
- Development subject to these commercial design standards shall comply with the following:
- (1) Building Placement
 - a. All principal and accessory buildings shall be set back at least 20 linear feet from the ultimate right-of-way boundary of any adjacent street. The ultimate right-of-way boundary location shall be as indicated in the Town's adopted policy guidance, the applicable comprehensive transportation plan adopted by NC CAMPO, or as indicated by the NCDOT. In cases where the ultimate right-of-way boundary is not identified, the building setback shall be measured from the centerline of the existing right-of-way outwards for a minimum distance corresponding to one-half of the currently specified right-of-way width plus 20 feet.
 - b. All development subject to these standards shall have a maximum setback of 50 feet from the ultimate right-of-way boundary of any adjacent street.
 - (2) Outparcel Development
- Development on outparcels or pad sites associated with a commercial development shall comply with the following requirements (see [Figure <>, Outparcel Development](#)):
- a. Spaces between buildings on outparcels or pad sites shall include pedestrian amenities such as plazas, seating areas, and gathering places in addition to off-street parking spaces.
 - b. Outparcel buildings on lots at street corners shall be located and configured to define the corner through a combination of:
 - i. Locating the building as close to the rights-of-way as is practicable;
 - ii. Limiting surface parking between the building and the streets;
 - iii. Providing a public gathering space adjacent to the corner; and
 - iv. Distinctive roof form or other pedestrian features such as porches, canopies, or arcades.

Archer Lodge Commercial Design Standards
Revised Draft 7-16-20

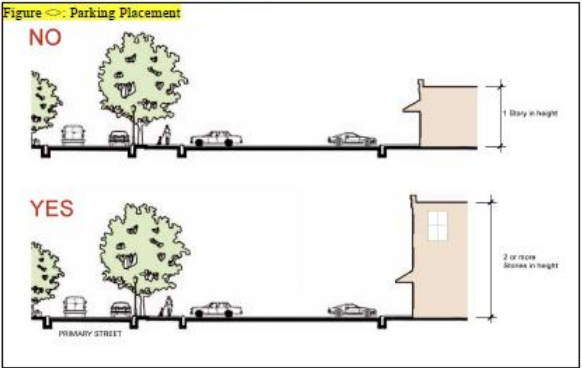


- (3) On-Site Circulation
- a. All driveways shall be constructed so that vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, bicycles, or vehicles traveling on abutting streets and that any interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized. In no instance shall a driveway be configured so that a vehicle must back onto an arterial, collector, or thoroughfare street.
 - b. Driveways shall be as nearly perpendicular to the street right-of-way as possible.
 - c. In cases where two or more commercial uses are located on adjacent lots along a street, the off-street parking lots serving the uses shall be connected to one another so that a vehicle may travel from one establishment to another without use of the street network (see Figure <>: Parking Lot Connection). Where a required parking lot connection eliminates a required landscape planting area or required off-street parking space, the landscaping and off-street parking requirements shall be reduced to accommodate the parking lot connection. Compliance with this standard shall be waived in cases where a parking lot connection would create unsafe turning movements or pedestrian conflicts.

Archer Lodge Commercial Design Standards
Revised Draft 7-16-20



- (4) Off-Street Parking Location
- a. The placement of all off-street parking to the side or rear of the building it serves is strongly encouraged. Buildings of one story in height may have up to one single-loaded row of off-street parking spaces between the front façade of a building and the street it faces.
 - b. Buildings of two stories in height may have up to two rows of parking spaces between the front façade of a building and the street it faces (see Figure <>: Parking Placement).
 - c. Multi-building developments shall be configured so that off-street parking areas are internal to the site and located behind the buildings located adjacent to streets.



Archer Lodge Commercial Design Standards
Revised Draft 7-16-20

- (5) Signage
- a. No flashing, moving, or portable signs shall be permitted.
 - b. In no instance shall a window sign or signage placed on or in a window or transparent door obscure more than two square feet of the window or door's total area.
- (6) Service Areas
- a. Off-street loading areas, service areas, refuse/recycling collection areas, and outdoor storage of equipment or raw materials shall be located to the side or rear of a principal building. In addition, such features shall be screened through the use of an opaque fence or wall of a minimum height necessary to obscure views from on-site and off-site locations.
 - b. Outdoor display of products available for sale may be located in front of a principal building and are not required to be screened provided these areas are physically accessible to patrons. Areas utilized for the display of products for sale that are not physically accessible to patrons shall be considered areas of outdoor storage and shall be located and screened in accordance with these standards.
- (7) Equipment Screening
- a. All ground-based and roof-mounted equipment shall be fully screened from view from adjacent streets, parks, open space, and residentially-used lots (see [Figure <--: Rooftop Screening](#)).
 - b. Wall-mounted mechanical equipment mounted at heights over 36 inches from grade and measuring 16 inches or more in any dimension shall be fully screened, concealed, or camouflaged to minimize its appearance from adjacent streets, parks, open space, and residentially-used lots.



- (8) Stormwater Control Measures
- a. Stormwater control measures, including, but not limited to retention ponds and detention basins, shall either be configured as site amenities or be fully screened from view on all sides by evergreen opaque vegetation reaching a minimum height of six feet above grade within three years of planting.
 - b. Stormwater control measures (SCMs) shall be considered as site amenities when all of the following are present:
 - i. They are not surrounded by a fence intended to exclude pedestrians;
 - ii. Finished grades around the SCM do not inhibit walking;
 - iii. They include landscaping features such as trees and shrubs;

Archer Lodge Commercial Design Standards
Revised Draft 7-16-20

- iv. There is some form of central feature or focal point such as a fountain; and
 - v. Seating or a walking path is provided adjacent to the SCM.
- (9) Utilities
- New utility service, including electricity, required to serve development subject to these standards shall be located underground. Nothing in these standards shall be construed to require existing above-ground utilities to be placed underground as part of new development.
- (e) Building Configuration Standards
- Buildings subject to these commercial design standards shall comply with the following:
- (1) Maximum Building Size
- Individual principal buildings subject to these standards shall maintain a maximum total floor area in accordance with the following:
- a. Lots that front and are accessed by an arterial or thoroughfare street may include up to one principal building with a maximum total floor area of 40,000 square feet.
 - b. Lots that front and are accessed by a collector street may include up to one principal building with a maximum total floor area of 25,000 square feet.
 - c. Lots that front and are accessed by a local street may include up to one principal building with a maximum total floor area of 10,000 square feet.
 - d. Nothing shall limit the cumulative total amount of floor area within a multiple building development, provided that the largest principal building not exceed the applicable maximum set forth in this section, and provided that each additional building within the multi-building development is no larger than 50 percent of the applicable maximum building size.
- (2) Orientation
- a. The primary entrance shall be architecturally and functionally designed on the front facade facing the primary street (see [Figure <--: Building Orientation](#)).
 - b. Except for multi-building developments such as shopping centers or campus-style developments, the front facade of the principal structure shall be parallel to the front lot line and street.
 - c. Nothing shall limit a secondary entrance from facing an off-street parking lot.

Archer Lodge Commercial Design Standards
Revised Draft 7-16-20



- (3) Primary Entrance
- a. Building entrances shall be designated as a primary or a secondary entrance by the applicant, but each principal building shall have at least one primary entrance. Nothing shall limit a building from having multiple primary entrances.
 - b. Primary building entrances shall be visually prominent and shall include at least three of the following features (see **Figure <>: Primary Building Entrances**):
 - i. Changes in building material or color;
 - ii. Changes in paving or walking surface materials;
 - iii. A significant architectural feature that extends above the primary roof height;
 - iv. A projection or recess of at least five feet beyond the adjacent wall plane;
 - v. Outdoor pedestrian gathering or seating areas capable of serving at least five people at the same time;
 - vi. A canopy, awning, portico, archway, arcade, or other covering that extends outwards from the building wall by at least five feet;
 - vii. Glazing that extends upwards for at least 75 percent of the building's height proximate to the entrance door(s);
 - viii. Architectural detailing around the entryway such as tilework, entablature, or integrated moldings; or
 - ix. Fountains, artwork, or landscaping plantings in raised planters immediately adjacent to the entrance door(s).

Archer Lodge Commercial Design Standards
Revised Draft 7-16-20



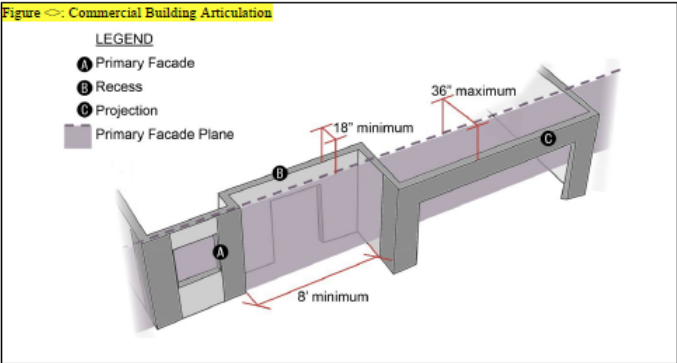
- (4) Exterior Materials
- a. Configuration
 - i. Where two or more materials are proposed on a building façade, the heavier or more massive material (like stone) shall be located below the lighter or less massive material (stucco).
 - ii. Heavier details may be permitted as details on corners or around doors and windows.
 - iii. Material changes shall take place at locations such as the intersection of building wings, the intersection of differing storefronts or leaseholds, interior corners, or other logical locations.
 - iv. Material changes shall not take place at outside corners and material returns shall be included to a logical termination point past an exterior building corner such as a bump-out, building wing, or change in wall direction (see **Figure <>: Commercial Building Materials**).



Archer Lodge Commercial Design Standards
Revised Draft 7-16-20

- b. Prohibited Materials
The following materials shall be prohibited on any primary or secondary building façade walls:
 - i. Untextured tilt-up concrete panels;
 - ii. Pre-fabricated steel panels;
 - iii. Corrugated sheet metal;
 - iv. Smooth-face concrete blocks;
 - v. Vinyl siding, soffit, or fascia;
 - vi. Synthetic stucco within two feet of the grade;
 - vii. Asphalt shingles or siding; or
 - viii. Mirrored glass.
 - c. Color
 - i. Primary Colors. Overly bright, neon, or “day-glow” colors shall not be used as primary exterior building colors. Nothing shall limit traditional community material colors.
 - ii. Accent Colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15 percent of any building facade.
 - d. Compatibility in Multi-Building Developments
Buildings on outparcels or pad sites shall incorporate materials that are similar to and compatible with those used on the primary buildings in the development. Corporate or prototypical architecture shall be reconfigured as necessary in order to comply with this standard.
- (5) Building Articulation
- Buildings subject to these standards shall be configured so that no single facade visible from a street shall extend for longer than 35 linear feet without inclusion of one or more of the following features:
- a. The use of projections or recesses in the building façade wall with a depth of between 18 inches and 36 inches from the primary facade plane and a minimum span of eight feet (see Figure <>: Commercial Building Articulation);
 - b. The use of columns, pilasters, or other architectural detail harmonious with the general design of the structure with a minimum width of eight inches and spaced no less than every ten feet on-center;
 - c. Distinct changes in building materials or colors from grade to the roof; or
 - d. A single vertical accent or focal point extending well above the primary roofline, such as a tower feature, located on a prominent building corner.

Archer Lodge Commercial Design Standards
Revised Draft 7-16-20



- (6) Roof Form
- a. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all building sides visible from a street.
 - b. Parapet walls, when provided, shall fully screen all roof-top mechanical equipment from view from the street and shall include decorative cornices or caps.
 - c. A pitched roof shall have eaves that extend a minimum of 12 inches beyond the building face.
 - d. Gable roofs shall incorporate roof rakes that project outwards a minimum of at least 12 inches from the building face.
- (7) Canopies
- Except for canopies associated with fuel sales, overhead canopies intended to cover the vehicles of patrons shall be configured in accordance with the following standards:
- a. The total number of canopies shall be limited to one per building;
 - b. The canopy shall be physically connected to the principal structure;
 - c. The canopy shall be located to the side or rear of the structure, or configured so that it has the appearance of being enclosed by building walls on at least two sides;
 - d. The canopy shall be configured of consistent or complimentary materials and colors as the primary exterior materials, including canopy supports;
 - e. The canopy shall be subject to maximum height standards for buildings in the zoning district where located; and
 - f. Any exterior lighting from under the canopy shall be configured so that the source of illumination (the bulb) is recessed into the canopy and is not visible from off-site areas.
- (8) Transparency
- a. Buildings subject to these standards shall be configured so that building facades visible from streets shall include a window or functional general access doorway at least every 20 feet along the façade

Archer Lodge Commercial Design Standards

Revised Draft 7-16-20

- (see **Figure <>: Commercial Transparency**). False windows or display casements are an allowable alternative, as approved by the Planning Director.
- b. At least 25 percent of the first ten feet in height of a facade facing a street shall be transparent.
 - c. Ventilation grates or emergency exit doors located at the first floor level oriented toward a street shall be decorative.

Figure <>: Commercial Transparency

EXAMPLE

First Floor Facade: 10' x 20' = 200 sf

Transparency:
2 Windows at 28 sf Each = 56 sf
Glass Door & Transom = 27 sf

First Floor Facade Transparency:
83' ÷ 200' = 41.5%

(Minimum First Floor Facade Transparency Requirement: 25%)



- (9) Lighting
- a. Buildings subject to these standards shall not include neon lighting that is visible from off-site areas.
 - b. In no instance shall any exterior lighting flash, blink, or give the appearance of movement.
 - c. LED lighting strips around windows or doors are prohibited on the building exterior or within the interior if the lighting strip is visible from off-site areas.

Archer Lodge Commercial Design Standards

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(f) Definitions ³

ACCESSORY BUILDING	As applied in the commercial design standards, a detached subordinate or incidental structure, the use of which is incidental to the principal structure and which is located on the same lot as the principal structure.
ADDITION OR EXPANSION	As applied in the commercial design standards, an extension or increase in the floor area or height of a building or structure.
ADJACENT	As applied in the commercial design standards, a parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
ADOPTED POLICY GUIDANCE	As applied in the commercial design standards, the combined future land-use policy guidance provided by the adopted comprehensive plan, area or corridor plans prepared for specific parts of the Town, and system plans related to the Town's infrastructure systems.
ARCADE	As applied in the commercial design standards, a series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
ARTERIAL STREET	As applied in the commercial design standards, a street designated as an arterial street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
ARTICULATION	As applied in the commercial design standards, the presence or projections, recesses, or other architectural features along a building façade.
BUILDING	As applied in the commercial design standards, a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels.
BUILDING PROJECTION	As applied in the commercial design standards, an extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to provide visual interest, contain an entrance, or conceal or screen a service element of site feature like a refuse collection container.
BUILDING RECESS	As applied in the commercial design standards, an inset or indentation of a building wall or building façade from the primary building façade plane typically used to accommodate windows, walk-up service features, doorways, or pass-throughs.
BUILDING WING	As applied in the commercial design standards, a portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.
BUMP OUT	See "Building Projection."
CANOPY	As applied in the commercial design standards, a permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CHANGE OF USE	As applied in the commercial design standards, the change in the use of a building, structure, or land. "Change of use" includes a change from one use type to another use type.
COLLECTOR STREET	As applied in the commercial design standards, a street designated as a collector street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
COMPREHENSIVE PLAN	The Comprehensive Plan for the Town of Archer Lodge, as adopted and amended by the Archer Lodge Town Council.

³ Definitions are included here but should be relocated with the balance of the other defined terms in the UDO and should be reviewed for consistency with other defined terms.

Archer Lodge Commercial Design Standards

Revised Draft 7-16-20

CORNICE	As applied in the commercial design standards, any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
DRIVEWAY	As applied in the commercial design standards, the portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
EAVE	As applied in the commercial design standards, the projecting lower edges of a roof that overhangs the wall of a building.
FAÇADE WALL	As applied in the commercial design standards, the entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.
FALSE WINDOW OR DISPLAY CASEMENT	As applied in the commercial design standards, an exterior building material provided to replace or approximate a window, or a glass-fronted niche within a building wall used to display products available for sale.
FASCIA	As applied in the commercial design standards, a fascia is a board or other exterior material provided at the edge of a building where the roof meets the exterior wall. When gutters are provided, they are typically mounted to the fascia.
FRONT FAÇADE	As applied in the commercial design standards, the exterior façade of a building where the primary or front entrance is located. Typically, the front façade faces the street from which the building derives its street address.
GABLE	As applied in the commercial design standards, a triangular area of an exterior wall formed by two sloping roofs.
GATHERING SPACE OR AREA	As applied in the commercial design standards, a formal or informal area intended for or used by the general public to gather or congregate together for interaction or recreation.
GLAZING	As applied in the commercial design standards, the portion of an exterior building surface occupied by glass or windows.
IMPERVIOUS SURFACE	As applied in the commercial design standards, any material that reduces and prevents absorption of stormwater runoff into previously undeveloped land.
LED LIGHTING	As applied in the commercial design standards, a strip or connected string of semiconductor diodes that emit visible light when electric voltage is applied.
MULTI-BUILDING DEVELOPMENT	As applied in the commercial design standards, developments that include two or more buildings on one or more lots that is planned, organized, and managed as a single development for the purposes of the development standards.
LOCAL STREET	As applied in the commercial design standards, a street designated as a local street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
NEON LIGHTING	As applied in the commercial design standards, thing, whether flexible or rigid, mounted to a building wall or other building feature for the purposes of providing illumination, security, attracting attention, or displaying a message.
OPAQUE	As applied in the commercial design standards, a building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.
OUTDOOR DISPLAY	As applied in the commercial design standards, an area used for the display of goods or products available for sale to customers that is accessible to customers of the establishment.
OUTDOOR STORAGE	As applied in the commercial design standards, an area used for the long or short-term storage of goods, products, materials, or inventory (whether for sale or otherwise) that is not accessible to customers of the establishment and is subject to the screening requirements for outdoor storage.
OUTPARCEL OR PAD SITE	As applied in the commercial design standards, a lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part

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Archer Lodge Commercial Design Standards

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	of the larger development with respect to applicable yard and dimensional requirements.
OVERHANG	As applied in the commercial design standards, the edge of a roof or upper building story projecting outwards.
PARAPET	As applied in the commercial design standards, a building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
PILASTER	As applied in the commercial design standards, a rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PORTICO	As applied in the commercial design standards, a large porch usually with a pediment usually associated with an entrance, supported by columns.
PRIMARY ENTRANCE	As applied in the commercial design standards, the place of ingress and egress to a building, parcel, or development used most frequently by the public.
PRIMARY FAÇADE PLANE	As applied in the commercial design standards, the largest portion of a building wall in terms of area on a single building façade that maintains a uniform distance from the abutting lot line.
PRIMARY STREET	As applied in the commercial design standards, the street that provides the street or property address for a lot or building.
PRINCIPAL STRUCTURE OR BUILDING	As applied in the commercial design standards, a structure in which is conducted the principal use(s) of the lot on which it is located.
PROTOTYPICAL ARCHITECTURE	As applied in the commercial design standards, exterior building materials and architecture that is standardized for a particular use type or franchise operation.
RECONSTRUCTION	As applied in the commercial design standards, rebuilding structures on a site with a pre-existing use that was demolished or removed.
REDEVELOPMENT	As applied in the commercial design standards, installation of any improvements, new construction, or reconstruction on a lot or site that has pre-existing uses.
REVIEW AUTHORITY	As applied in the commercial design standards, a Town official, appointed board, or elected body charged with review and decision-making responsibilities for certain types of development applications required by this Ordinance.
ROOF FORM	As applied in the commercial design standards, the configuration of the top of a building, including its pitch, amount of overhang, shape, surfacing materials, and colors.
ROOF RAKE	As applied in the commercial design standards, the portion of a gabled roof that extends past the exterior wall of the building.
SECONDARY ENTRANCE	As applied in the commercial design standards, an entrance into a building located on a side or rear building façade.
SERVICE AREA	As applied in the commercial design standards, off-street loading, storage, mechanical, equipment, or processing areas associated with a principal building.
SIDEWALK SIGN	As applied in the commercial design standards, a pedestrian-oriented movable sign that sits on the grade located proximate to the primary entrance of the nonresidential or mixed use being advertised. Sidewalk signs are also referred to as "A-frame" signs or "Board" signs. The sign shall be self-supporting and only visible during operating hours. Sidewalk signs are configured with a broader base than a top or are equipped with supports to ensure they remain stable in normal wind conditions.
SMALL-TOWN CHARACTER	As applied in the commercial design standards, the sum or combined effect of the attributes and assets that make the Town unique and that establish the Town's "sense of place." Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.

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Archer Lodge Commercial Design Standards	
Revised Draft 7-16-20	
SOFFIT	As applied in the commercial design standards, the exterior material mounted to the underside of the roof rafters that project past the edge of an exterior building wall.
STORMWATER CONTROL MEASURE	As applied in the commercial design standards, a physical device, site feature, or construction technique intended to eliminate or reduce contact or exposure of pollutants to stormwater or remove pollutants from stormwater prior to discharge from the measure.
THOROUGHFARE STREET	As applied in the commercial design standards, a street designated as a thoroughfare street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
WINDOW SIGN	As applied in the commercial design standards, a sign affixed to or visible through the surface of a window or glass door that is intended to be visible to the public from outside the building. Signs painted on glass and etched or frosted glass that includes text or symbols shall be considered as a window sign. Signs mounted to a building's exterior wall are "wall" signs.

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Points of discussion for the Site Configuration Elements:

- Limited flashing or moving signage, such as electric mechanically driven, due to safety.
- Surface loading to be near the side or rear of the building and screened.
- Allows outdoor display of products for sale with no screening.
- Storage must be screened.
- Rooftop equipment must be screened, and height is limited.
- Stormwater can be made an amenity with landscaping or must be screened.
- All underground utilities.

Points of discussion for the Building Configuration Elements:

- Buildings in scale with character of existing buildings.
- Primary entrance must include at least 3 of the items listed on page 15 of presentation.
- Material change must be at logical locations.
- Accent colors must be handled in a sensible way.
- Building articulation requires building to have visual interest.
- Basic roof form and canopy standards must be met.
- The amount of glass on the building must meet transparency requirements.
- Neon, flashing, blinking, moving lights, or LED strips are restricted.

Mayor Mulhollem open the floor for discussion. There was no questions or discussion.

Mr. Meadows thank everyone for the opportunity to present the Proposed Commercial Design Standards and commended the Town for not making it overly restrictive for businesses. He shared that he looks forward to seeing the Town grow in the future.

Ms. Maybee informed Council that this Proposed Draft Commercial Design Standards will be incorporated into an overall packet that will include these standards and site plans. The Planning Board will review the overall packet at their September 16, 2020 Planning Board Meeting and provide a recommendation to Council.

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of a Resolution Adopting a Title VI Policy for the Town of Archer Lodge to Prohibit Discrimination in Programs and Services and in Activities Receiving Federal Financial Assistance (RESOLUTION# AL2020-09-08 Adopting a Title VI Policy)

Attorney Burrell explained the history of Title VI and the reasons to have a Title VI policy. Staff remarked that the Town's Personnel Policy adopted May 2018 details the Title VI provisions with employment, but due to the Town receiving federal funds for the Bicycle and Pedestrian Grant through NCDOT the Town is required to have a Title VI policy in place for nondiscrimination. Discussion followed.

Mayor Mulhollem called for a motion to approve.

The Approved Resolution# AL2020-09-08 Adopting a Title VI Policy for the Town of Archer Lodge appears as follows:



RESOLUTION# AL2020-09-08

RESOLUTION ADOPTING A TITLE VI POLICY
FOR THE TOWN OF ARCHER LODGE
TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES
AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

WHEREAS:

Title VI of the Civil Rights Act of 1964 prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and

Since the adoption of Title VI, additional federal regulations and court decisions have refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and

The Town of Archer Lodge currently has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and

Interpretation and application of said federal law are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and

Adoption of a policy and procedure for reporting violations will provide guidelines for the Town, Town personnel, and private persons and companies doing business with the Town and receiving federal financial assistance;

NOW, THEREFORE, BE IT RESOLVED by the Archer Lodge Town Council that the attached "Title VI Policy" is hereby adopted as the official policy of the Town of Archer Lodge for applying, reporting, and enforcing Title VI of the Civil Rights Act of 1964.

DULY ADOPTED THIS 8TH DAY OF SEPTEMBER 2020 WHILE IN REGULAR SESSION.

ATTEST:

Kim P. Batten, Town Clerk


Matthew B. Mulhollem, Mayor





RESOLUTION# AL2020-09-08

Title VI Nondiscrimination Policy Statement

It is the policy of the Town of Archer Lodge to ensure that no person shall, on the ground of race, color, national origin, limited English Proficiency, income-level, sex, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Town of Archer Lodge program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the Town of Archer Lodge to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities;
- Acts of intimidation or retaliation, including threatening, coercing, or discrimination against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

Moved by: Council Member Wilson
 Seconded by: Council Member Jackson

Approved Resolution# AL2020-09-08 Adopting a Title VI Policy for the Town of Archer Lodge to Prohibit Discrimination in Programs and Services and in Activities Receiving Federal Financial Assistance.

CARRIED UNANIMOUSLY

b) Discussion and Consideration of changing the November Town Council Work Session to a Joint Meeting with the Archer Lodge Planning Board at the Archer Lodge Community Center on Monday, November 16, 2020 at 6:30 p.m.

Ms. Maybee shared a list of items that will be discussed at the Joint Meeting. Having no discussion, Mayor Mulhollem called for a motion to approve the change.

Moved by: Council Member Wilson
 Seconded by: Council Member Purvis

Approved changing the November 16, 2020 Town Council Work Session to a Joint Meeting with the Archer Lodge Planning Board to be held at the Archer Lodge Community Center on Monday, November 16, 2020 at 6:30 p.m.

CARRIED UNANIMOUSLY

7. TOWN ATTORNEY'S REPORT:

a) No Report.

8. TOWN ADMINISTRATOR'S REPORT:**a) Mr. Gordon reported the following:**

- Proturf Landscapes was awarded the sidewalk/parking pad project at the Archer Lodge Veterans Memorial which should begin within the next few weeks.
 - Inquiring about landscaping with sod at the AL Veterans Memorial Site.
 - Susan Hatchell, Landscape Architect, updated Staff that approximately 30% of the park designs are complete. Staff will be meeting with Ms. Hatchell for discussions.
 - Letter of interest to connect to sewer was sent to Aqua and no response at this time.
 - Staff along with Mr. Jim Thames, Engineer met via phone conferencing with the Town of Clayton Utilities Director, Mr. Rich Cappola, and Interim Town Manager, Mr. J.D. Solomon, the former Waste Water Treatment Plant Upgrade Engineer, and was informed that the option to connect to the Town of Clayton's Sewer System is still available.
 - Letter of interest to connect to sewer was sent to Town of Clayton.
 - A Town Christmas Parade float has been reserved for the Archer Lodge Christmas Celebration and will be held if the guidelines for COVID-19 allow.
-

9. FINANCIAL/TOWN CLERK'S REPORT:**a) July 31, 2020 Interim Financials & Year-to-Date Comparison (FY20 compared to FY21)**

Ms. Batten provided a financial summary for the first month of the fiscal year ending June 30, 2021. She reminded Council that July revenues are extremely low and the budgeted transfer to the Public Safety Reserve Fund was completed. Expenditures remained constant in the General Fund. Revenues in the other funds were mainly investment earnings which is very low due to the economy and the monthly transfer to Park Reserve Fund.

When comparing July 2020 with July 2019, the net difference is an increase in July 2020 by approximately \$17,000; however, Ms. Batten mentioned that the budget ordinance for FY2021 didn't have the annual transfer of \$25,000 to the Capital Reserve Fund causing July 2020 to record better than July 2019. No further comments.

b) August 31, 2020 Interim Financials & Year-to-Date Comparison (FY20 compared to FY21)

Ms. Batten shared a financial summary for all funds ending August 31, 2020. She commented that revenues remained low even though funds from the Park Reserve Fund to the General Fund transferred to make the annual August Park Land debt payment. Expenditures continued constant without any unanticipated expenses. The Capital Reserve, Park Reserve and Public Safety Reserve funds have investment earnings, though extremely low. The other revenue mentioned was the monthly transfer of funds from the General Fund to Park Reserve Fund for the three-cents designation of the property tax collections received for Johnston County.

Comparing August 2020 with August 2019, figures demonstrate a net difference between revenues and expenditures with an increase in August 2020 by approximately \$14,000. Revenues were lower in 2020 but so were the expenditures since the annual transfer to the Capital Reserve Fund was not in the budget ordinance adopted. Also, Ms. Batten shared

that the first debt payment of the fiscal year was made in August. No further comments regarding financials.

In closing and with much enthusiasm, Ms. Batten announced that her daughter and son-in-law, Hillary & Will Olive, are Proud Parents to a healthy **Baby Boy, Winston Grey Olive**, who arrived on Sunday, September 6th and is her FIRST Grandchild. Everyone applauded.

10. PLANNING/ZONING REPORT:

a) Planning | Zoning | Projects | Update

Ms. Maybee reported the following:

- Seven zoning permits issued.
- Virtual Meeting has been scheduled with the State for the Floodplain Development Ordinance that was approved by the Town Council in 2018.
- Floodplain Ordinance is being reviewed by NC Dept of Environmental Quality to assure that it complies with the State requirements.
- Cape Fear Regional Hazard Mitigation Plan held a Public Hearing and a draft plan has been posted on their website for viewing.
- Correspondence for Planning & Zoning - received 1,600 incoming emails and sent out 607 emails.
- She encourages applicants to utilize the forms and information provided on the Town Website and noted that it is facilitating the process.

b) Code Enforcement

Ms. Maybee handed out an updated Code Enforcement Report to Council and discussed the following:

- Followed up with homeowners that placed a "Tiny Home" on their property and has not been removed yet.
 - Mobile Home was set up on lot without a permit and a "Stop Work Order" was posted by Johnston County. Lessee is obtaining permits to subdivide property since one home on the property is being occupied. Status is pending.
 - Staff remains sensitive during COVID-19 and code violations.
-

11. MAYOR'S REPORT:

a) Mayor Mulhollem reported the following:

- **Invited everyone to join the local Boy Scout Troop 421 for a Flag Retirement Ceremony at the Archer Lodge Veterans Memorial Site on Saturday, September 12, 2020 at Noon. He commended the Troop Leadership and Scouts for their endeavors to hold this ceremony.**
 - **He encouraged everyone to continue taking precautions regarding COVID-19 for their safety and others.**
-

12. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

a) Council Member Wilson shared that he and Ms. Wilson will be celebrating their 59th Anniversary on Wednesday, September 9, 2020. Everyone applauded.

b) Council Member Jackson had no remarks.

c) Council Member Purvis reminded everyone that Early Voting will be held at the Archer Lodge Community Center beginning on October 15, 2020 and guidelines regarding COVID-19 will be followed. He noted that this was ALCC's first rental.

d) Mayor Pro Tem Castleberry asked that everyone keep the Town of Clayton Fire Department in their thoughts and prayers due to some of its members being infected with COVID-19.

e) Council Member Bruton remarked on the following:

- Congratulated Ms. Batten on the birth of her Grandson.
- Congratulated Mr. and Ms. Wilson for celebrating their 59th Wedding Anniversary.
- Inquired about the Archer Lodge Fire Department Public Hearing regarding merging with Thanksgiving Fire Department. Discussion followed.

13. ADJOURNMENT:

a) Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Adjourned meeting at 7:59 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: November 2, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm, CodeWright Planners
Re: Agenda Item 5.a. - Proposed Revisions of Chapter 30 - Zoning & Subdivisions, Articles II, III, IV, VI, Section 30-421- Sedimentation, Erosion Control and Stormwater Management and Appendices

At the Town Council meeting on the October 5, 2020, the Council set a 11-2-20¹ public hearing date to consider proposed amendments to the Archer Lodge Code of Ordinances referenced herein.

Accordingly, ordinance "**AL#2020-11-1 Amending Chapter 30 - Zoning and Subdivisions, Articles II, III, IV, VI, Section 30-421 and Appendices**", was drafted, and subsequently reviewed by Town Attorney Marcus Burrell.

Proposed ordinance provisions were prepared by Special Counsel Al Benshoff, The Brough Law Firm; and Chad Meadows, CodeWright Planners. Input and comments were also received from Council Members, Town Attorney, Planning Board and staff.

Public Hearing Notification:

Notice of public hearing was published in accordance with NC General Statutes. Also, a public hearing notice was posted at Town Hall, on the Town's website, and on the Town's social media.

¹ Initially an October 5, 2020, Public Hearing date was set by Council. However, the date was moved to 11-2-20 due to a change in legal ad publication process; and to allow additional time to receive Council/public comments.

The proposed text provisions were also placed on the Town's website.

Background Information:

North Carolina laws have changed, or in the process of changing, that affect the development of land in Archer Lodge, NC. As referenced at the Council's recent budget retreat and at subsequent meetings, revisions to the Code of Ordinances, Town of Archer Lodge, NC, are ongoing.

As you may recall, Chad Meadows provided an overview of the proposed commercial building design standards at the Council's September 8, 2020 meeting.

Also, on Thursday, September 9, 2020, a memorandum from Al Benshoff, Chad Meadows, and Julie Maybee was forwarded to the Town Council and Planning Board along with proposed ordinance revisions pertaining to applicability, special use permits, zoning compliance permits, site plans, design standards, and other related provisions.

Special Counsel Al Benshoff provided a comprehensive overview of proposed revisions, under consideration, with the Planning Board on September 16, 2020, and at the September 21, 2020, Town Council Work Session meeting.

As proposed, the revisions will follow guiding land use principals referenced in the ***Town of Archer Lodge 2030 Comprehensive Land Use Plan*** and other adopted plans having bearing on the matter. "Archer Lodge's vision for future land development is to encourage a compatible mix of uses which preserves the Town of Archer Lodge's small-town character while respecting its historic features." (***Town of Archer Lodge 2030 Comprehensive Land Use Plan***)

Planning Board Recommendation:

On September 16, 2020, the Planning Board deliberated, made consistency statement findings referenced below; and recommended approval of the proposed amendments. Clarifications were also offered by the Board and incorporated into the proposed text as well.

Consistency Statement: The Planning Board finds that the proposed amendments to Chapter 30, Zoning & Subdivision, Articles II, III, IV, VI, Section 30-421 and Appendices, are reasonable and in the public interest. The proposed revisions clarify/streamline procedures and provisions pertaining to:

- Ordinance applicability
- Zoning Compliance Permits
- Site Plans
- Special Use Permits
- Design Standards
- Other related provisions in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the ***Town of Archer Lodge, NC 2030 Comprehensive Land Use Plan***, aka "***Comprehensive Plan***", and other adopted Town plans having bearing on the matter.

The proposed revisions will follow the guiding land use principals of the "Comprehensive Plan". "Archer Lodge's vision for future land development is to

encourage a compatible mix of uses which preserves the Town of Archer Lodge's small-town character while respecting its historic features.”

Town Council Requested Action:

Staff respectfully requests that the Town Council:

- (1) Open Public Hearing;
- (2) Staff Report and Planning Board Recommendations’
- (3) Public Comments
- (4) Close Public Hearing
- (5) Governing Body:
 - a. Discussion and Consideration of Consistency Statement (Draft Consistency Statement included for Council’s consideration.)
 - b. Discussion & Consideration of Adopting Ordinance #AL2020-11-1 Amending Chapter 30, Article II, II, IV,VI, Section 30-421 and Appendices (Draft Ordinance included for Council’s consideration.)

Draft Town Council Consistency Statement

Consistency Statement: The Town Council finds that the proposed amendments to Chapter 30, Zoning & Subdivision, Articles II, III, IV, VI, Section 30-421 and Appendices, are reasonable and in the public interest. The proposed revisions comply with NC GS 160D, clarify/streamline procedures and provisions pertaining to:

- Ordinance applicability
- Zoning Compliance Permits
- Site Plans
- Special Use Permits
- Design Standards
- Other related provisions

Furthermore, the proposed amendments are in accordance with the ***Town of Archer Lodge, NC 2030 Comprehensive Land Use Plan***, aka "Comprehensive Plan", and other adopted Town plans having bearing on the matter. The proposed revisions follow the guiding land use principals of the "Comprehensive Plan". "Archer Lodge's vision for future land development is to encourage a compatible mix of uses which preserves the Town of Archer Lodge's small-town character while respecting its historic features."

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 – ZONING AND SUBDIVISIONS,
ARTICLES II, III, IV, VI, SECTION 30-421 AND APPENDICES**

Section 1. Pursuant to authority granted to by N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 - Zoning & Subdivisions, Articles II, III, IV, VI, Section 30-421 and Appendices as follows:

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Section 1.1. Chapter 30, Article II, Division 2, Subdivision 2, Zoning District Regulations, Section 30-89 and 30-90, are hereby repealed and replaced or amended as follows, which shall be effective upon the date of ratification by the Town Council.

ARTICLE II. - ZONING

DIVISION 2. - ZONING DISTRICTS

Subdivision 2. – Zoning District Regulations.

(Secs. 30-87 & 30-88 are not amended)

Sec. 30-89. - Applicability.

- (a) Uses of land or structures which are not expressly listed in this division as permitted principal uses, permitted accessory uses, or permitted special use in a zoning district or planned development are also allowed¹ uses and are subject to these regulations, as provided below. There shall be only one principle use per parcel in any and all zoning districts, except where mixed use developments are specifically authorized.
- (b) For land uses not listed in the Table of Permitted Uses, not listed as a part of a use category or use type, and not listed as a prohibited use, the Zoning Administrator shall determine in writing which use category or use type to which the land use belongs in accordance with the following standards:
 - (1) The function, product, or physical characteristics of the use;
 - (2) The impact on adjacent lands created by the use;
 - (3) The type, size, and nature of buildings and structures associated with the use;
 - (4) The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
 - (5) The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
 - (6) The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
 - (7) Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
 - (8) Any dangerous, hazardous, toxic, or explosive materials associated with the use;
 - (9) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes; and
 - (10) Any prior determinations made by the Zoning Administrator or decisions made by the Board of Adjustment.

¹See e.g. *Dr. Land v Town of Wesley Chapel*, 206 N.C. App. 123, 697 S. E. 2d 458 (2010)

Sec. 30-90. - Special uses.

- (a) Permitted special uses provide for a more detailed review of applications for certain uses. Subject to good planning and design standards, certain uses of property are allowed in specified districts where those uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, uses of property which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.
- (b) Special Uses require a permit from the Town Council. Special uses, in some circumstances, may be compatible with and desirable in the districts in which they are designated, but they may also have characteristics which could have detrimental effects on adjacent properties, or even the entire Town area, if not properly designed and controlled.
- (c) Procedure for special use permits are the quasi-judicial procedures found at Chapter 2, Article II, Divisions 2 and 4.
- (d) Special use permits shall only be granted after the Town Council has held a public hearing using the procedure set forth in Chapter 2, Div. 4. Quasi-Judicial Hearing Procedures.
 - (1) Applications for special use permits and a fee in accordance with the fee schedule adopted by the Town Council shall be received by the Zoning Administrator.
 - (2) The Town Council shall call for a public hearing. Public notice of the hearing shall be made in accordance with section 2-52.
 - (3) Public hearings by the Town Council for special use permits shall be conducted in the following manner:
 - a. Any party may appear in person or by agent at the hearing.
 - b. The order of business for each hearing shall be as follows:
 - 1. The Zoning Administrator shall give a preliminary statement of the case;
 - 2. The Mayor may set reasonable limits on the time allowed for presenting evidence or statements for or against the application;
 - 3. The applicant shall present the evidence and arguments in support of his application;
 - 4. Persons opposed to granting the application shall present the evidence and arguments against the application;
 - 5. Both sides may be permitted to present rebuttals to opposing evidence and arguments;
 - 6. The Mayor, shall summarize the evidence that has been presented, giving the parties opportunity to make objections or corrections. The Town Council members, Town employees, or persons with standing (section 2-53) shall be the only persons allowed to ask questions of a witness. At a special called meeting, the Town Council may view the premises The Town Council may continue the hearing until a certain date and time. In order to issue a special use

permit, the council shall consider each of the following conditions, and based on the evidence presented at the hearing, make findings in regards to each and must find that the issuance of the special use permit promotes the public health, safety and welfare and is in the best interest of the Town.

7. Decisions by the Town Council shall be made not later than 35 days from the time of the public hearing.
 8. The Town Council's final decisions shall be shown in the record of the case as entered in the Council's minutes and signed by the clerk and the Mayor on approval of the minutes by the board. Such record shall show the reasons for the determinations, with a summary of the evidence introduced and the findings of fact made by the Council. When a special use permit is granted, the record shall state the facts that support findings required to be made before such permit is issued. The record shall state in detail what, if any, conditions and safeguards the Council imposes in connection with granting of a special use permit.
 9. The record of the decision in each case shall be prepared, filed in the clerk's office, and furnished to (i) Any person who submits a request in writing, (ii) the applicant; (iii) the landowner. The record shall be submitted in a reasonable time via first class, mail, e-mail or personal delivery. (repeats section 2-57(b) ²
 10. The record shall be final when it is filed in the Town Clerk's office.
 11. A copy of the record shall be filed in the office of the Johnston County Register of Deeds.
- (4) Other conditions to be met.
- a. All applicable specific ordinance requirements pertaining to the proposed use have been or will be satisfied.
 - b. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
 - c. Off-street parking, loading, refuse, and other service areas are located so as to be safe convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.
 - d. Utilities, fire, police, and other necessary public facilities and/or services will be adequate to handle the proposed use.
 - e. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impact.

² GS § 160D-406(j)

- f. The type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.
 - g. The proposed development will reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community.
- (5) If the Town Council approves a special use permit, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to ensure that the criteria for the granting of such a permit will be followed. Where appropriate, such conditions may include requirements that streets and/or utility rights-of-way be dedicated to the public, and that provisions be made for recreational space and facilities. The Town Council may not impose conditions for which the Town does not have statutory authority, including taxes, impact fees, building design elements for one or two family dwellings and driveway improvements in excess of those allowed by G.S. sections 160D-702 (b) and 160A-307.³
- (6) The special use permit may be reviewed by the Town on a periodical basis.
- (7) No denied special use permit can be resubmitted for the same type request for a 12-month period.

(Sec. 30-91 through 30-162 are not amended.)

Section 1.2. Chapter 30, Article III are hereby replaced and replaced or amended as follows, which shall be effective upon the date of ratification by the Town Council.

ARTICLE III - SITE PLANS

DIVISION 1. Introduction, General Requirements

Sec. 30-163. - Zoning compliance permit required.

Except as otherwise specifically provided in this article, it shall be unlawful to begin any excavation, removal of soil, clearing of site, or placing any fill on lands contemplated for development, or to begin any construction, moving, alteration, or renovation, except for ordinary repairs, of any building or other structure, including accessory structures and signs, until the Zoning Administrator has issued for such action a zoning compliance permit, certifying that such development complies with the applicable provisions of this article.

Sec. 30-164. - Applications to be complete.

- (a) All applications for any permit or approval listed in this ordinance must be complete before the permit-issuing authority is required to consider the application. Such permits include, but are not limited to zoning compliance, special use, subdivision approval, floodplain, watershed development permits, and sign permits

³ G.S. § 160D-705 (c)

- (b) An application is complete when it contains all the information that is necessary for the permit-issuing authority to decide whether the development, if completed as proposed, will comply with all the requirements of this chapter.
- (c) All applications for special use permits, watershed development permits and floodplain development permits must be accompanied by a Site Plan of such proposal prepared, signed and sealed N.C. Licensed Engineer, Architect or Professional Surveyor. The presumption established by this chapter is that all the information set forth in Appendix, Sec. 30-A.6 - Information Required with Applications, is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the Zoning Administrator may allow less information or require more information to be submitted according to the needs of the particular case.

Sec. 30-165. – Reserved.

Division 2. Zoning Compliance Permit Procedures

**Sec. 30-166. - Zoning Compliance Permit Application submittal requirements/
Sketch or Site plan review required.**

- (a) All applications for a Zoning Compliance Permit shall include a either a Site Plan application or a sketch plan application.
- (b) Site Plans are required for applications for a variance, watershed development permit, subdivision plat, floodplain development permit, or special use permit. See section 30-173 and Appendix Sec. 30-A.6. for further details.
- (c) Sketch Plan review and approval by the Zoning Administrator as appropriate, shall be required prior to the issuance of a zoning compliance permit for single family dwellings or duplexes, residential additions, accessory structures or accessory uses on a lot. The Zoning Administrator shall prescribe the form on which applications are made.
 - (1) Sketch Plan applications shall include a Sketch Plan drawn to scale. At a minimum, the Sketch Plan shall contain:
 - a. The name and address of the owner and applicant, if not the same person;
 - b. The approximate total acreage of the proposed development;
 - c. The locations of buildings, lot boundaries, impervious surfaces and square footage total, easements and building setback lines; and
 - d. Any other information the owner or applicant believes necessary to obtain the informal opinion of the planning staff as to proposed development's compliance with the requirements of this Chapter. If the principal structure is less than ten (10) feet from a lot boundary line, or if additional information is needed to evaluate compliance, the Zoning Administrator may require a survey drawn, signed and sealed by a N.C. Licensed Engineer, Architect or Professional Surveyor.

- e. If the property is located in a floodplain, the application requirements of Chapter 14, Article IV, Section 14-46 must be met.
 - f. If the property is located in an environmentally sensitive area the requirements of section 30-130.
- (d) Applications which are not complete shall be returned to the applicant in a reasonable time, not to exceed sixty days, depending on the complexity of the application, with a notation of the deficiencies in the application.

Sec. 30-167. - Staff consultation after application submitted.

- (a) Upon receipt of a formal application for a zoning compliance permit, variance, special use permit, watershed development permit, floodplain development permit, site plan, zoning map amendment or subdivision plat approval, the Zoning Administrator shall review the application and, if the applicant wishes, confer with the applicant to ensure that he or she understands the Administrator's interpretation of the applicable requirements of this ordinance, that the developer has submitted all of the information that he or she intends to submit, and that the application represents precisely and completely what he or she proposes to do. If the Administrator believes that the application is incomplete, he or she shall advise the applicant in writing about what is required to complete the application.
- (b) If the application is for a permit that requires Planning Board approval, the Administrator shall place the application on the agenda of the Planning Board when the application is as complete as the applicant intends to make it.

Sec. 30-168. - Action on the application.

On receipt of a completed application for a zoning compliance permit, the Zoning Administrator shall cause an analysis to be made by qualified representatives of the Town and such other agencies or officials as appear appropriate in the circumstances of the case, to determine compliance with applicable provisions of this article and any applicable conditions of an approved special use permit or variance. The Zoning Administrator, as appropriate, may impose such reasonable conditions on an approval as will ensure compliance with this ordinance. No zoning compliance permit will be issued until all necessary NC DOT (curb cut or other applicable permits) and/or Johnston County Health Department (septic system and/or well) requirements for the proposed work and/or Johnston County Public Utilities (Stormwater) have issued permits that have been given to the Zoning Administrator. Where a building permit, stormwater management permit, floodplain development permit or sign permit is required, such permit shall not be issued prior to the issuance of the zoning compliance permit required for the development. The aforementioned permits shall comply with the approved zoning compliance permit, including all conditions of approval thereto.

Sec. 30-169. - Actions subsequent to decision.

In the case of approval or approval with conditions of an application for a zoning compliance permit, the Zoning Administrator shall issue the zoning compliance permit. In case of denial on an

application, the applicant shall be notified, in writing, of the reasons for such denial. No building or structure for which a zoning compliance permit has been issued shall be used or occupied until, after final zoning compliance inspection, a certificate of occupancy has been issued indicating compliance with the provisions of this article and all other state and local laws, including the conditions of the zoning compliance permit and all other required permits.

Sec. 30-170. - Appeal of decision.

A decision by the Zoning Administrator in granting or denying Site Plan approval may be appealed within thirty days to the Board of Adjustment in accordance with the provisions of Chapter 2, Article II, Division 3.

Sec. 30-171. - Modification of zoning compliance permits.

The Zoning Administrator may approve a modification of zoning compliance permit long as such changes continue to comply with the approving action (if any) and all other applicable requirements. An application for modification of a zoning compliance permit shall be reviewed in accordance with the procedures established in this article.

Sec. 30-172. - Expiration and revocation of zoning compliance permit approvals.

- (a) *Starting time limit.* If the use, construction, or activity authorized by approval of an application for a zoning compliance permit or modification of a zoning compliance permit is not started within 24 months of the date of approval, the permit shall expire, and any Town permit issued pursuant to the approval shall be void. The Zoning Administrator may grant an extension of the starting time limit for up to 12 months. The Zoning Administrator shall determine whether the use, construction, or activity has started.
- (b) *Revocation of zoning compliance permit.* If any conditions of a zoning compliance permit or modification of a zoning compliance permit, or requirements of this article applicable to the permit or modification are violated, the Zoning Administrator may revoke the permit or modification. The Zoning Administrator may reinstate a revoked zoning compliance permit or modification of a zoning compliance permit if he determines that:
 - (1) The holder of the revoked permit or modification submitted a request for reinstatement within 90 days of the revocation;
 - (2) The violations that were the cause of the revocation have been corrected; and
 - (3) The development fully complies with all conditions of the permit or modification and all applicable requirements of this article.

Division 3. Site Plan Procedures

Sec. 30-173. – Site Plan Application submittal requirements.

- (a) Site Plans applications are required for all non-residential and multi-family developments. Site Plan applications may be submitted in conjunction with other permit applications, or alone. For example, if a commercial subdivisions has already received zoning and subdivision approval, then a Site Plan application may be submitted by itself. In other

cases, Site Plan applications are a requirements for a permit application. For example, Site Plan applications are an integral part of Special Use permit applications. The Zoning Administrator should be consulted for details on the procedural requirements.

- (b) Applications for a site plan permit shall be submitted to the Zoning Administrator. The Zoning Administrator shall prescribe the form on which applications are made. Applications shall include the information listed in Appendix, Sec. 30-A.6, Information required with applications. The Zoning Administrator shall prescribe any other material that may reasonably be required to determine compliance with this article. Two (2) copies of the application and attachments shall be submitted to the Zoning Administrator. No application shall be accepted by the Zoning Administrator unless it complies with such submittal requirements. Applications which are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application.

Sec. 30-174. - Action on the application.

On receipt of a completed application for a site plan, the Zoning Administrator shall cause an analysis to be made by qualified representatives of the Town and such other agencies or officials as appear appropriate in the circumstances of the case, to determine compliance with applicable provisions of this article and any applicable conditions of an approved special use permit or variance. Site plans will be forwarded to the Planning Board for a recommendation to the Town Council. The Town Council may impose such reasonable conditions on an approval as will ensure compliance with applicable regulations.

Sec. 30-175. - Actions subsequent to decision.

In the case of approval or approval with conditions of an application for a site plan, the Zoning Administrator shall issue the zoning compliance permit. In case of denial on an application, the applicant shall be notified, in writing, of the reasons for such denial. Where a building permit, stormwater management permit, or sign permit is required, such permit shall not be issued prior to the issuance of the site plan required for the development and shall comply with the approved site plan, including all conditions of approval thereto. No building or structure for which a site plan has been issued shall be used or occupied until, after final zoning compliance inspection, a certificate of occupancy has been issued indicating compliance with the provisions of this article and all other state and local laws, including the conditions of the zoning compliance permit, the site plan and all other required permits.

Sec. 30-176. - Appeal of decision.

A decision by the Zoning Administrator in granting or denying site plan approval may be appealed to the Board of Adjustment in accordance with the provisions of Chapter 2, Article II, Division 3. A decision by the town council in granting or denying a site plan, may be appealed to the superior court within 30 days of the decision. Failure to appeal within the deemed time will be considered a waiver of appeal.

Sec. 30-177. - Modification of site plan permits.

The Zoning Administrator may approve a modification of a site plan (including site plans approved as a part of another permit application, such as a special use permit.) up to ten per cent ⁴ as long as such changes continue to comply with the approving action, do not change the permitted uses or allowable densities of development and all other applicable requirements. Except for minor modifications, an application for modification of a site shall be reviewed in accordance with the procedures established in this article for a new site plan.

Sec. 30-178. - Expiration and revocation of site plan approvals.

- (a) *Starting time limit.* If the use, construction, or activity authorized by approval of an application for a site plan permit or modification of a site plan permit is not started within 24 months of the date of approval, the permit shall expire, and any Town permit issued pursuant to the approval may be voidable. The Zoning Administrator may grant an extension of the starting time limit for up to 12 months. The Zoning Administrator shall determine whether the use, construction, or activity has started.
- (b) *Revocation of site plan permit.* If any conditions of a site plan permit or modification of a site plan permit, or requirements of this article applicable to the permit or modification are violated, the Zoning Administrator or Town Council, as applicable, may revoke the permit or modification. The Zoning Administrator may reinstate a revoked site permit or modification of a zoning compliance permit if he determines that:
 - (1) The holder of the revoked permit or modification submitted a request for reinstatement within 90 days of the revocation;
 - (2) The violations that were the cause of the revocation have been corrected; and
 - (3) The development fully complies with all conditions of the permit or modification and all applicable requirements of this article.

Section 1.3. Chapter 30, Article IV are hereby repealed and replaced or amended as follows, which shall be effective upon the date of ratification by the Town Council.

ARTICLE IV. - DESIGN STANDARDS

Sec. 30-194. - Intent.

It is the intent of this article to provide performance standards to ensure that development within the town planning jurisdiction will be designed, arranged, and constructed in a safe, orderly, and visually harmonious manner, and will reflect the basic character of the development site and its immediate surroundings as well as the nature of the proposed uses of the site.

Sec. 30-195. - Applicability.

Except where otherwise specifically provided in this article, no land or structure shall be used or occupied, and no grading excavation, removal of soil, clearing a site or placing fill shall take place on land contemplated for development, and no structure, or part of a structure, shall be

⁴ This figure is at the discretion of the Town Council. The decision to allow staff to modify approved site plans is optional in G.S. Chapter 160D.

constructed, erected, altered, renovated or moved except in compliance with the standards specified in this article and as shown on a Sketch or Site Plan approved by the Town.

Sec. 30-196. - General site arrangement and criteria.

Developments shall be arranged so as to be visually harmonious both within the development site and in relation to adjacent developments. Site design elements of the development shall be integrated to the degree of their compatibility with each other and shall be separated to the degree of their incompatibility.

All site plans shall demonstrate a high quality of overall site design and in the design and construction of site elements, including appropriate consideration of the relationship and balance among site elements, the relationship of the development to natural features, neighboring developments, and access and circulation systems, retention of natural vegetation, minimal alteration of natural topography, mitigation of erosion and sedimentation, mitigation of stormwater drainage and flooding, arrangements and orientation of buildings and amenities in relation to each other and to neighboring streets, landscaping, preservation or enhancement of vistas, and mitigation of traffic impacts. Structures shall be placed and arranged so as not to adversely affect adjacent property. Adverse effects shall include, but are not limited to, the removal of lateral support, the creation of hazard, nuisance, danger or inconvenience, unreasonable loss of light and air, or unreasonable loss of privacy or views. Where standards contradict, the stricter standard shall apply.

Sec. 30-197. - Reserved.

Sec. 30-198. - Site design.

All site designs shall address design elements that include landscape preservation, location of buildings, drives, parking and circulation, pedestrian and bicycles facilities, and site drainage within the physical constraints of a particular site. The site design shall adequately address the following key site design objectives:

- (1) Preserves natural land contours and natural drainage-ways, whenever possible;
- (2) Is compatible with the positive character of the surrounding area in terms of both existing character and desired future character;
- (3) Where possible, incorporates significant tree masses and/or specimen trees as an integral design factor;
- (4) Minimizes harm and disruption to existing plant and animal life;
- (5) Sets aside areas whose physical conditions make them unsuitable for development as conservation areas or as open space; and
- (6) Utilize the adopted Town Bicycle and Pedestrian Plan and the N.C. Department of Transportation Complete Streets Policy (latest edition).

Reference:

<https://www.ncdot.gov/divisions/bike-ped/Documents/2019-08-28-complete-streets-policy.pdf>

(7) Follow the Town's adopted plans, including but not limited to the Comprehensive Plan

Sec. 30-199. - Site access and on-site circulation.

(a) Purpose and intent.

The purpose of this section is to ensure the safe and efficient movement of vehicles, bicyclists, pedestrians, and deliveries on development sites in the Town's planning jurisdiction. More specifically, these standards are intended to:

- (1) Protect the health and safety of Town residents and visitors;
- (2) Ensure pedestrian accessibility is included in site planning;
- (3) Protect the safety of motorists, pedestrians, and bicyclists from traffic entering or exiting the street system; and
- (4) Encourage alternative forms of transportation.

(b) Applicability.

- (1) General. Except where otherwise expressly stated, the standards in this section apply to all new development in the Town's planning jurisdiction.
- (2) Existing Development. Compliance with these standards shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent.
- (3) Conflict. In the event of conflict or overlap with the standards in this section and the standards in Article VI, Subdivisions, the standards in Article VI, Subdivisions, shall control.

(c) Timing of review.

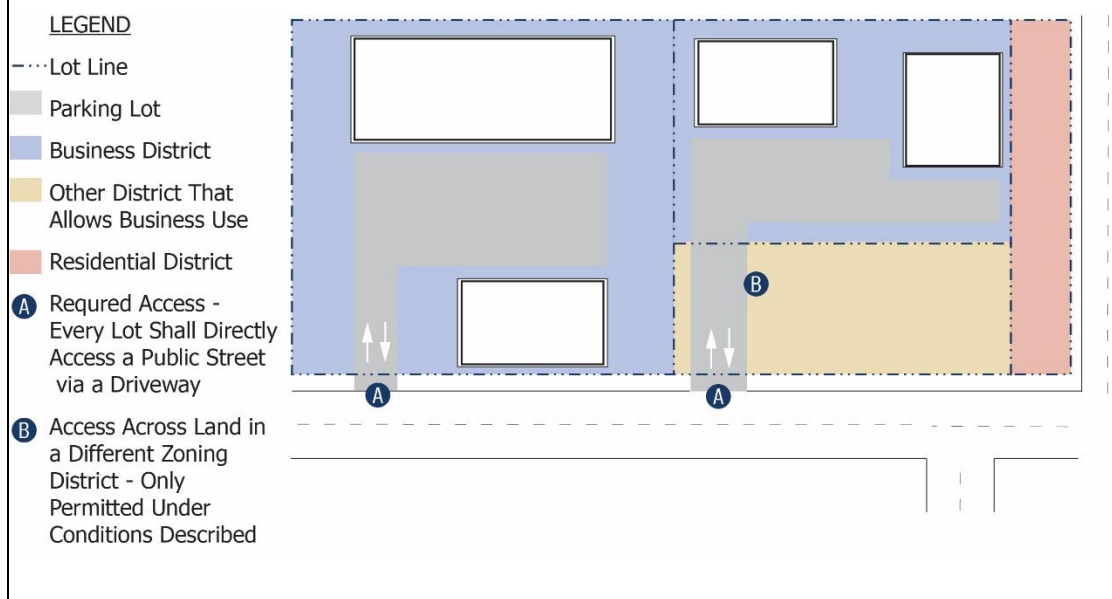
Development subject to these standards shall be reviewed for compliance at the time of site plan, or special use permit review, as appropriate. In cases where a development application is considered by more than one review authority, the decision regarding compliance with these standards shall be made by the review authority making the final decision on the application under review.

(d) Site access and circulation standards.

(1) Access to Lots.

- a. Every lot shall abut or have direct access, via a driveway, to a public-street.
- b. No building or structure shall be constructed or placed on a lot that does not abut or have direct access to a public-street.
- c. Direct access to a publicly-maintained street shall not extend through or across land in a different zoning district than the lot being served by the access (see Figure 1 Lot Access). This requirement is waived when the land in the different zoning district is classified as a business district, allows the use being served by the direct access, or provides the sole means of access for the use.

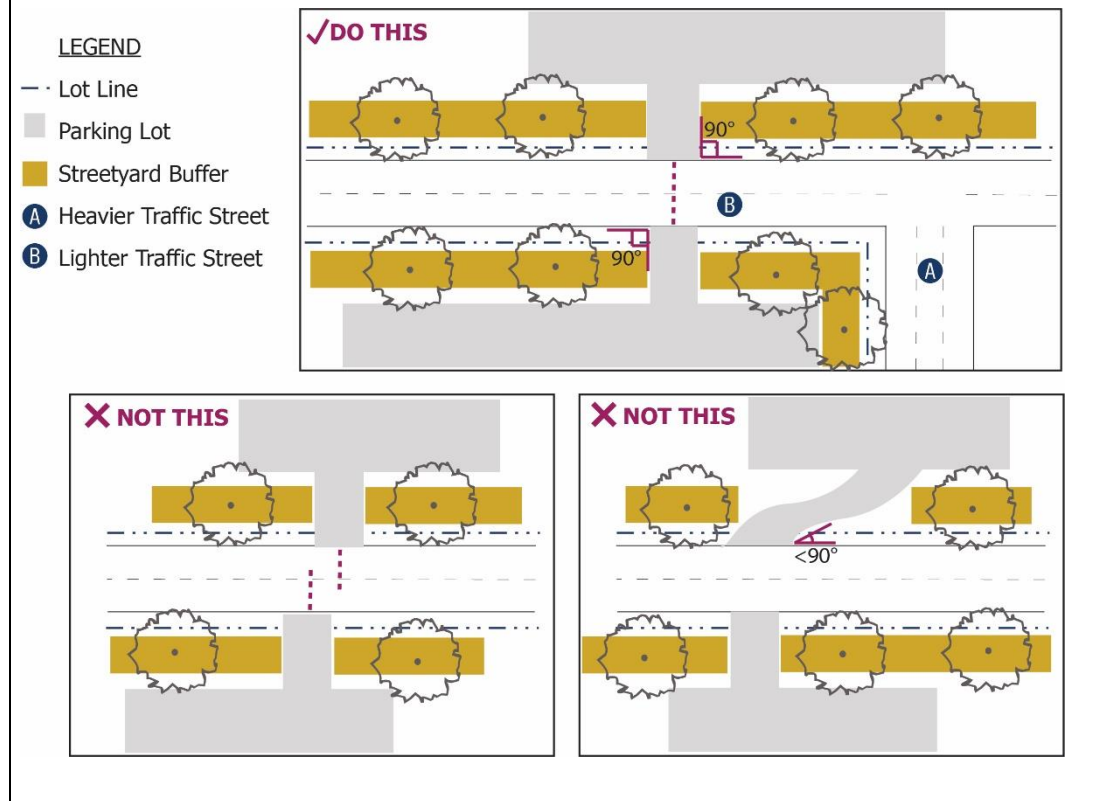
Figure 1 Lot Access



- d. Vacant lots of record established prior to (*insert the effective date of these standards*), that do not abut a publicly-maintained street may establish access through a permanent access easement, provided the lot is used for one single-family detached dwelling and its allowable accessory uses, and provided the easement complies with the following:
 - i. The easement is recorded in the offices of the Register of Deeds;
 - ii. The minimum easement width is 20 feet;
 - iii. The minimum separation between the easement and any other platted access or right-of-way is at least 150 feet;
 - iv. The location of the easement is recorded on a plat; and
 - v. The easement permits ingress, egress, regress, and necessary utilities to serve the lot.
- (2) Compliance with Street Requirements. Development subject to the standards in this section that includes construction activity affecting streets or street rights-of-way shall also comply with the standards in Section 30-415, Standards: Access, Circulation and Open Space.
- (3) Driveways.
 - a. Driveways providing ingress or egress to a State-maintained or private street shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended.
 - b. All new driveways connecting to State-maintained streets shall obtain a driveway permit from NCDOT prior to the construction.
 - c. Driveway Configuration

- i. Vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, bicycles, or vehicles traveling on abutting streets.
- ii. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
- iii. Driveway radii shall be designed in accordance with the NCDOT's or the Town's specifications and shall not extend beyond side lot lines.
- iv. No driveway serving an off-street parking area or providing on-site circulation is permitted within any required landscaping area, but driveways may be installed across these areas.
- v. Driveways shall be as nearly perpendicular to the street right-of-way as possible (see Figure 2 Driveway Configuration).
- vi. Driveways shall line up with other driveways/streets across the street, where practicable.
- vii. Driveways on corner lots shall provide access from the street with less traffic, to the maximum extent practicable.

Figure 2 Driveway Configuration

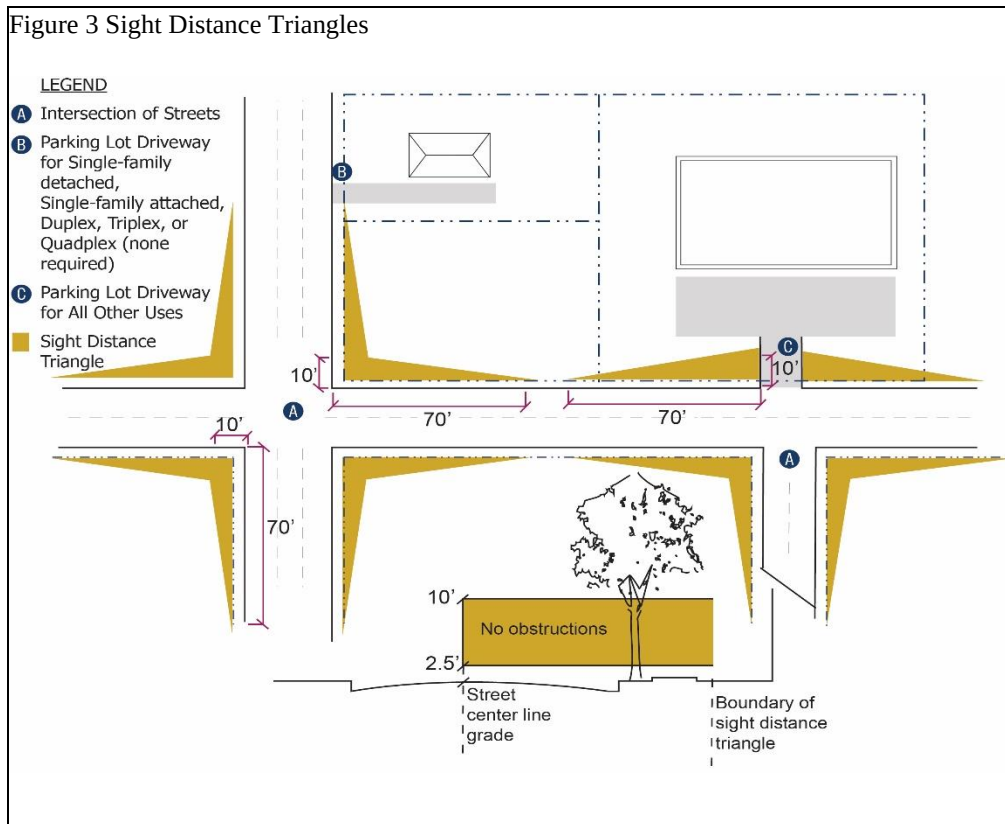


- d. Driveway spacing.

- i. No portion of any driveway leading from a street shall be closer than 100 feet to the corner of any adjacent street intersection measured from the edge of the right-of-way.
 - ii. On lots with less than 100 feet of lot width, the driveway shall be located as far as practicable from the adjacent street intersection.
 - iii. Except when configured as paired driveways, driveways serving individual single-family detached dwellings, individual single-family attached dwellings, duplex, triplex, or quadruplex buildings shall be located at least 20 linear feet from any other driveway on the same or different lot. For the purposes of this section, paired driveways are up to two driveways, whether on the same or different lots, where one side of a driveway is within five feet of the side of the other driveway.
 - iv. Except as provided in iii above, no two driveway access points, whether on the same or different lots, shall be located within 50 feet of each other, to the maximum extent practicable.
 - e. Driveway surfacing. New driveways established the effective date of these standards that abut a paved street shall be surfaced with asphalt or six inches of concrete for a distance of at least five feet from the edge of the right-of-way or the driveway radius point, whichever is greater.
- (4) Sight distance triangles
- a. Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection. Required sight distance triangles shall be configured in accordance with the Sight Distance Triangle Requirements table below.

Sight Distance Requirements Table		
Type of Intersection		Minimum Sight Distance Triangle Required [1] [2]
Intersection between 2 streets (public or private)		10/70 from all approaches
Driveways serving parking lots		10/70 from the street approaches
Driveways serving individual land uses without parking lots	Single-family detached and attached dwellings (including duplexes)	None
	All other uses of land	10/70 from street approaches, wherever possible
NOTES: [1] Sight distance triangles shall be an area between a point at the edge of a street right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing street right-of-way located ten feet from the intersection. [2] The NCDOT may require an alternative configuration.		

- b. No planting, structure, fence, wall, slope, embankment, parked vehicle, or other obstruction to vision between the heights of two-and-one-half (2½) feet and ten feet above the centerline grades of intersecting streets or accessways may be located within a required sight distance triangle (see Figure 3 Sight Distance Triangles).

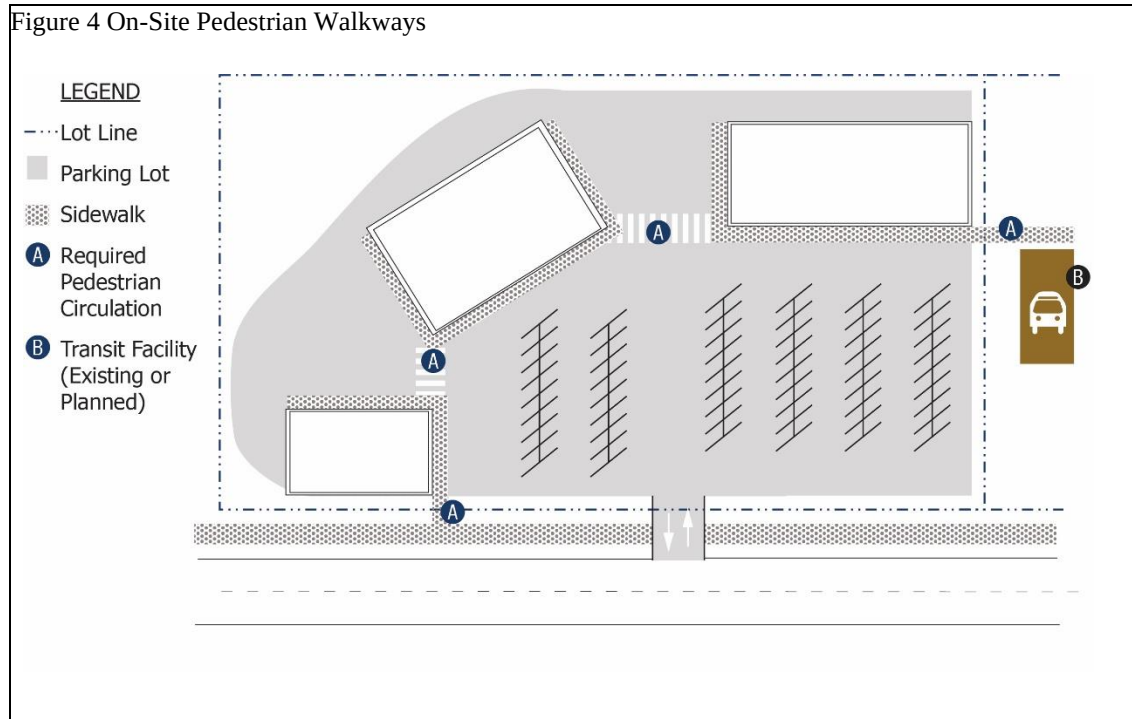


(5) On-site pedestrian walkways.

On-site pedestrian walkways that minimize conflict between pedestrians and vehicles shall be provided on all non-residential, mixed-use, and multi-family development sites, and shall be configured in accordance with the following standards.

- a. On-site pedestrian walkways shall connect building entrances to off-street parking areas and to other building entrances on the same site (see Figure 4 On-Site Pedestrian Walkways).
- b. Development subject to these standards shall provide at least one connection to an existing or planned public sidewalk or existing greenway via an on-site pedestrian walkway configured in accordance with these standards. In cases where existing or planned sidewalks do not exist, at least one on-site pedestrian connection shall continue to the right-of-way edge.
- c. Connections shall be made to all existing or planned adjacent transit facilities, to the maximum extent practicable.
- d. On-site pedestrian walkways shall be paved with asphalt, concrete, or other all-weather material, and shall be of contrasting color or materials when crossing parking lot drive aisles.

- e. On-site pedestrian walkways shall be positively drained and configured to avoid areas of pooling water.
- f. On-site pedestrian walkways shall be in compliance with applicable State and federal requirements, including ADA requirements.



- (6) Compliance with Requirements for Sidewalks. Development subject to the standards in this section shall comply with all applicable standards in Section, 30-415(a)(7), Subdivision Road Standards, and Section 30-415(b), Sidewalks.

Sec. 30-200. - Off-street parking and loading.

- (a) Purpose and intent.

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards are further intended to:

- (1) Provide for adequate off-street parking, off-street loading, and safe movement of vehicles into, out of, and through parking areas;
- (2) Allow for flexibility to accommodate alternative solutions to off-street parking and loading needs, where such flexibility is consistent with the Town's adopted policy guidance;
- (3) Reduce the aesthetic impact of surface parking lots in business areas and lands proximate to residential neighborhoods through standards addressing on-site parking lot locations;
- (4) Avoid excessive paved surface areas and the resulting problems associated with stormwater runoff and urban heat islands; and

(5) Protecting compatibility between adjacent uses of land.

(b) Applicability.

The standards in this section shall apply to all development in the Town's planning jurisdiction, unless exempted in accordance with Section 30-200 (c), Exemptions.

(1) Generally. Whenever a building is constructed, an open-air use of land is conducted, or a principal or accessory use is established, the development shall meet the requirements of this section.

(2) Additions and expansions. Whenever a building, open air use of land, or principal or accessory use is enlarged or increased in capacity, the development shall comply with these requirements.

(3) Changes in use.

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

b. In cases where an existing parking lot does not comply with the parking lot configuration requirements of this section, changes in use shall require the parking lot's configuration to be brought into compliance with these standards to the maximum extent practicable.

(c) Exemptions.

The standards in this section shall not apply to the following forms of development:

(1) Lawfully-established lots of record existing prior to (*insert the effective date of this Ordinance*), that contain a single-family detached residential structure and are not served by an alley;

(2) Re-striping an existing parking lot which does not create a deficient number of parking spaces or a nonconforming situation;

(3) Establishment of a single-family detached home is exempted from the standards in this section but shall comply with the Table of Minimum Off-Street Parking Requirements.

(d) Timing of review.

Development subject to these standards shall be reviewed for compliance at the time of site plan, or special use permit review, as appropriate. In cases where a development application is considered by more than one review authority, the decision regarding compliance with these standards shall be made by the review authority making the final decision on the application under review.

(e) Off-street parking requirements.

(1) Parking plan required. Every application for a site plan or building permit shall include a parking plan or plot plan drawn to scale and fully-dimensioned as necessary in order to demonstrate compliance with the standards in this Ordinance.

- (2) Minimum off-street parking spaces required. The minimum number of off-street parking spaces required for development shall be in accordance with the applicable use type listed in the Table of Minimum Off-Street Parking Requirements.
- (3) Use of on-street parking. Off-street parking required by this section shall be provided without the use of streets.
- (4) Off-street parking space maximum. Commercial use types shall limit the total number of off-street parking spaces provided to not more than 150 percent of the minimum parking spaces required in the Table of Minimum Off-Street Parking Requirements.
- (5) Use type not listed. For use types that do not correspond to the use types listed in the, Table of Minimum Off-Street Parking Requirements, any one of the following actions may be taken as part of determining the applicable off-street parking requirements:
 - a. The applicant may provide a parking study for the use(s) prepared by a professional engineer licensed by the State of North Carolina;
 - b. The applicant may propose a text amendment to the Town's zoning regulations;
 - c. The applicant may request a formal determination of these off-street parking standards by the Zoning Administrator (which may be appealed to the Board of Adjustment); or
 - d. The Zoning Administrator may determine the minimum parking space requirement based on a similar use in accordance with the standards of this Ordinance.
- (6) Developments with multiple use types or lots.
 - a. Development containing more than one principal use shall provide the minimum number of off-street parking spaces in an amount equal to the total required for all individual principal uses in the development.
 - b. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured to locate a portion of the required parking for one lot on another in the same development.
- (7) Use of required off-street parking spaces.
 - a. Off-street parking areas used for any of the following vehicles are not credited towards the minimum number of required off-street parking spaces and such vehicles shall be located outside required off-street parking spaces and any street rights-of-way:
 - i. Vehicles for sale or lease;
 - ii. Vehicles being stored, serviced, or repaired; or
 - iii. Vehicles belonging to the use, such as company vehicles.
 - b. Required off-street parking spaces shall not be used for any purpose other than the temporary parking of operable vehicles.
 - c. In no instance shall motor vehicle servicing or repair of a vehicle take place within a required off-street parking space except for washing and emergency service necessary to start the vehicle.

- (8) Driveways used to meet parking requirements. Driveways of sufficient size may be used to accommodate required off-street parking spaces only for the following uses:
- Boarding/rooming houses;
 - Duplex, triplex, and quadplex dwellings;
 - Cemeteries;
 - Family care and group homes;
 - Single-family attached dwellings in developments of six or fewer dwellings; and
 - Single-family detached dwellings (including manufactured and mobile homes).

(9) Minimum off-street parking requirements table

Table of Minimum Off-Street Parking Requirements	
Use Type	Minimum Number of Off-Street Parking Spaces
Residential Uses	
Assisted Living Facility	1 per employee on the largest shift + 0.25 per bed
Boarding/Rooming House	2 + 1 per each rental room
Continuing Care Retirement Community	1.5 per every individual dwelling unit + 1 per every employee on the largest shift + per every 200 sf used by the public
Duplex Dwelling	2 per every dwelling unit
Dormitory (for students or workers)	1 per employee on largest shift + 0.25 per bed
Family Care Home	2 + 1 per bedroom
Group Home	2 + 1 per bedroom
Halfway House	2 per bedroom
Manufactured Dwelling	2 per dwelling unit
Manufactured Dwelling Park	2 per every home site
Mobile Home	2 per dwelling unit
Mobile Home Park	2 per every mobile home site
Multi-Family Dwelling	1.5 per every dwelling unit + 0.25 guest spaces per unit
Nursing Home	1 per employee on largest shift + 0.25 per bed
Single-Family Attached Dwelling	2 per every dwelling unit + 0.25 guest spaces per unit
Single-Family Detached Dwelling	2 per dwelling unit
Triplex/Quadruplex	2 per every dwelling unit
Upper-Story Residential Over a Non-residential Use	1 per dwelling unit
Institutional Uses	
Adult Day Care Center	1 + 1 per every employee on largest shift
Auditorium	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Blood/Tissue Collection	1 per every 200 sf
Broadcasting Studio	1 per every 2 employees
Cemetery, Columbarium, or Mausoleum	1 per employee on the largest shift
Child Day Care Center	1 per every employee + 1 per every 10 children
College or University	5 per every classroom + 5 per every office

Table of Minimum Off-Street Parking Requirements	
Use Type	Minimum Number of Off-Street Parking Spaces
Community/Youth/Senior Center	1 per every 300 sf
Community Garden	None
Cultural Facility, Library, or Museum	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Drug/Alcohol Treatment	Greater of: 1 per every 400 sf or 1 per bed
Fire/EMS/Police Station	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Fraternal Club or Lodge	1 per every 300 sf
Government-Related Use	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Laboratory	2 per every 3 employees on major shift
Outdoor Recreation (pools, playgrounds, etc.)	1 per every 900 sf of activity area (including building sf)
Outpatient Treatment Facility	1 per every 200 sf
Park (public or private)	1 per employee on largest shift + 1 per acre
Police/Fire Training Facility	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Post Office	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Religious Institution	Greater of: 1 per every 6 seats or 1 per every 50 sf of floor area in main assembly room
School, Elementary	1 per employee
School, High/Middle	5 per every classroom and office
School, Vocational	5 per every classroom and office
Small Wireless Facility	None
Telecommunications Tower	Two
Urgent Care	1 per employee on the largest shift + 1 per every 300 sf
Commercial Uses	
Adult Use	1 per every 150 sf
Animal Day Care	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Animal Grooming	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Animal Shelter	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Automobile Repair and Servicing (without painting/bodywork)	2 + 1 per every service bay
Automobile Sales or Rentals	1 per every 200 sf
Automotive Painting/Body Shop	2 + 1 per every service bay
Automotive Parts and Accessory Sales	1 per every 200 sf
Automotive Towing and Storage Lot	1 per employee on the largest shift
Bar, Cocktail Lounge, or Private Club	1 per every 150 sf
Bed and Breakfast	2 + 1 per every rental unit
Boat and Marine Rental, Sales, and Service	1 per every 600 sf

Table of Minimum Off-Street Parking Requirements	
Use Type	Minimum Number of Off-Street Parking Spaces
Bottle Shop (with on premise consumption)	1 per every 4 seats
Bulky Items Sales	1 per every 600 sf
Business Incubator	1 per every 450 sf
Campground	1 + 1 per every camping space
Car Wash or Automobile Detailing	2 per every washing bay
Catering Establishment	1 per every 300 sf
Check Cashing/Payday Lending	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Coffee Shop	1 per every 150 sf
Computer-related Service	1 per every 600 sf
Convenience Store (no gasoline sales)	1 per every 200 sf
Convenience Store (with gasoline sales)	1 per every 200 sf
Co-Working Space	1 per every 250 sf
Electronic Gaming Operation	1 per every 200 sf
Equipment and Tool Rental	1 per every 600 sf
Event Venue	1 per every 150 sf
Fairgrounds	1 per every 600 sf of use area
Financial Service	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Flea Market	1 per every 200 sf
Funeral-related Service	Greater of: 1 per every 200 sf used by public, or 1 per every 4 seats in chapel
Games of Skill	1 per every 200 sf
Golf Course	1 per every 4 persons of design capacity
Golf Driving Range	2 + 1 per every tee
Gymnasium/Fitness Center	1 per every 200 sf
Hair, Nails, and Skin-related Service	1 per every 200 sf
Heavy Equipment Sales, Rental, and Repair	1 per every 600 sf
Hotel or Motel	5 + 1 per every rental unit
Indoor Commercial Recreation	1 per every 200 sf
Kennel, Indoor/Outdoor	1 per every 200 sf
Laundry and Cleaning Service	1 per every 200 sf used by the public
Microbrewery or Micro Distillery	1 per every 150 sf
Nightclub or Dance Hall	1 per every 150 sf
Office, Medical	4 per every doctor/practitioner
Office, Professional	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Office, Sales and Service	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Outdoor Commercial Recreation	1 per every 1,000 sf of activity area (including building sf)

Table of Minimum Off-Street Parking Requirements	
Use Type	Minimum Number of Off-Street Parking Spaces
Outdoor Storage	1 + 1 per employee on largest shift
Packaging and Printing Service	1 per every 200 sf
Park and Ride Facility	1 per employee on the largest shift
Parking Lot	1 per employee on largest shift
Parking Structure	1 per employee on largest shift
Pharmacy	1 per every 200 sf
Pool Hall	1 per every 150 sf
Racetrack	1 per every 4 persons of design
Recreational Vehicle Park	1 per employee on largest shift + 0.25 per every recreational vehicle space
Repair Shop	1 per every 600 sf
Restaurant, Indoor/Outdoor Seating	1 per every 4 seats
Restaurant with Drive-Through/Drive-up Service	1 per every 4 seats
Restaurant, Walk-up Only	1 per employee on largest shift + 1 per every two outdoor seating locations
Retail Use, Other	1 per every 200 sf
Self Service Storage, External Access	1 + 1 per employee on largest shift
Self Service Storage, Internal Access	1 per every 5,000 sf
Specialty Eating Establishment	1 per every 4 seats
Tattoo and Piercing Establishment	1 per every 600 sf
Theatre	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Truck Stop	1 per every 200 sf + separate truck/trailer parking
Veterinary Clinic	4 per every doctor
Industrial Uses	
Asphalt or Concrete Plant	2 per every 3 employees on major shift
Contractor Services/Yard	Greater of: 1 per every 300 sf or 1 per every 1,000 sf of outdoor area
Electrical or Plumbing Fabrication	2 per every 3 employees on major shift
Extractive Industry	1 + 1 per employee on largest shift
Flex Space	1 per every 200 sf
Fuel Oil/Bottled Gas Distributor	1 per every 200 sf used by public + 1 per employee on largest shift
Gas Energy Conversion	1 + 1 per employee on largest shift
General Industrial Services	2 per every 3 employees on major shift
Landfill	2+ 1 per employee on largest shift
Makerspace	1 per every 400 sf
Manufacturing, Heavy	2 per every 3 employees on largest shift
Manufacturing, Light	2 per every 3 employees on largest shift
Metal Fabrication	2 per every 3 employees on major shift
Public Convenience Center/Transfer Station	10 + 1 per employee on the largest shift
Recycling Center	1 per every 1,000 sf (min. of 2 spaces)

Table of Minimum Off-Street Parking Requirements	
Use Type	Minimum Number of Off-Street Parking Spaces
Research and Development	1 per every 300 sf of office area + 1 per every 500 sf of other floor area
Salvage or Junkyard	3+ 1 per employee on the largest shift
Solar Farm	None
Truck or Freight Terminal	2 per every 3 employees on largest shift
Utility, Major (public or private)	1 per every 1,500 sf
Utility, Minor (public or private)	None
Warehouse, Distribution	2 per every 3 employees on largest shift
Warehouse, Storage	2 per every 3 employees on largest shift
Waste Composting	1 per employee on the largest shift
Welding shop	1 + 1 per employee on the largest shift
Wholesale Sales	1 per every 900 sf
Wind Energy Conversion	None
Accessory Uses	
Home Occupation	2 + minimum requirement for principal use
Seasonal Retail Standards	1 per every 200 sf of use area + minimum requirement for principal use

(10) Bicycle parking.

a. Applicability.

- i. Bicycle parking facilities shall be provided on all new commercial, mixed-use, multi-family, and institutional use types served by 20 or more off-street parking spaces for vehicles.
- ii. Bicycle parking shall not be required for industrial use types.

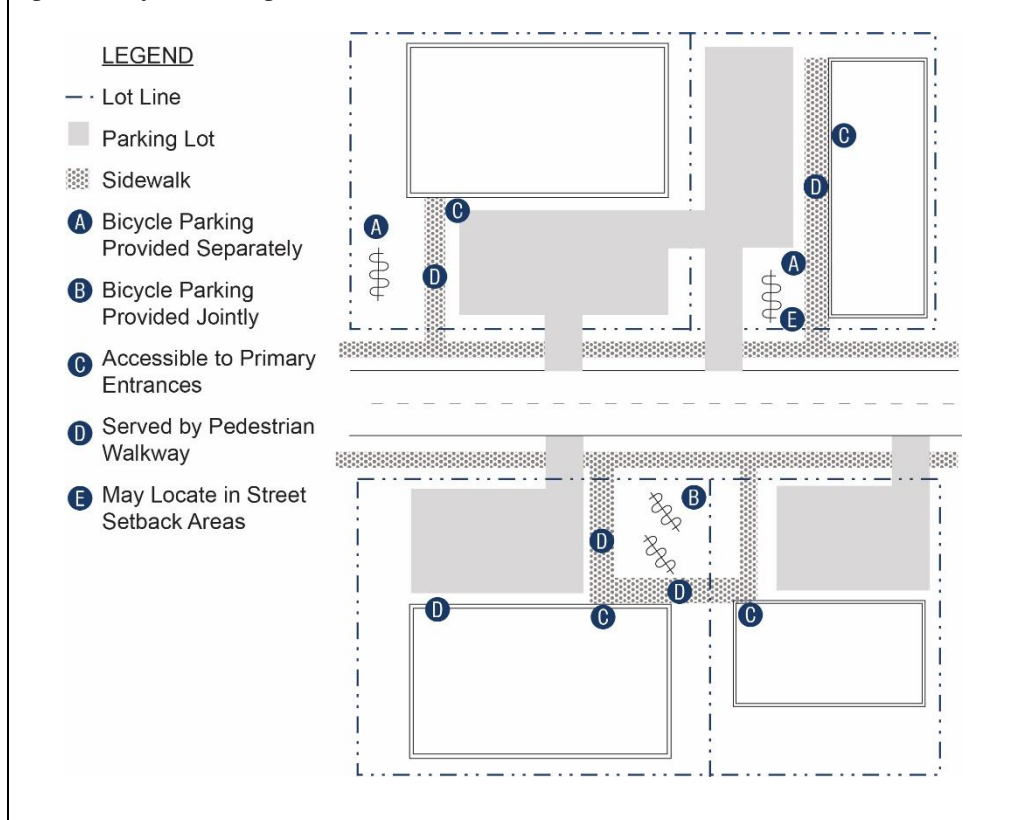
b. Rate of provision.

Bicycle parking spaces shall be provided at a rate of one bicycle parking space for every 20 off-street parking spaces for automobiles. Nothing shall limit the provision of more bicycle parking spaces than are otherwise required.

c. Configuration.

- i. Bicycle parking should be accessible to the primary entrances of the development and located in a visible, well-lit area (see Figure 5 Bicycle Parking).
- ii. Bicycle parking shall be served by a pedestrian walkway connecting the bicycle parking to the closest primary building entrance.
- iii. Bicycle parking shall be located where it does not interfere with pedestrian traffic and is protected from conflicts with vehicular traffic.
- iv. Bicycle parking may be accommodated within street setback areas.
- v. A bicycle rack or other device shall be provided to enable bicycles to be secured.

Figure 5 Bicycle Parking



d. Shared Bicycle Parking Spaces.

Nothing shall limit uses on the same block face from establishing shared or consolidated bicycle parking spaces in central or mid-block locations, provided there are sufficient bicycle parking spaces for all uses sharing the required bicycle parking.

(f) Parking lot configuration.

(1) General.

- a. All required off-street parking spaces shall be located on the same lot as the principal use they serve, except as allowed in Section 30-200 (g) Alternatives.
- b. Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
- c. Except where allowed by this Ordinance, off-street parking spaces shall be not be located in any required landscaping or stormwater management area.
- d. Off-street parking spaces shall not protrude into any street, fire lane, drive aisle, sidewalk, greenway, or pedestrian connection.

- (2) Dimensional Standards for Parking Spaces and Aisles. Off-street parking spaces and drive aisles serving them shall comply with the minimum dimensional standards established in the Table of Dimensional Standards for Off-Street Parking Lots.

Table of Dimensional Standards for Off-Street Parking Lots				
Type of Parking Space	Minimum Width (feet)	Minimum Depth (feet)	Minimum Aisle Width (feet) [1]	
			One-Way Traffic	Two-Way Traffic
Parallel (0°)	9	22	12	24
Angled (45°)	10	20	12	24
Perpendicular (90°)	10	20	20	24
NOTES:				
[1] Minimum aisle width shall be measured from edge-of-pavement to edge-of-pavement and shall not include gutters or curbing.				

(3) Compact parking spaces.

- a. Compact car off-street parking spaces with a minimum width of 8.5 feet and a minimum depth of 18 feet may be provided for up to 30 percent of the minimum parking requirements in the Table of Minimum Off-Street Parking Requirements.
- b. In no instance shall the minimum size of a compact parking space be further reduced.

(4) Parking space access.

- a. All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from arterial or collector streets.
- b. All off-street parking areas shall be designed with an appropriate means of vehicular access to a street or alley in a manner that allows for safe vehicular movements.

(5) Vehicle backing. Vehicular use areas shall be designed so that a vehicle is not required to back onto a street to enter or exit the parking lot, a parking space, or a stacking space.

(6) Surface materials. All off-street parking spaces, accessible parking spaces, drive aisles, and vehicular use areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.

(7) Grading and drainage. The parking lot shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion. Parking lots shall not impound stormwater unless surface impoundment is required as a method of stormwater management. However, in no instance shall surface impoundment result in a fewer number of off-street parking spaces than required in the Table of Minimum Off-Street Parking Requirements.

(8) Markings. All parking spaces and lanes in parking lots shall be clearly delineated with paint lines, curbs, or other treatment.

(9) Curbs and wheel stops. All off-street parking spaces shall have curbs or wheel stops located so that no part of the parked vehicle extends onto or over a sidewalk, walkway of six feet in width or less, adjacent property, or landscape area.

(10) Separation from fire protection facilities. No required off-street parking space take place within designated fire lanes or be located within 15 feet of a fire hydrant or other fire protection facility.

(11) Exterior lighting. Exterior lighting in parking lots shall be designed to provide illumination of parking lot areas for the purposes of safe vehicle and pedestrian circulation.

(12) Landscaping. Parking lot landscaping shall be provided in accordance with Section 30-205 Landscaping.

(13) Accessible parking spaces.

- a. Accessible parking spaces for the disabled are required for all forms of development except single-family detached dwellings.
- b. Accessible parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act and the North Carolina Building Code.
- c. Accessible (handicapped) parking spaces shall be provided in accordance with the North Carolina Building Code requirements.

(g) Alternatives.

Development may deviate from the off-street parking requirements in this section through approval of an alternative parking plan accepted by the Zoning Administrator and configured in accordance with the following:

- (1) Deviation from Required Minimum. An applicant may propose a reduced rate of provision for off-street parking less than that specified in the Table of Minimum Off-Street Parking Requirements, in accordance with a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why fewer spaces than required will be adequate while still protecting the public's health, safety, and welfare.
- (2) Provision over the Maximum Allowed. An applicant proposing development subject to the standards in Section 30-200 (e) (4) , Off-Street Parking Space Maximum, may propose a total number of off-street parking spaces that exceeds the maximum allowed only through the provision of a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why the provision of off-street parking spaces beyond the maximum authorized is necessary for the public's health, safety, or welfare.
- (3) Off-Site Parking. Up to 50 percent of off-street parking space requirements for an existing building may be met by locating required parking in an off-site location, in accordance with the following standards:
 - a. The off-site parking is located within 1,000 feet from the use it serves, as measured from the entrance of the use to the nearest off-site parking space.
 - b. A sidewalk or paved pedestrian walkway is provided to the off-site parking area from the use.
 - c. In cases where the off-site parking is located on land under separate ownership from the use it serves, the off-site parking shall be subject to a written agreement executed by the owners involved and filed with the Zoning Administrator prior to the use of off-site parking facilities. The agreement shall guarantee the long-term availability of the off-site parking in question.
 - d. Should an off-site parking agreement cease, then the use shall be considered a nonconformity, unless the use is brought into compliance with the minimum off-street parking requirements of this section.

(4) Shared parking. The required off-street parking for a use may be met with shared use of the required off-street parking spaces of another use, only in accordance with the following standards:

- a. The use of shared off-street parking spaces shall be subject to a shared parking agreement executed by the landowners of the uses involved, approved by the Zoning Administrator, and recorded in the office of the Register of Deeds for Johnston County where the development is located.
- b. The shared parking agreement shall guarantee the long-term availability of the shared parking spaces in question. Nothing shall limit the percentage of required off-street parking spaces that may be provided through a shared parking agreement.
- c. The shared parking is located within 1,000 feet, as measured from the entrance of the use to the nearest shared parking space.
- d. A sidewalk or paved pedestrian walkway is provided to the shared parking area from the use.
- e. The uses served by the shared parking must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses sharing parking have access to the required minimum number of off-street parking spaces when in operation.
- f. Should the shared parking agreement cease, then the use(s) formerly served by shared parking shall be considered a nonconformity, unless the use(s) is brought into compliance with the minimum off-street parking requirements of this section.

(h) Off-street loading.

(1) Loading facilities required. Every application for a non-residential use shall ensure that adequate off-street loading facilities are provided so that loading vehicles do not occupy required off-street parking spaces, block vehicular access, or prevent appropriate on-site maneuvering.

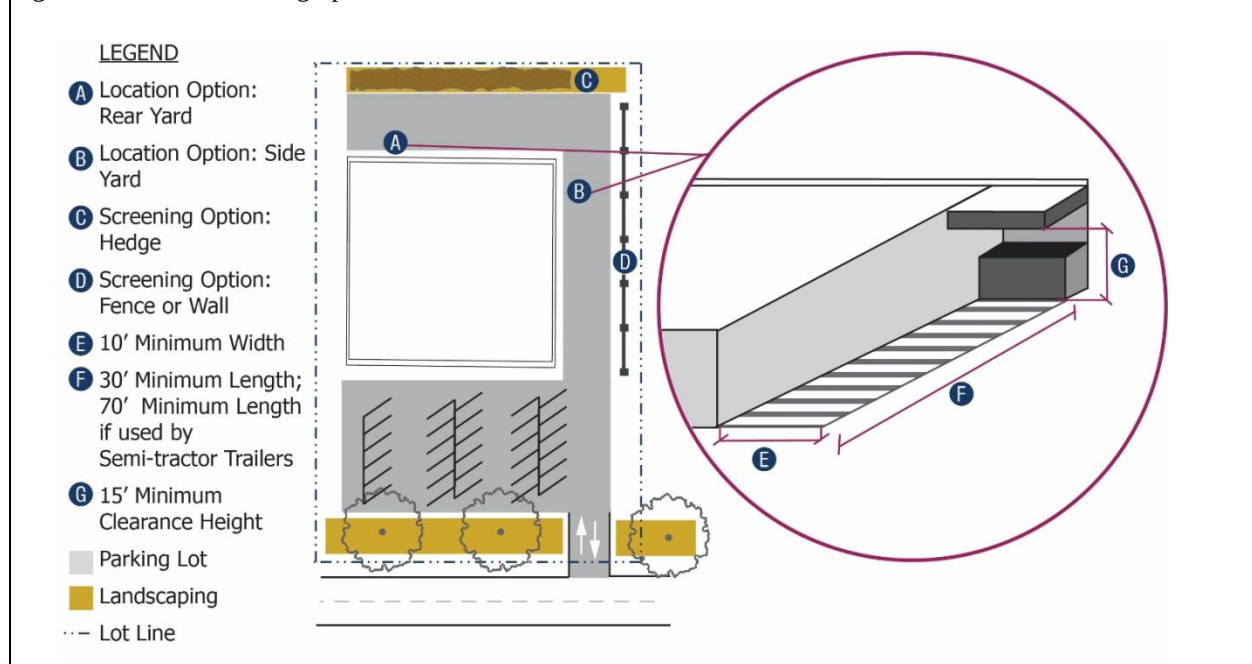
(2) Minimum off-street loading space requirements.

- a. A minimum number of off-street loading spaces is not established; however, if off-street loading spaces are provided, they shall be provided and maintained in sufficient numbers to adequately handle the needs of a non-residential use.
- b. Failure to provide or maintain off-street loading spaces when they are necessary to serve the development is a violation of this Ordinance.
- c. In no instance shall an off-street loading space occupy a required off-street parking space or interrupt the safe operation of vehicles or circulation of pedestrian or bicycles.
- d. Each off-street loading space shall be designed with an appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic circulation.

(3) Location. No off-street loading space shall be located within a required setback or within 30 feet of a street intersection.

- (4) Dimensional standards for loading spaces. When off-street loading spaces are provided, they shall comply with the following minimum requirements (see Figure 6 Off-Street Loading Spaces):
- Except for loading spaces used by semi-tractor trailers, off-street loading spaces shall be at least 10 feet wide and at least 30 feet long.
 - Off-street loading spaces used by semi-tractor trailers shall be at least 70 feet long.
 - Overhead clearance for an off-street loading space shall be at least 15 feet.
 - Off-street loading spaces shall be designed so that no backing onto or from a public street is necessary.

Figure 6 Off-Street Loading Spaces



Sec. 30-201 - Sedimentation, Erosion Control and Stormwater Management

All subdivisions and site-planned developments shall meet the following requirements:

- The Johnston County Stormwater Management Ordinance (Johnston County Land Development Ordinance, Art. VII) and the Stormwater Design Manual, which were adopted by reference on October 12, 2012 as if set out fully in this ordinance;
- The Johnston County Erosion and Sedimentation Control Ordinance, which was adopted by reference by the Town on September 8, 2014; Approved by the Johnston County Commissioners of Oct. 6, 2014 and subsequently approved by the N.C. Sedimentation Control Commission on Nov. 20, 2014;
- Code of Ordinances Section 30-130 Environmentally Sensitive Area District;
- Code of Ordinances Section 30-131 Water Supply Watershed Protection District;
- Code of Ordinances Chapter 14, Flood Damage Prevention.

Sec. 30-202. - Water and sewer.

- (a) *Service by public systems.* All developments shall be served by a public/private water supply and a public/private sanitary sewer system wherever practicable. Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided where necessary. All proposed public water and sanitary sewer installations shall be approved by the appropriate public utilities department. Certification of such approval shall be submitted to the zoning administrator prior to issuance of any zoning compliance permit for the development being served. No certificate of occupancy for a structure shall be issued until the following documents have been submitted to the zoning administrator:
- (1) Certification that all water/sewer facilities necessary to serve such structure have been completed to the appropriate approving authority standards; and
 - (2) As-built construction drawings of those completed water and/or sewer facilities as required by the utility provider(s).
- (b) *Service by individual systems.* Individual water supply/sewer treatment systems intended to provide potable water/sewer treatment, and/or individual subsurface sewage disposal systems, may be permitted on a parcel/lot, subject to approval by the Johnston County health department. Certification of such county health department approval shall be submitted to the zoning administrator prior to issuance of any zoning compliance permit for the development being served.

Sec. 30-203. - Other utilities.

For all new developments, except residential subdivisions of four lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

Sec. 30-204. - Collection of solid waste and recyclables.

All multifamily, mobile home park, office, commercial, institutional and industrial developments should provide secure, safe, and sanitary facilities for the storage and pickup of solid waste and recyclables. Such facilities shall be convenient to collection and shall be appropriate to the type and size of the development or use being served. All solid waste and recyclable storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or combination of a wall, fence, or hedge in accordance with ordinance provisions. Such screening shall be of sufficient height and design to effectively screen the facility from the view from adjacent properties and streets.



Figure 6B Examples of solid waste dumpster enclosures plan/elevation view.

Sec. 30-205.- Landscaping.

(a) Purpose and intent.

The purpose of these provisions is to establish minimum requirements for the provision and maintenance of functionally adequate, attractive screening and buffering of buildings, site features, and off-street parking areas. These standards are intended to:

- (1) Promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties;
- (2) Assist in delineating separations of spaces, structures, uses, and activities on a site, or between adjacent sites; and
- (3) Shield adjacent properties from potentially adverse external impacts of adjacent land uses and activities.

(b) Applicability. The standards in this section apply to the following forms of development:

- (1) New Principal Buildings or Uses. New principal buildings or open uses of land, including publicly-owned buildings or sites, constructed, reconstructed, or established after the effective date of these standards.
- (2) Improvements and Expansions. All improvements, including expansions of principal buildings, parking areas, or open uses of land shall comply with these standards prior to occupancy.
- (3) Multi-Phase Development. Multi-family, non-residential, and mixed-use development that is planned and developed in phases shall be required to install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed to by the Zoning Administrator. An active phase of a development is the one that is subject to permitted and on-going development activity.

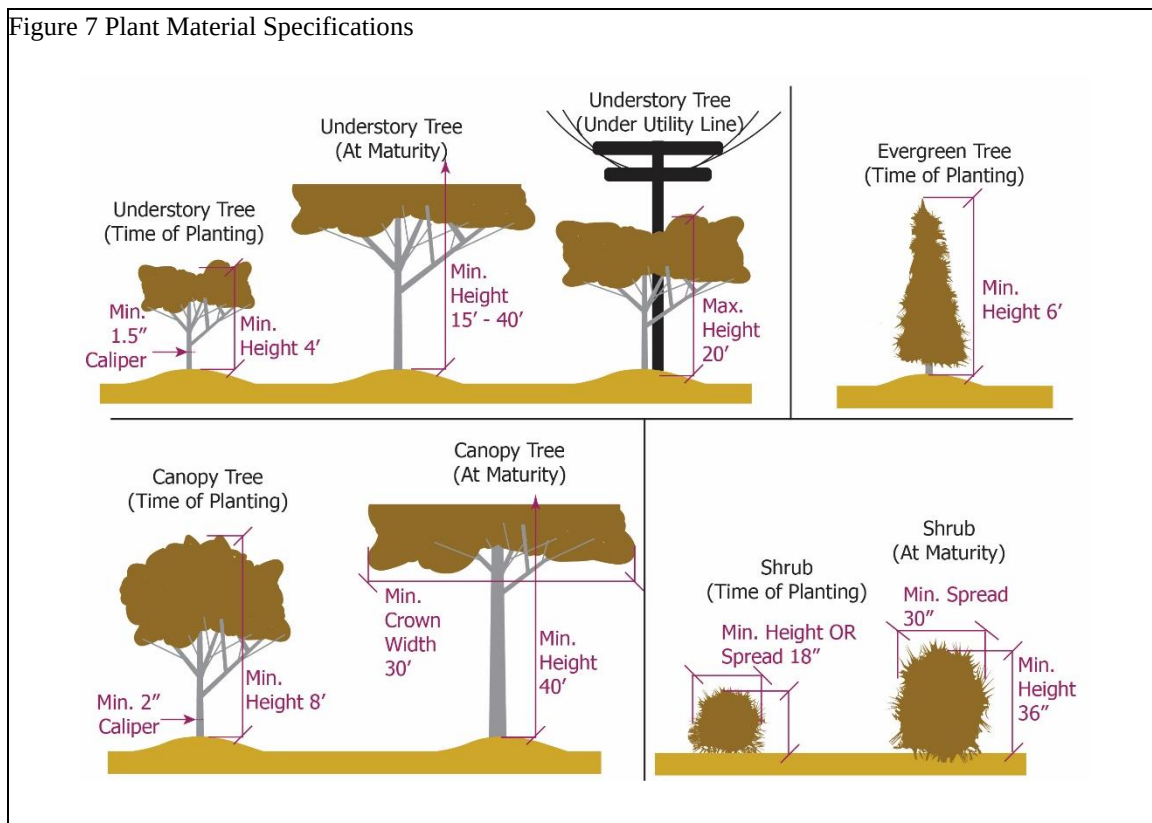
(c) Exemptions. The following forms of development are exempted from these standards.

- (1) Changes to an existing or development of a new proposed single-family detached or duplex dwelling on a residentially-zoned lot.

- (2) Routine maintenance of existing vegetation, such as watering and fertilizing.
 - (3) The removal of dead trees and shrubs, or trees and shrubs that have been diagnosed and determined to be diseased beyond treatment, provided the screening function of the landscaping is maintained or re-established. Failure to maintain the screening function of a required landscaping area is a violation of this Ordinance.
 - (4) Pruning of vegetation, provided the screening function of the required landscaping is maintained. Severe pruning is a violation of this Ordinance and shall require replacement of required vegetation.
 - (5) Repaving or restriping of a parking lot provided there is no increase in parking lot size or the number of parking spaces.
- (d) Timing of review.
- Development subject to these standards shall be reviewed for compliance at the time of site plan, or special use permit, application review, as appropriate. In cases where a development application is considered by more than one review authority, the decision regarding compliance with these standards shall be made by the review authority making the final decision on the application under review.
- (e) Landscape plan required.
- (1) Generally.
 - a. A landscape plan depicting how required landscaping will be planted in accordance with these standards shall be included with an application for site plan, preliminary plat, or zoning compliance, as appropriate, to ensure compliance with this section.
 - b. The landscape plan shall be approved prior to, or concurrent with, the approval of a site plan, preliminary plat, or the issuance of a zoning compliance permit.
 - c. A landscape plan shall contain, at a minimum, the following:
 - i. Location of required planting material;
 - ii. Grouping or clusters of planting material, if proposed;
 - iii. Identification of required plants, including their scientific names;
 - iv. Minimum and maximum dimensions of all planting yard areas;
 - d. Calculations determining the number of canopy trees, understory trees, and shrubs required;
 - e. Locations, species, sizes, and methods of protection during construction for existing vegetation to be retained and counted towards minimum landscaping requirements; and
 - f. Existing topography, or proposed topography where site grading is proposed to occur.
 - (2) Phased Development. Development subject to these standards that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved prior to approval of the final plat.

- (3) Landscaping in a Stormwater Retention or Detention Pond. If trees or shrubs are proposed on or within 20 feet of the embankment of a stormwater retention or detention pond, a landscape plan showing the retention or detention pond and surrounding landscaping must be submitted for review to determine that the safety and functionality of the device will not be compromised by the trees or shrubs.
- (f) Plant material specifications.
- (1) Canopy tree size.
- Canopy trees shall have a minimum height at maturity of 40 feet and a minimum crown width of 30 feet (see Figure 7 Plant Material Specifications).
 - All canopy trees shall have a minimum height of eight feet, or more, and a minimum caliper size of two inches, or more, at planting.
 - Evergreen trees shall be a minimum of six feet in height at planting.
- (2) Understory tree size.
- Understory trees shall have a minimum height at maturity of 15 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet (see Figure 7 Plant Material Specifications).
 - All understory trees shall have a minimum height of four feet, or more, and a minimum caliper size of one-and-one-half (1½) inches, or more, at planting.
 - Nothing shall limit the use of multi-stemmed understory trees provided that 25 percent or more of the leaders meet these requirements.
- (3) Shrub size.
- All shrubs shall be at least a three-gallon size and have a minimum height or spread of 18 inches at the time of planting (see Figure 7 Plant Material Specifications).
 - Shrubs shall reach a minimum height of 36 inches and a spread of 30 inches within three years of planting.
 - Decorative grasses may be proposed as a substitute for shrubs, provided the grasses meet the height and spread requirements and are approved by the Zoning Administrator.

Figure 7 Plant Material Specifications



(4) Species.

- Plant materials shall be selected in accordance with the Archer Lodge Plant List (see Appendix section 30-A.3).
- Required landscaping materials shall be cold-hardy for the location where planted.
- Plant species used in required landscaping areas must be native species or species of a locally-adapted nature. Other species require approval by the Zoning Administrator.

(5) Stabilization.

- Required landscaping areas shall be stabilized and maintained with vegetative cover, mulch, decorative gravel, cinders, or other approved materials to prevent soil erosion and allow rainwater infiltration.
- Required landscaping areas with slopes of 15 percent or more shall be stabilized with vegetative cover (not mulch or gravel) designed to minimize erosion. Required vegetative cover shall be established and functional prior to issuance of a certificate of occupancy.
- Use of landscape fabric on slopes of 15 percent or more is discouraged.

(g) Landscaping placement.

- (1) Outside public street rights-of-way. Required landscaping material shall not be located within a street right-of-way.
- (2) Grouping of plant material.
 - a. Except for street trees, vegetation within a Type A perimeter buffer, shrubs around a parking lot, or when vegetation is included as a screening device, required plant material may generally be grouped or clustered, however, the overall screening intent must be adequately addressed.
 - b. Required plant material in a Type A perimeter buffer may not be grouped and shall be planted according to the required on-center spacing in the Table of Perimeter Buffer Configuration.
 - c. Shrubs intended to screen features like refuse collection areas or mechanical equipment may not be grouped if such grouping results in the failure to meet the minimum screening standards of this Ordinance.
- (3) Multiple-lot development. A multiple-lot development is not required to provide perimeter buffers along lot lines internal to the development, but the perimeter of the development shall be subject to the standards in Section 30-205 (k) Perimeter Buffers.
- (4) Easements.
 - a. Trees and shrubs may be located within a required easement on a case-by-case basis with the permission of the easement holder.
 - b. When landscaping is within an easement, the landowner is responsible for replacement of any required vegetation if maintenance or other actions result in its removal.
 - c. When landscaping is planted in a drainage easement, it shall not impact the easement design or impede the flow of water through the easement.
 - d. Where an easement and a required landscape area coincide and there is a prohibition on planting within the easement, then the required landscaping area shall be located outside the easement.
- (5) Setback smaller than required landscaping area. In cases where a required setback is smaller or more narrow than a required landscaping area, the landscaping area width or size shall not be reduced.
- (6) Fire protection system. Minimum clear separation distances required by the current adopted version of the North Carolina Fire Code and any Fire Code appendices adopted by Johnston County shall be maintained for landscaping near a fire protection system.
- (7) Permitted encroachments
 - a. The following features may be located entirely within required landscaping areas, provided the screening function of the landscaping is maintained:
 - i. Principal buildings, provided the minimum setbacks of the zoning district where located are maintained;
 - ii. Fences and walls;

- iii. Berms with a maximum height of 12 feet or less;
 - iv. Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - v. Pet shelters, well houses, and mechanical enclosures;
 - vi. On-grade patios, steps, benches, outdoor fireplaces, playground equipment serving an individual dwelling unit, accessibility ramps, roof overhangs, and fire escapes;
 - vii. Ornamental entry columns, gates, fences, walls, and retaining walls;
 - viii. Flagpoles of 30 feet in height or less;
 - ix. Lamp and address posts;
 - x. Utility cabinets of four feet in height or less;
 - xi. Mailboxes; and
 - xii. Signage.
- b. The following features may cross a required landscaping area in a manner that minimizes the impact to the required landscaping:
- i. Driveways, sidewalks, pedestrian walkways, greenways, or multi-use trails;
 - ii. Utilities; and
 - iii. Stormwater management facilities.
- (8) Prohibited features. The following features shall not be located within a required landscaping area:
- a. An accessory structure or open air use;
 - b. Off-street parking or loading areas; or
 - c. Outdoor storage or display of products for sale.
- (h) Time of installation.
- (1) A certificate of occupancy shall not be issued, until all required plant materials have been placed in accordance with the approved site plan and requirements of this section.
- (2) In cases where a certificate of occupancy is requested but all required plant materials have not yet been installed or approved by the Town due to limitations of the planting season or commercial unavailability of acceptable plant species, the applicant shall furnish the following:
- a. A signed contract for the installation of all required landscape materials specifying the types of plant materials yet to be installed and the anticipated date of installation; and
 - b. A performance guarantee for the amount of the contract configured in accordance with the applicable requirements of this Ordinance.
- (i) Maintenance and replacement.

(1) Responsibility.

- a. The responsibility for maintenance of required landscaping areas shall remain with the owner of the property, their successors, heirs, or assignees.
- b. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.
- c. Damaging or failing to adequately maintain required landscaping material is a violation of this Ordinance.

(2) Maintenance.

- a. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to: watering, mulching, fertilizing, pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming shall be accomplished in accordance with the Tree Care Industry Association (TCIA) Standards for the Professional Arborist, and shall not include:
 - i. The topping of trees;
 - ii. Removal of 30 percent or more of the crown material in one calendar year; or
 - iii. Any other similarly severe procedures that may cause irreparable harm to the natural form of the tree.
- c. Dead or diseased plantings shall be removed. Unless specifically exempted (such as understory trees shaded by canopy trees), replacement plantings shall be provided for any dead, diseased, or removed vegetation when such replacement plantings are necessary to meet the standards or this Ordinance or maintain the screening objective of the landscaping material.
- d. Landscape structural features such as walls, fences, berms, or water features shall be maintained in a structurally safe and attractive condition.
- e. Where other uses, including pedestrian and bicycle accessways, are allowed within a required landscaping area, these uses shall be maintained to provide for their safe use.

(3) Excessive pruning or trimming prohibited. Pruning or trimming exceeding the TCIA standards or activities exceeding necessary pruning or trimming identified in this subsection shall be a violation of this Ordinance and shall require replacement of damaged vegetation.

(4) Replacement required.

- a. Any disturbed landscaping areas, areas of preserved existing vegetation, or required plant material shall be replaced in accordance with the approved development application and these standards.
- b. Trees or vegetation that die within one year of construction completion shall be removed and replaced with new vegetation of equal or greater size.

- c. Replacement trees and/or shrubs shall be planted within 180 days of removal of required vegetation.

(5) Revegetation plan required.

In cases where required landscaping or existing vegetation required to be preserved is damaged, disturbed, or removed, a revegetation plan shall be submitted for review and approval by the Zoning Administrator, in accordance with the following standards:

- a. Any tree with a caliper of at least eight inches that is damaged or removed shall be replaced with one or more trees that have a caliper of at least two and one-half (2½) inches and a cumulative caliper equal to or greater than the original tree.
- b. Trees damaged or destroyed less than eight inches in diameter shall be replaced to satisfy the performance criteria of this section.
- c. Shrubs may also be required to restore the landscaping performance criteria for the disturbed area.

(6) Location of replacement trees and vegetation.

- a. Replanting shall be located within the vicinity of the violation.
- b. If the area is too small for sufficient growth, a more suitable location on the site may be selected, as permitted by the Zoning Administrator.

(j) Parking lot landscaping.

All parking lots serving multi-family, mixed-use, and non-residential developments shall comply with the following parking lot landscaping standards.

(1) Interior plantings.

- a. Area to be Landscaped. For the purposes of this section, the interior of a parking lot shall be all of the area within the outer boundary of the parking lot including interior and corner landscape islands intended to fulfill the interior parking lot landscaping requirements, but not including landscaping planted around the perimeter of the parking lot (see Figure 8 Parking Lot Landscaping).
- b. Landscaping islands and strips.

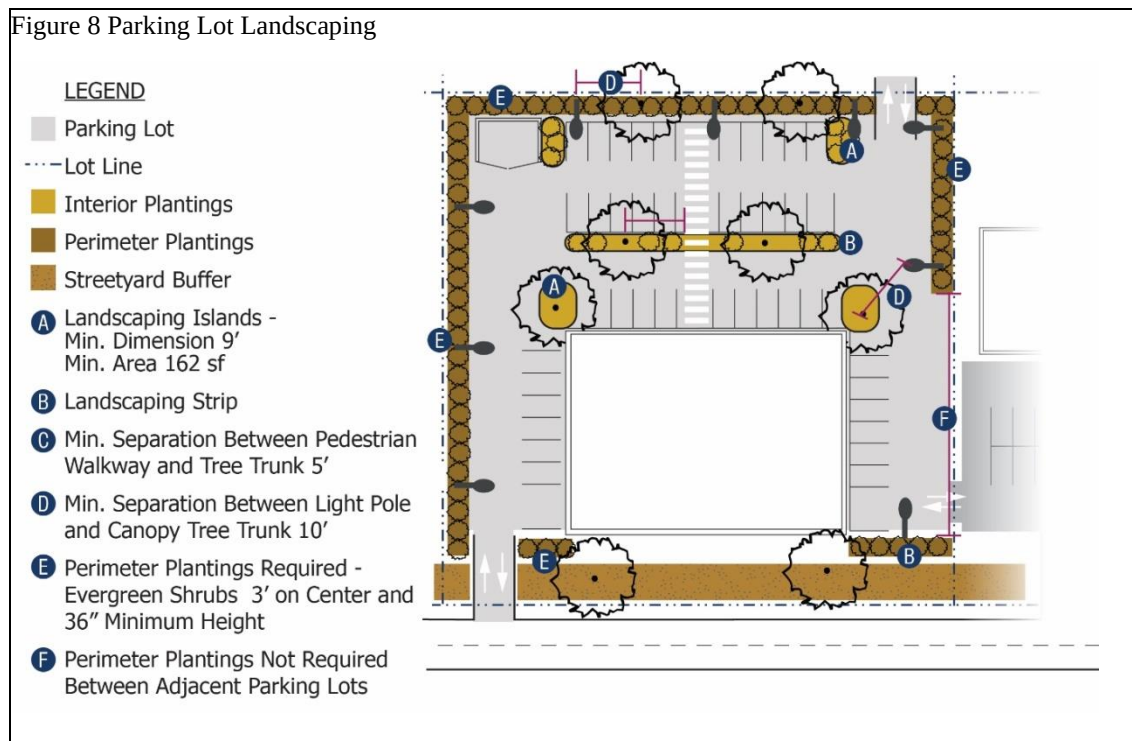
A parking aisle with more than 12 vehicle spaces in a single row shall provide and maintain landscaping islands at each end, or provide landscaping strips along the full length of the row, in accordance with the following standards.

- i. Islands shall have a minimum dimension of nine feet and a minimum area of 162 square feet, including the curb (if curbing is provided).
- ii. Landscape islands that do not contain canopy trees shall contain three or more shrubs and also may contain understory trees.
- iii. Landscaping islands intended for the placement of canopy or understory trees shall maintain a minimum width of nine feet.
- iv. Landscape strips between adjoining rows of parking spaces or serving as driveway medians shall have a minimum dimension of nine feet, including the

curb (if provided). Landscape strips that do not have canopy trees shall include shrubs planted no more than five feet on-center.

- v. Landscaping strips running the full length of a row of parking spaces shall be provided so that no more than six rows of parking spaces are provided without a landscaping strip.
 - c. Separation of light poles and trees. In order to prevent the need to excessively trim required trees within landscape areas and to maintain the effectiveness of parking area exterior lighting, light poles shall be spaced at least ten linear feet from a canopy tree trunk, to the maximum extent practicable.
 - d. Protection of landscape islands.
 - i. Landscape islands shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods.
 - ii. The placement of plant material within landscape islands shall allow for a two-and-one-half-foot vehicle overhang from the face of the curb or wheel stop.
 - e. Protection from pedestrian walkways. In cases where a pedestrian walkway must be located within five feet of a tree trunk, wooden walkways, pervious pavers, or other methods shall be used to ensure the required tree is not damaged by the walkway.
 - f. Stormwater management. A landscape island may be designed to function as a stormwater management device, provided its landscaping performance function is maintained.
 - g. Structural soil required. Landscaping islands and strips located within a parking lot shall be comprised of properly-prepared structural soil that has been properly amended and cultivated to support healthy vegetation.
- (2) Perimeter plantings.
- a. Intent. Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights. Required plant material shall be planted in such a way as to best achieve this intent.
 - b. Location. Required plant material shall be placed adjacent to the perimeter of the parking lot (see Figure 8 Parking Lot Landscaping).
 - c. Planting rate. Parking lot perimeter landscaping shall consist of a single continuous row of evergreen shrubs planted no greater than three feet on-center and within five feet of the parking lot edge.
 - d. Size of plant material.
 - i. Shrubs used for parking lot perimeter landscaping shall be of a minimum size necessary to achieve a maximum height of 36 inches above grade within three years of planting.

- ii. In cases when vegetation provided as perimeter plantings around a parking lot grow to a height exceeding 48 inches above grade, they shall be trimmed or pruned as necessary to maintain a minimum height of 36 inches.
- iii. It shall be a violation of this Ordinance to remove or severely prune shrubs required as parking lot perimeter vegetation to a height of less than 36 inches.
- e. Alternatives. Perimeter parking lot plantings may be supplemented or replaced through use of a vegetated berm or an opaque fence or wall that meets the screening objective of this section.
- f. Exemptions.
 - i. Where off-street parking lots are adjacent to one another, but on different lots, perimeter plantings or other forms of screening are not required along the common boundary between the two parking lots.
 - ii. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured so that perimeter plantings are only located around the perimeter of the entire development instead of between parking lots and buildings located within the development.



(k) Perimeter buffers.

- (1) Purpose and Intent. These standards are proposed to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas through physical and visual separation between land uses in separate zoning districts.
- (2) Applicability.

- a. All development shall comply with the perimeter buffer standards in this section.
 - b. Development shall provide perimeter buffers along the side and rear lot lines in accordance with the Table of Buffer Application.
 - c. Lot lines abutting street rights-of-way shall comply with the standards in Section 30-205 (l) Streetscape Buffers.
- (3) Buffers distinguished. The Perimeter Buffer Configuration Table, establishes the standards for four perimeter buffers, including the minimum requirements for each of the following buffer types:
- a. Type A, Separation Buffer;
 - b. Type B, Intermittent Buffer;
 - c. Type C, Semi-Opaque Buffer; and
 - d. Type D, Opaque Buffer.
- (4) Buffer determination.
- a. The lot or site being developed is the one responsible for providing the required perimeter buffer, which shall be located solely upon the lot or site being developed.
 - b. The type of perimeter buffer required is based upon the zoning district designation of the land being developed as well as the zoning district designation of the abutting lots (see Buffer Application Table).
- (5) Buffer configuration.
- a. Perimeter buffers required by this section shall be located along the outer perimeter of the lot and shall extend to the connecting lot lines.
 - b. In cases where the lot line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the lot line.
 - c. A perimeter buffer may be located along shared access easements between parcels in nonresidential developments.
- (6) Buffer application. The Buffer Application Table below specifies the type of perimeter buffer that development shall provide between it and adjacent land, based on the zoning district of the development site and that of the adjacent land. The buffer type is indicated by a letter corresponding to one of the four buffer types described in the Perimeter Buffer Configuration Table.

Buffer Application Table				
Zoning District of Developing Land	Zoning District of Land Adjacent to Proposed Development			
	AR, SFR-1	SFR-2, SFR-3	R-MHP, OI, NB	CB
AR, SFR-1	A	C	B	B
SFR-2, SFR-3	C	A	B	B
R-MHP, OI, NB	D	C	A	None
CB	D	D	C	None

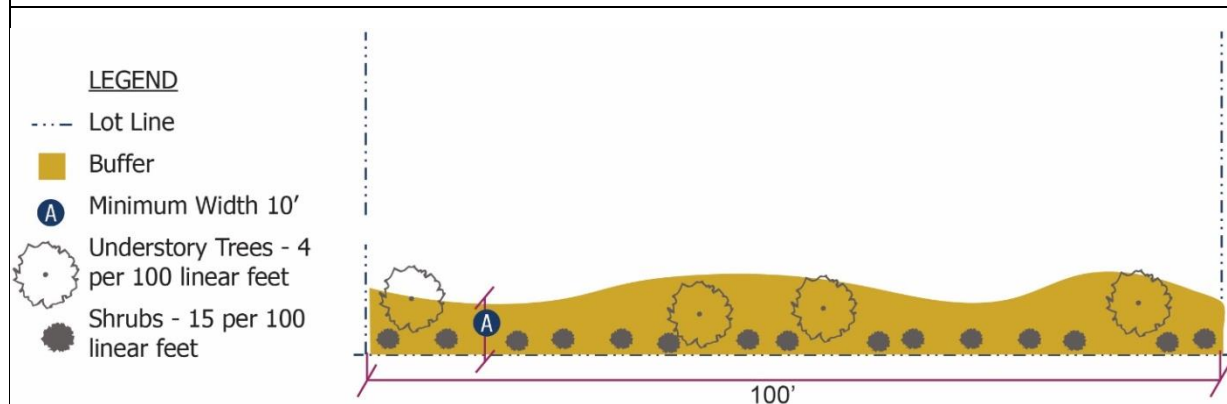
- (7) Exemptions. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured so that perimeter buffers

are only located around the perimeter of the entire development instead of between lots within the development.

Perimeter Buffer Configuration Table

Type A: Separation Buffer

The Type A Separation perimeter buffer serves as a visual break between land ownership or zoning district designations. It is not intended to provide substantial visual or acoustic buffering. The image below shows an approximation of this buffer type at maturity.



Buffer Configuration	Requirement
Buffer width (feet)	10
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	None
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / None [1]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	15 / None [1]
Minimum evergreen shrub percentage (%)	50

NOTES:

[1] Grouping of trees or shrubs is permitted provided there is no un-vegetated portion of the buffer exceeding 30 feet in length.

[2] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

Perimeter Buffer Configuration Table

Type B: Intermittent Buffer

The Type B Intermittent perimeter buffer functions as an intermittent visual screen from the ground to a height of five feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. The image below shows an approximation of this buffer type at maturity.

**LEGEND**

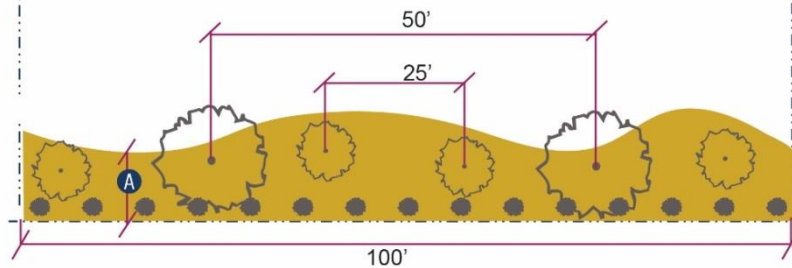
--- Lot Line

■ Buffer

A Minimum Width 20'

 Canopy Trees - 2 per 100 linear feet, spaced 50' on-center

 Understory Trees - 4 per 100 linear feet, spaced 25' on-center

 Shrubs - 15 per 100 linear feet


Buffer Configuration	Requirement
Buffer width (feet)	20
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	2 / 50
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25 [1]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	15 / None [1]
Minimum evergreen shrub percentage (%)	60

NOTES:

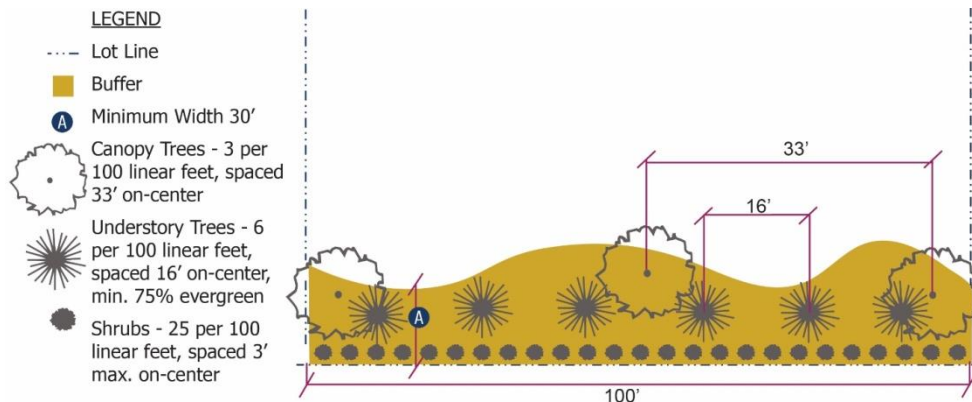
[1] Grouping of trees or shrubs is permitted provided there is no un-vegetated portion of the buffer exceeding 20 feet in length.

[2] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

Perimeter Buffer Configuration Table

Type C: Semi-Opaque Buffer

The Type C Semi-Opaque perimeter buffer functions as a partially opaque screen from the ground to a height of six feet. This type of buffer prevents visual contact between uses but not total obstruction from one use to another. The buffer creates a sense of visual separation but provides only minor acoustic separation. The image below shows an approximation of this buffer type at maturity.



Buffer Configuration	Requirement
Buffer width (feet)	30
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	3 / 33
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	6 / 16 [3]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	25 / 4 [3]
Minimum evergreen shrub percentage (%)	75

NOTES:

[1] Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet.

[2] Provision of a fully-opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet.

[3] Grouping of trees or shrubs is permitted within 20 feet of the edge of a street right-of-way provided there is no un-vegetated portion of the buffer exceeding 10 feet in length.

[4] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

Perimeter Buffer Configuration Table

Type D: Opaque Buffer

The Type D Opaque perimeter buffer functions as a fully opaque screen from the ground to a height of eight feet. This type of buffer provides a strong sense of visual and acoustic separation between uses. The image below shows an approximation of this buffer type at maturity.



LEGEND --- Lot Line ■ Buffer Ⓐ Minimum Width 40' ☼ Canopy Trees - 4 per 100 linear feet, spaced 25' on-center ☼ Understory Trees - 8 per 100 linear feet, spaced 15' on-center, min. 75% evergreen ● Shrubs - 35 per 100 linear feet, spaced 3' max. on-center	
Buffer Configuration	Requirement
Buffer width (feet)	40
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	8 / 15
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	35 / 3
Minimum evergreen shrub percentage (%)	100
NOTES: [1] Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet. [2] Provision of a fully-opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet. [3] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.	

(1) Streetscape buffers.

(1) Purpose and intent. Streetscape buffers are proposed to soften the view of development from the Town's street rights-of-way, and are intended to:

- a. Enhance pedestrian orientation and encourage pedestrian travel;
- b. Address urban heat islands by providing shade for streets and sidewalks;
- c. Provide shade on sidewalks;
- d. Promote the Town's "sense of place";
- e. Support property values by enhancing the aesthetic character of the Town's streets; and
- f. Provide habitat for flora and fauna.

(2) Applicability.

- a. The standards in this section shall apply to all lot lines bounded by the following features, whether existing or identified in the Town's adopted policy guidance.
 - i. Local streets;
 - ii. Collector streets; and
 - iii. Arterial streets.
- b. In cases where a future street is planned but its approximate location is not indicated on an adopted or approved Town map or plan, streetscape buffering shall not be required on lots abutting the future street alignment.

(3) Exemption. Streetscape buffers are not required along lot lines abutting the following features:

- a. Driveways, private drives, or alleys;
- b. Lot lines abutting platted street rights-of-way that are or have remained unopened for at least 15 years;
- c. Lot frontages where the entirety of the lot frontage is within a required sight distance triangle.

(4) Required plant material. Streetscape buffers shall be configured in one of the following three ways (see Figure 9 Streetscape Buffer Configuration):

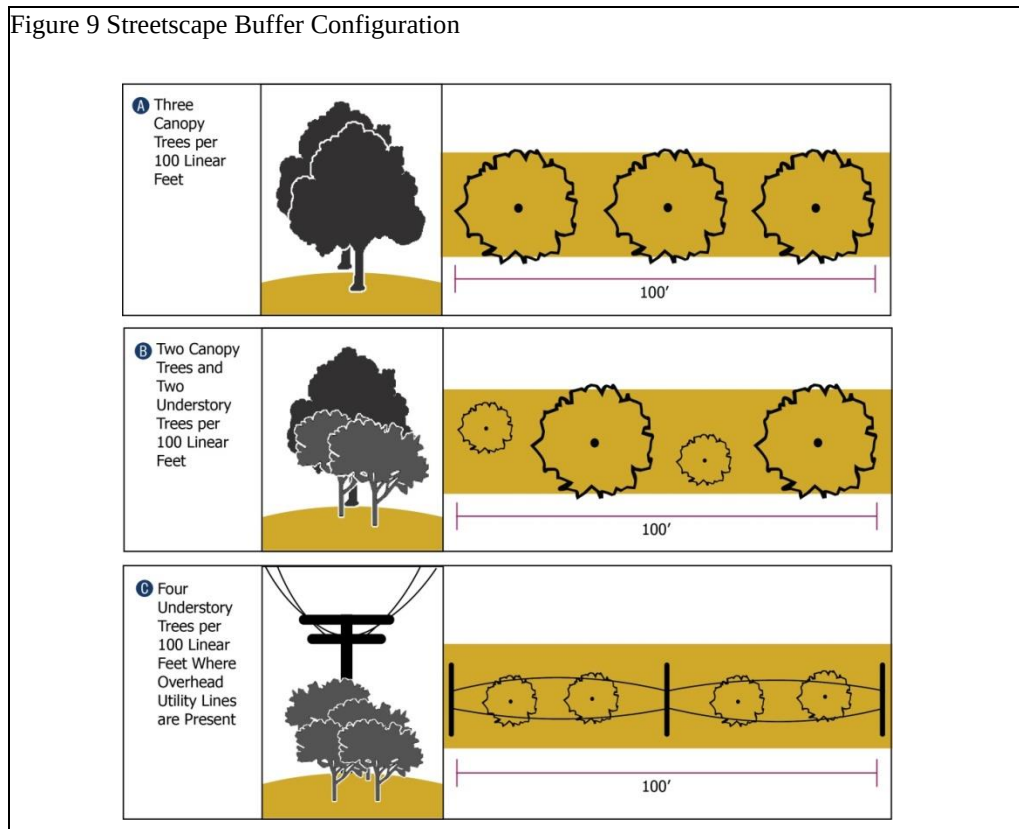
- a. Three canopy trees for every 100 linear feet of lot frontage; or
- b. Two canopy trees and two understory trees for every 100 linear feet of lot frontage; or
- c. Four understory trees for every 100 linear feet, where overhead utilities are present.

(5) Placement.

- a. Vegetation required as part of a streetscape buffer shall be located outside the street right-of-way.
- b. Canopy trees shall be located within ten feet of the right-of-way edge.

- c. Understory trees shall be located within five feet of the right-of-way edge.
 - d. An alternative location may be approved by the Zoning Administrator in cases where underground utilities, drainage easements, topography, or other obstructions make placement of streetscape buffer vegetation in accordance with these standards impractical.
- (6) Prohibited features. Off-street parking, off-street loading, merchandise display, or outdoor storage shall not take place within a required streetscape buffer.

Figure 9 Streetscape Buffer Configuration



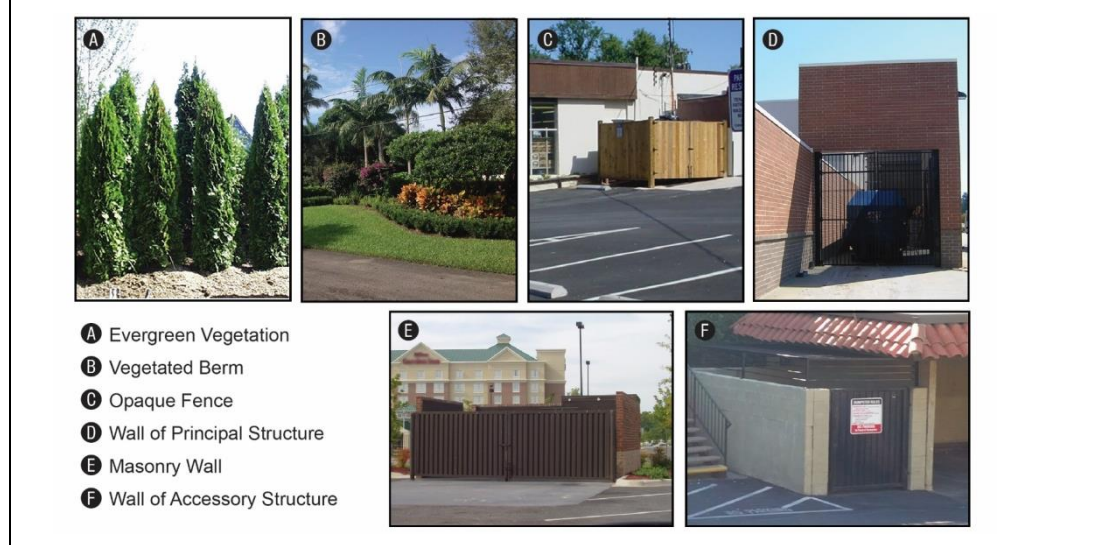
(m) Screening.

- (1) Purpose and intent. These standards are intended to reduce the visual impact of solid waste collection structures, service areas, and mechanical equipment upon the public realm and adjacent lots as well as to enhance the aesthetics of development in the Town.
- (2) Applicability. Unless exempted in accordance with Section 30-205 (c) Exemptions, the standards in this section apply to the following:
 - a. Principal buildings constructed or open uses of land established after the effective date of these standards;
 - b. Changes in use;
 - c. Expansions of principal building floor area 1,000 or more square feet or expansions of off-street parking of 2,000 or more square feet;
 - d. Solid waste collection dumpsters, bins, and compactors;

- e. Recycling facilities (including cardboard recycling);
 - f. Ground-based climate control equipment;
 - g. Ground-based mechanical equipment (including electrical generators);
 - h. Above ground storage tanks; and
 - i. Loading equipment.
- (3) Exemptions. Solid waste collection facilities and mechanical equipment serving single-family detached and duplex dwellings shall be exempted from these standards, but these standards shall apply within manufactured home parks.
- (4) General standards.
- a. Location. No site features subject to these standards shall be located between the principal structure and the street it fronts.
 - b. Screening required. Site features subject to these standards shall be screened from view from streets, public parks, urban open space set-asides, single-family detached residential dwellings, and duplex dwellings.
- (5) Screening methods.
- a. Site features subject to these standards shall be screened by any of the following methods, in single use or in combination (see Figure 10 Screening Methods):
 - i. Evergreen vegetation configured to provide a fully-opaque screen to a minimum height of six feet within four years of planting;
 - ii. Vegetated berms supplemented with plantings as necessary to provide a fully-opaque screen to a minimum height of six feet within three years of planting;
 - iii. An opaque fence constructed of treated wood, rot-resistant wood (such as cypress or redwood), plastic, or vinyl;
 - iv. A masonry wall constructed of brick, textured concrete masonry units, or stuccoed block; or
 - v. Walls of a principal or accessory structure.
 - b. In no instance shall a chain link fence with plastic slats or attached fabric meet the opacity requirements for screening in this Ordinance.
 - c. Screening techniques shall be of sufficient height and design to effectively screen the facility from the view from adjacent properties and streets.
- (6) Specific standards for solid waste and recycling facilities exceeding 100 gallons of capacity.
- a. Solid waste and recycling receptacles shall be so located so as to be convenient for collection and shall be appropriate to the type and size of the development or use being served.
 - b. All trash and recycling receptacles shall meet the minimum setback requirements of the underlying zoning district.

- c. All required dumpster, recycling, and trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement and will most facilitate the service of the facilities.
- d. Space allocated to any trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

Figure 10 Screening Methods



(n) Planting flexibility.

(1) Credit for existing vegetation.

- a. In order to encourage the preservation of established, healthy vegetation, credit shall be given towards the landscaping requirements in this section for preservation of existing trees and shrubs that are pre-existing within required landscaping areas at a rate of 1.25 times the amount of existing, healthy vegetation to be retained.
- b. Vegetation to be credited towards these requirements shall be protected with tree protection devices approved by the Zoning Administrator before and during development of the site and maintained thereafter in a healthy growing condition.

(2) Revisions to approved landscape plans. Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Zoning Administrator if:

- a. There is no reduction in the quantity of plant material.
- b. There is no significant change in size or location of plant materials.
- c. The new plants are of the same general category (i.e., canopy tree, understory tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread, etc.) as the materials being replaced.

(3) Alternative landscape plans.

An alternate landscape plan that allows modifications to the requirements of this section may be approved by the Zoning Administrator in accordance with the following.

- a. Conditions Justifying Alternative Landscape Plan. Any of the following natural physical conditions may be used as a justification for an alternative landscape plan:
 - i. Wetland areas;
 - ii. Topography;
 - iii. Non-arable soils;
 - iv. Difficult or unusual lot configuration;
 - v. Utility, access, drainage, or maintenance easements;
 - vi. A desire to retain existing on-site vegetation;
 - vii. Natural rock formations;
 - viii. Required landscaping areas that are in permanent shade resulting from a building or structure; and
 - ix. Impractical situations that would result from application of this section.
- b. Intent. To be approved, any alternative landscape plan shall meet the intent of the applicable planting yard(s) and the purpose and intent of the landscaping standards of this section.
- c. Allowable modifications. The following landscape standards may be modified by an alternate landscape plan.
 - i. The location of required plant materials;
 - ii. The width of required planting areas;
 - iii. The configuration of required plant materials; and
 - iv. The number of required plant materials.
- d. Justification required. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to, the following:
 - i. The presence or planned location of public utilities, infrastructure, or easements;
 - ii. The location of existing healthy vegetation or other beneficial site features to be retained after development;
 - iii. The size, shape, or topographic elevation of the site relative to the street(s) it abuts; and
 - iv. The need to protect solar access or avoid permanently shaded areas on the site.

Sec. 30-206. - Outdoor lighting standards.

- (a) In developments contemplating the use of outdoor lighting to ensure the security of property and the safety of persons using such development, streets, sidewalks and facilities, all principal entrances to the development, and internal areas as appropriate, should be sufficiently lighted to ensure the safety of residents and the security of the building. Refer to Appendix, Sec 30-A.7 - Information Required on Lighting Plans.
- (b) All streets within a major subdivision shall incorporate a street lighting system to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.
- (c) Down lighting shall be provided where possible. Overflow lighting shall be prohibited, and all light pollution shall be minimized to the greatest extent practical.
- (d) All development shall incorporate street lighting and signs per the standards of Appendix, Sec. 30-A.7 which are adopted by reference as if incorporated fully herein to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.

Sec. 30-207. - Accessibility for the handicapped.

Except for single-family dwellings, all buildings and facilities used by the general public shall be accessible to and usable by the physically handicapped in accordance with the building code provisions as established by the state.

Sec. 30-208 – Transportation impact analysis.

A traffic impact analysis shall be required according to the requirements and standards of section 30-348, **Traffic Impact Analysis (TIA) Submittal Requirement**.

Sec. 30-209. - Commercial building design standards.⁵

- (a) Purpose and intent.

These commercial design standards supplement the applicable zoning district and use-specific standards of this Ordinance and provide minimum requirements for the design of commercial development. These standards are intended to provide clarity on the Town's expectations for new commercial development quality and appearance. More specifically, the purpose of these standards is to:

- (1) Implement the policy guidance from the Comprehensive Plan regarding protection of the desired small-town community character;
- (2) Assure a fair and consistent application of the commercial design standards to new development and redevelopment;
- (3) Foster increased compatibility between commercial development and nearby residences;

⁵ This section has been reviewed by the Planning Board and Town Council.

- (4) Encourage the maintenance of a village atmosphere; and
- (5) Promote property values and protect existing public and private investment.

(b) Applicability.

The standards in this section shall be applied to the following forms of development and land use activities:

- (1) New Commercial Development. The establishment of new principal structures containing or intended for a commercial, office, personal service, retail, restaurant, or light industrial use type, as identified in the principal table of uses found in this Ordinance.⁶
- (2) Changes in use. Changes in use of an existing principal building or development site where the new use is subject to these commercial design standards but no additions or expansions are proposed shall comply with the requirements in Section 30-209 (e) Site Configuration Standards, but are not required to comply with the standards in Section 30-209 (f) Building Configuration.
- (3) Additions and expansions to existing development. Increases in an existing commercial building's floor area or a commercial site's impervious surface by 51 percent or more beyond that in existence on the effective date of these standards shall require full compliance with these provisions.
- (4) Reconstruction of existing buildings. Reconstruction of an existing commercial building shall be treated as new development for the purposes of these standards.

(c) Exemptions.

- (1) The standards in this section shall not apply to the following forms of development:
 - a. Commercial development existing prior to effective date of these standards unless subject to a change in use, reconstruction, addition, or expansion;
 - b. Commercial development taking place as part of a bona fide farm;
 - c. Commercial development subject to a historic landmark designation or subject to standards applicable in a local historic district; and
 - d. Development of civic, religious, or fraternal organization use types.
- (2) Adult uses and gaming establishments shall be exempted from the transparency standards in Section 30-209 (f) (8) Transparency.

(d) Timing of review.

Development subject to these standards shall be reviewed for compliance at the time of site plan, special use permit, or conditional rezoning application review, as appropriate. In cases where a development application is considered by more than one review authority,

⁶ This language anticipates the development of a consolidated principal use table; if such a table is not prepared, this section needs to be revised to site specific use types from the zoning district language.

the decision regarding compliance with these standards shall be made by the review authority making the final decision on the application under review.

(e) Commercial site configuration standards.

Development subject to these commercial design standards shall comply with the following:

(1) Building placement

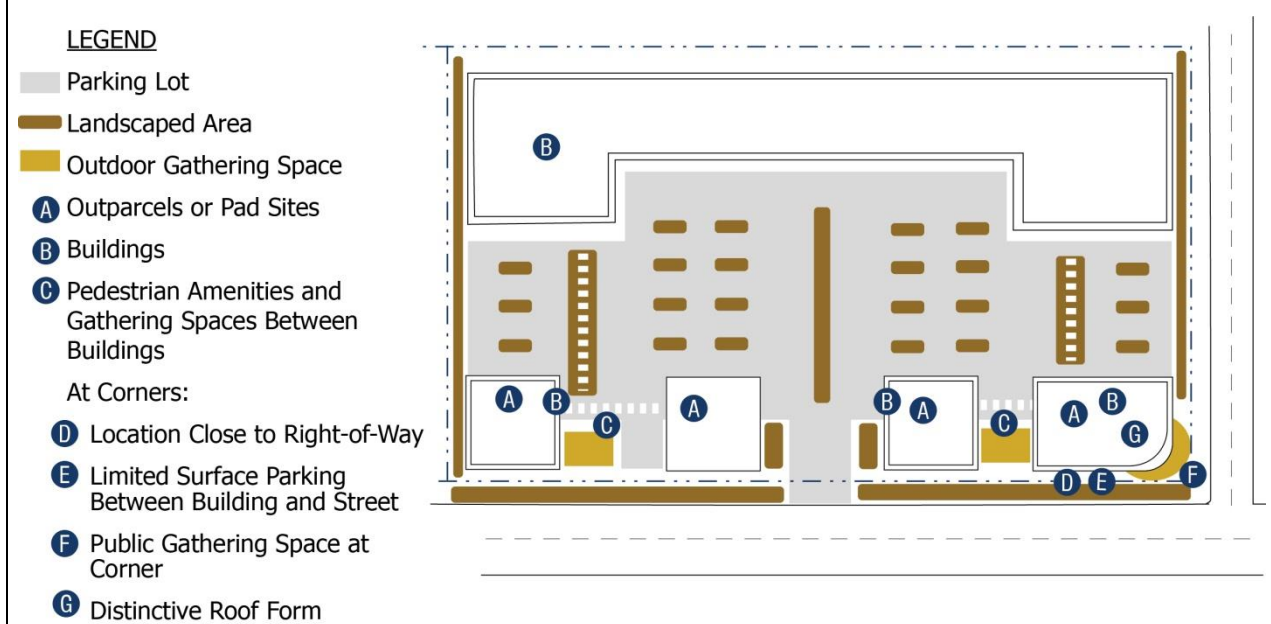
- a. All principal and accessory buildings shall be set back at least 20 linear feet from the ultimate right-of-way boundary of any adjacent street. The ultimate right-of-way boundary location shall be as indicated in the Town's adopted policy guidance, the applicable comprehensive transportation plan adopted by NC CAMPO, or as indicated by the NCDOT. In cases where the ultimate right-of-way boundary is not identified, the building setback shall be measured from the centerline of the existing right-of-way outwards for a minimum distance corresponding to one-half of the currently specified right-of-way width plus 20 feet.
- b. All development subject to these standards shall have a maximum setback of 50 feet from the ultimate right-of-way boundary of any adjacent street.

(2) Outparcel development.

Development on outparcels or pad sites associated with a commercial development shall comply with the following requirements (see Figure 11 Outparcel Development):

- a. Spaces between buildings on outparcels or pad sites shall include pedestrian amenities such as plazas, seating areas, and gathering places in addition to off-street parking spaces.
- b. Outparcel buildings on lots at street corners shall be located and configured to define the corner through a combination of:
 - i. Locating the building as close to the rights-of-way as is practicable;
 - ii. Limiting surface parking between the building and the streets;
 - iii. Providing a public gathering space adjacent to the corner; and
 - iv. Distinctive roof form or other pedestrian features such as porches, canopies, or arcades.

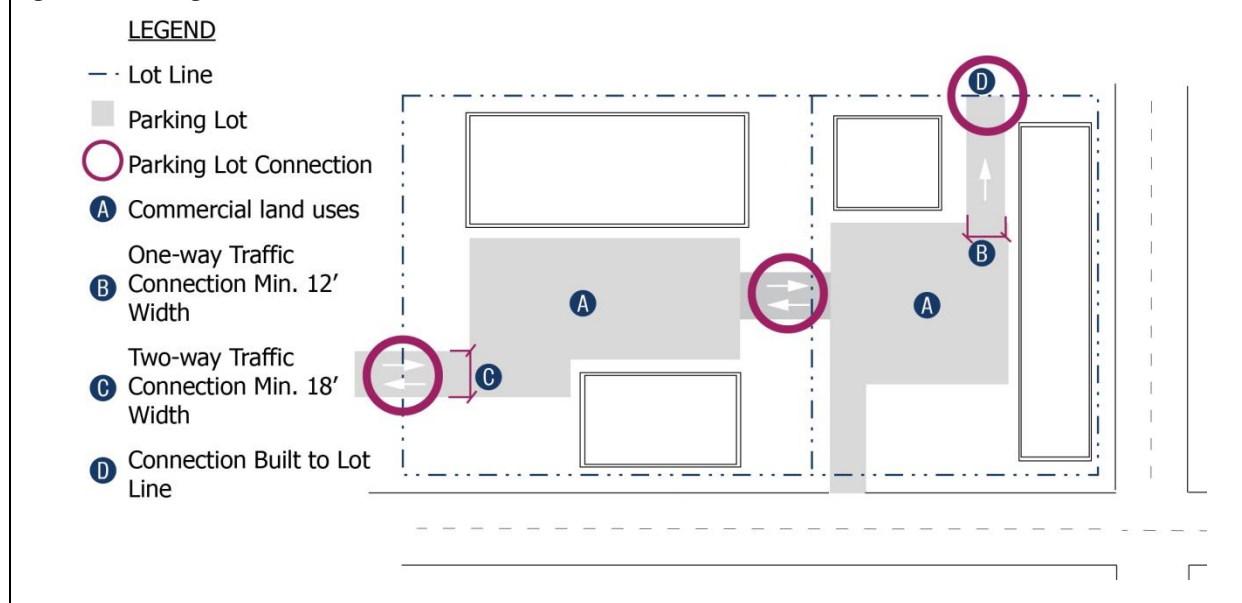
Figure 11 Outparcel Development



(3) On-site circulation

- a. All driveways shall be constructed so that vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, bicycles, or vehicles traveling on abutting streets and that any interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized. In no instance shall a driveway be configured so that a vehicle must back onto an arterial, collector, or thoroughfare street.
- b. Driveways shall be as nearly perpendicular to the street right-of-way as possible.
- c. In cases where two or more commercial uses are located on adjacent lots along a street, the off-street parking lots serving the uses shall be connected to one another so that a vehicle may travel from one establishment to another without use of the street network (see Figure 12 Parking Lot Connection). Where a required parking lot connection eliminates a required landscape planting area or required off-street parking space, the landscaping and off-street parking requirements shall be reduced to accommodate the parking lot connection. Compliance with this standard shall be waived in cases where a parking lot connection would create unsafe turning movements or pedestrian conflicts.

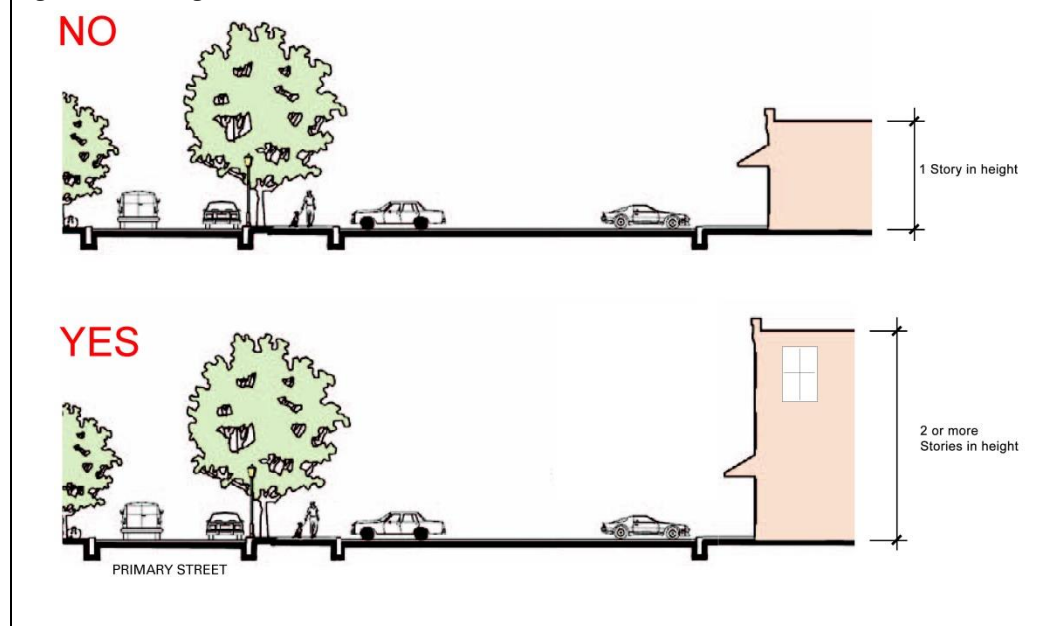
Figure 12 Parking Lot Connection



(4) Off-street parking location.

- a. The placement of all off-street parking to the side or rear of the building it serves is strongly encouraged. Buildings of one story in height may have up to one single-loaded row of off-street parking spaces between the front façade of a building and the street it faces.
- b. Buildings of two stories in height may have up to two rows of parking spaces between the front façade of a building and the street it faces (see Figure 13 Parking Placement).
- c. Multi-building developments shall be configured so that off-street parking areas are internal to the site and located behind the buildings located adjacent to streets.

Figure 13 Parking Placement



(5) Signage.

- a. No flashing, moving, or portable signs shall be permitted.
- b. In no instance shall a window sign or signage placed on or in a window or transparent door obscure more than two square feet of the window or door's total area.

(6) Service areas.

- a. Off-street loading areas, service areas, refuse/recycling collection areas, and outdoor storage of equipment or raw materials shall be located to the side or rear of a principal building. In addition, such features shall be screened through the use of an opaque fence or wall of a minimum height necessary to obscure views from on-site and off-site locations.
- b. Outdoor display of products available for sale may be located in front of a principal building and are not required to be screened provided these areas are physically accessible to patrons. Areas utilized for the display of products for sale that are not physically accessible to patrons shall be considered areas of outdoor storage and shall be located and screened in accordance with these standards.

(7) Equipment screening.

- a. All ground-based and roof-mounted equipment shall be fully screened from view from adjacent streets, parks, open space, and residentially-used lots (see Figure 14 Rooftop Screening).
- b. Wall-mounted mechanical equipment mounted at heights over 36 inches from grade and measuring 16 inches or more in any dimension shall be fully screened, concealed, or camouflaged to minimize its appearance from adjacent streets, parks, open space, and residentially-used lots.

Figure 14 Rooftop Screening



(8) Stormwater control measures.

- a. Stormwater control measures, including, but not limited to retention ponds and detention basins, shall either be configured as site amenities or be fully screened from view on all sides by evergreen opaque vegetation reaching a minimum height of six feet above grade within three years of planting.
- b. Stormwater control measures (SCMs) shall be considered as site amenities when all of the following are present:
 - i. They are not surrounded by a fence intended to exclude pedestrians;
 - ii. Finished grades around the SCM do not inhibit walking;
 - iii. They include landscaping features such as trees and shrubs;
 - iv. There is some form of central feature or focal point such as a fountain; and
 - v. Seating or a walking path is provided adjacent to the SCM.

(9) Utilities.

New utility service, including electricity, required to serve development subject to these standards shall be located underground. Nothing in these standards shall be construed to require existing above-ground utilities to be placed underground as part of new development.

(f) Building configuration standards.

Buildings subject to these commercial design standards shall comply with the following:

(1) Maximum building size.

Individual principal buildings subject to these standards shall maintain a maximum total floor area in accordance with the following:

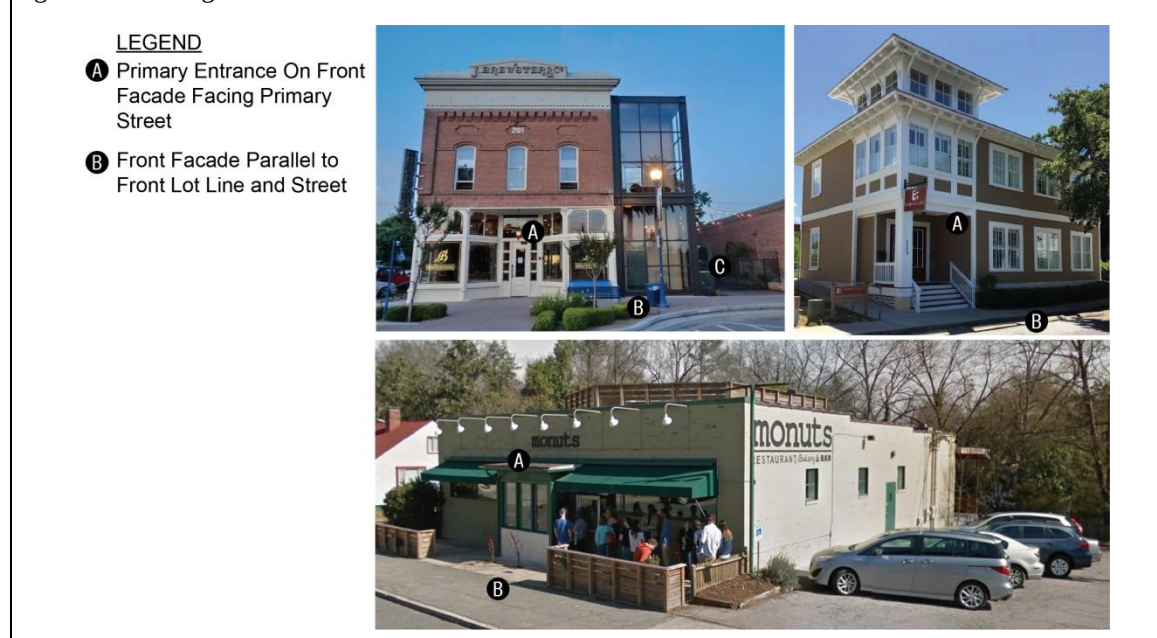
- a. Lots that front and are accessed by an arterial or thoroughfare street may include up to one principal building with a maximum total floor area of 40,000 square feet.

- b. Lots that front and are accessed by a collector street may include up to one principal building with a maximum total floor area of 25,000 square feet.
- c. Lots that front and are accessed by a local street may include up to one principal building with a maximum total floor area of 10,000 square feet.
- d. Nothing shall limit the cumulative total amount of floor area within a multiple building development, provided that the largest principal building does not exceed the applicable maximum set forth in this section, and provided that each additional building within the multi-building development is no larger than 50 percent of the applicable maximum building size.

(2) Orientation.

- a. The primary entrance shall be architecturally and functionally designed on the front facade facing the primary street (see Figure 15 Building Orientation).
- b. Except for multi-building developments such as shopping centers or campus-style developments, the front facade of the principal structure shall be parallel to the front lot line and street.
- c. Nothing shall limit a secondary entrance from facing an off-street parking lot.

Figure 15 Building Orientation

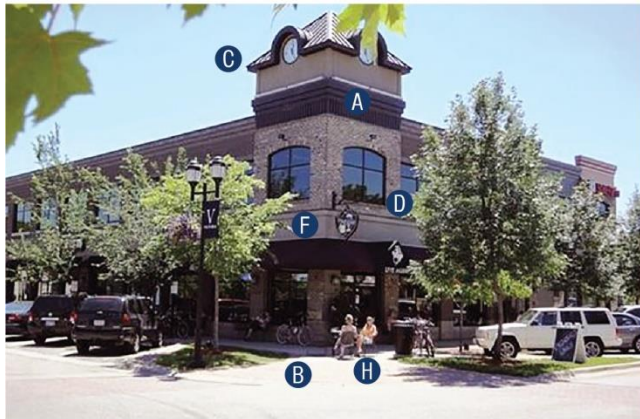


(3) Primary entrance.

- a. Building entrances shall be designated as a primary or a secondary entrance by the applicant, but each principal building shall have at least one primary entrance. Nothing shall limit a building from having multiple primary entrances.
- b. Primary building entrances shall be visually prominent and shall include at least three of the following features (see Figure 16 Primary Building Entrances):
 - i. Changes in building material or color;

- ii. Changes in paving or walking surface materials;
- iii. A significant architectural feature that extends above the primary roof height;
- iv. A projection or recess of at least five feet beyond the adjacent wall plane;
- v. Outdoor pedestrian gathering or seating areas capable of serving at least five people at the same time;
- vi. A canopy, awning, portico, archway, arcade, or other covering that extends outwards from the building wall by at least five feet;
- vii. Glazing that extends upwards for at least 75 percent of the building's height proximate to the entrance door(s);
- viii. Architectural detailing around the entryway such as tilework, entablature, or integrated moldings; or
- ix. Fountains, artwork, or landscaping plantings in raised planters immediately adjacent to the entrance door(s).

Figure 16 Primary Building Entrances



LEGEND

- A** Change in Building Material or Color
- B** Change in Paving Material
- C** Significant Architectural Feature
- D** Projections or Recesses

- E** Canopy, Gallery or Arcade
- F** Architectural Detail Such as Tile Work
- G** Landscaping Planter
- H** Outdoor Pedestrian Gathering Area

(4) Exterior materials.

a. Configuration.

- i. Where two or more materials are proposed on a building façade, the heavier or more massive material (like stone) shall be located below the lighter or less massive material (stucco).
- ii. Heavier details may be permitted as details on corners or around doors and windows.

- iii. Material changes shall take place at locations such as the intersection of building wings, the intersection of differing storefronts or leaseholds, interior corners, or other logical locations.
- iv. Material changes shall not take place at outside corners and material returns shall be included to a logical termination point past an exterior building corner such as a bump-out, building wing, or change in wall direction (see Figure 17 Commercial Building Materials).

Figure 17 Commercial Building Materials

LEGEND

- A** Heavier Materials
Below Lighter Materials
- B** Heavier Materials
around Doors and
Windows
- C** Material Changes at
Logical Locations



b. Prohibited materials.

The following materials shall be prohibited on any primary or secondary building façade walls:

- i. Untextured tilt-up concrete panels;
- ii. Pre-fabricated steel panels;
- iii. Corrugated sheet metal;
- iv. Smooth-face concrete blocks;
- v. Vinyl siding, soffit, or fascia;
- vi. Synthetic stucco within two feet of the grade;
- vii. Asphalt shingles or siding; or
- viii. Mirrored glass.

c. Color.

- i. Primary Colors. Overly bright, neon, or “day-glow” colors shall not be used as primary exterior building colors. Nothing shall limit traditional community material colors.
- ii. Accent Colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15 percent of any building facade.

d. Compatibility in multi-building developments

Buildings on outparcels or pad sites shall incorporate materials that are similar to and compatible with those used on the primary buildings in the development.

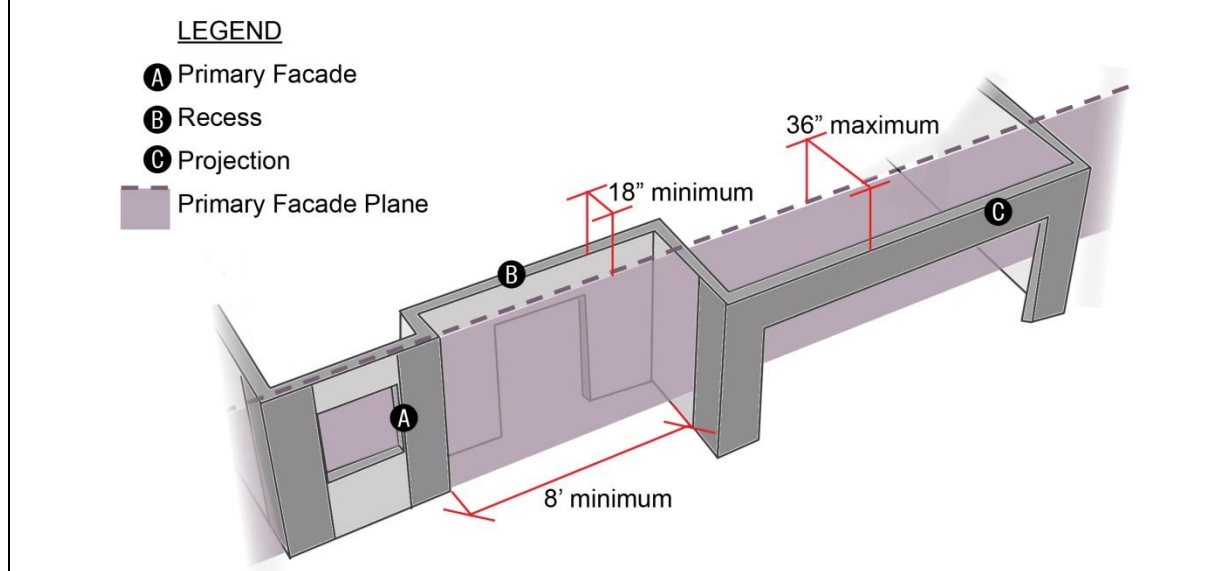
Corporate or prototypical architecture shall be reconfigured as necessary in order to comply with this standard.

(5) Building Articulation.

Buildings subject to these standards shall be configured so that no single facade visible from a street shall extend for longer than 35 linear feet without inclusion of one or more of the following features:

- a. The use of projections or recesses in the building façade wall with a depth of between 18 inches and 36 inches from the primary facade plane and a minimum span of eight feet (see Figure 18 Commercial Building Articulation);
- b. The use of columns, pilasters, or other architectural detail harmonious with the general design of the structure with a minimum width of eight inches and spaced no less than every ten feet on-center;
- c. Distinct changes in building materials or colors from grade to the roof; or
- d. A single vertical accent or focal point extending well above the primary roofline, such as a tower feature, located on a prominent building corner.

Figure 18 Commercial Building Articulation



(6) Roof Form

- a. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all building sides visible from a street.
- b. Parapet walls, when provided, shall fully screen all roof-top mechanical equipment from view from the street and shall include decorative cornices or caps.
- c. A pitched roof shall have eaves that extend a minimum of 12 inches beyond the building face.

- d. Gable roofs shall incorporate roof rakes that project outwards a minimum of at least 12 inches from the building face.

(7) Canopies.

Except for canopies associated with fuel sales, overhead canopies intended to cover the vehicles of patrons shall be configured in accordance with the following standards:

- a. The total number of canopies shall be limited to one per building;
- b. The canopy shall be physically connected to the principal structure;
- c. The canopy shall be located to the side or rear of the structure, or configured so that it has the appearance of being enclosed by building walls on at least two sides;
- d. The canopy shall be configured of consistent or complimentary materials and colors as the primary exterior materials, including canopy supports;
- e. The canopy shall be subject to maximum height standards for buildings in the zoning district where located; and
- f. Any exterior lighting from under the canopy shall be configured so that the source of illumination (the bulb) is recessed into the canopy and is not visible from off-site areas.

(8) Transparency.

- a. Buildings subject to these standards shall be configured so that building facades visible from streets shall include a window or functional general access doorway at least every 20 feet along the façade (see Figure 19 Commercial Transparency). False windows or display casements are an allowable alternative, as approved by the Zoning Administrator.
- b. At least 25 percent of the first ten feet in height of a facade facing a street shall be transparent.
- c. Ventilation grates or emergency exit doors located at the first floor level oriented toward a street shall be decorative.

Figure 19 Commercial Transparency

EXAMPLE

First Floor Facade: 10' x 20' = 200 sf

Transparency:

2 Windows at 28 sf Each = 56 sf

Glass Door & Transom = 27 sf

First Floor Facade Transparency:

$$83' \div 200' = 41.5\%$$

(Minimum First Floor Facade Transparency Requirement: 25%)



(9) Lighting.

- a. Buildings subject to these standards shall not include neon lighting that is visible from off-site areas.
- b. In no instance shall any exterior lighting flash, blink, or give the appearance of movement.
- c. LED lighting strips around windows or doors are prohibited on the building exterior or within the interior if the lighting strip is visible from off-site areas.

(f) Definitions The definitions below apply only to this section 30-209.

ACCESSORY BUILDING	A detached subordinate or incidental structure, the use of which is incidental to the principal structure and which is located on the same lot as the principal structure.
ADDITION OR EXPANSION	An extension or increase in the floor area or height of a building or structure.
ADJACENT	A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
ADOPTED POLICY GUIDANCE	The combined future land-use policy guidance provided by the adopted comprehensive plan, area or corridor plans prepared for specific parts of the Town, and system plans related to the Town's infrastructure systems.
ARCADE	A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
ARTERIAL STREET	A street designated as an arterial street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
ARTICULATION	The presence or projections, recesses, or other architectural features along a building façade.
BUILDING	A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels.
BUILDING PROJECTION	An extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to provide visual interest, contain an entrance, or conceal or screen a service element of site feature like a refuse collection container.
BUILDING RECESS	An inset or indentation of a building wall or building façade from the primary building façade plane typically used to accommodate windows, walk-up service features, doorways, or pass-throughs.
BUILDING WING	A portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.
BUMP OUT	See "Building Projection."
CANOPY	A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CHANGE OF USE	The change in the use of a building, structure, or land. "Change of use" includes a change from one use type to another use type.
COLLECTOR STREET	A street designated as an collector street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.

COMPREHENSIVE PLAN	The Comprehensive Plan for the Town of Archer Lodge, as adopted and amended by the Archer Lodge Town Council.
CORNICE	Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
DRIVEWAY	The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
EAVE	The projecting lower edges of a roof that overhangs the wall of a building.
FAÇADE WALL	The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.
FALSE WINDOW OR DISPLAY CASEMENT	An exterior building material provided to replace or approximate a window, or a glass-fronted niche within a building wall used to display products available for sale.
FASCIA	A fascia is a board or other exterior material provided at the edge of a building where the roof meets the exterior wall. When gutters are provided, they are typically mounted to the fascia.
FRONT FAÇADE	The exterior façade of a building where the primary or front entrance is located. Typically, the front façade faces the street from which the building derives its street address.
GABLE	A triangular area of an exterior wall formed by two sloping roofs
GATHERING SPACE OR AREA	A formal or informal area intended for or used by the general public to gather or congregate together for interaction or recreation.
GLAZING	The portion of an exterior building surface occupied by glass or windows.
IMPERVIOUS SURFACE	Any material that reduces and prevents absorption of stormwater runoff into previously undeveloped land.
LED LIGHTING	A strip or connected string of semiconductor diodes that emit visible light when electric voltage is applied.
MULTI-BUILDING DEVELOPMENT	Developments that include two or more buildings on one or more lots that is planned, organized, and managed as a single development for the purposes of the development standards.
LOCAL STREET	A street designated as a local street in the Town's adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
NEON LIGHTING	Tubing, whether flexible or rigid, mounted to a building wall or other building feature for the purposes of providing illumination, security, attracting attention, or displaying a message.
OPAQUE	A building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.

OUTDOOR DISPLAY	An area used for the display of goods or products available for sale to customers that is accessible to customers of the establishment.
OUTDOOR STORAGE	An area used for the long or short-term storage of goods, products, materials, or inventory (whether for sale or otherwise) that is not accessible to customers of the establishment and is subject to the screening requirements for outdoor storage.
OUTPARCEL OR PAD SITE	A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.
OVERHANG	The edge of a roof or upper building story projecting outwards.
PARAPET	A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
PILASTER	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PORTICO	A large porch usually with a pediment usually associated with an entrance, supported by columns.
PRIMARY ENTRANCE	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
PRIMARY FAÇADE PLANE	The largest portion of a building wall in terms of area on a single building façade that maintains a uniform distance from the abutting lot line.
PRIMARY STREET	the street that provides the street or property address for a lot or building.
PRINCIPAL STRUCTURE OR BUILDING	A structure in which is conducted the principal use(s) of the lot on which it is located.
PROTOTYPICAL ARCHITECTURE	Exterior building materials and architecture that is standardized for a particular use type or franchise operation.
RECONSTRUCTION	Rebuilding structures on a site with a pre-existing use that was demolished or removed.
REDEVELOPMENT	Installation of any improvements, new construction, or reconstruction on a lot or site that has pre-existing uses.
REVIEW AUTHORITY	A Town official, appointed board, or elected body charged with review and decision-making responsibilities for certain types of development applications required by this Ordinance.
ROOF FORM	The configuration of the top of a building, including its pitch, amount of overhang, shape, surfacing materials, and colors.
ROOF RAKE	The portion of a gabled roof that extends past the exterior wall of the building.
SECONDARY ENTRANCE	An entrance into a building located on a side or rear building façade.
SERVICE AREA	Off-street loading, storage, mechanical, equipment, or processing areas associated with a principal building.

SIDEWALK SIGN	A pedestrian-oriented movable sign that sits on the grade located proximate to the primary entrance of the nonresidential or mixed use being advertised. Sidewalk signs are also referred to as “A-frame” signs or “Board” signs. The sign shall be self-supporting and only visible during operating hours. Sidewalk signs are configured with a broader base than a top or are equipped with supports to ensure they remain stable in normal wind conditions.
SMALL-TOWN CHARACTER	The sum or combined effect of the attributes and assets that make the Town unique and that establish the Town’s “sense of place.” Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.
SOFFIT	The exterior material mounted to the underside of the roof rafters that project past the edge of an exterior building wall.
STORMWATER CONTROL MEASURE	A physical device, site feature, or construction technique intended to eliminate or reduce contact or exposure of pollutants to stormwater or remove pollutants from stormwater prior to discharge from the measure.
THOROUGHFARE STREET	A street designated as a thoroughfare street in the Town’s adopted policy guidance, the applicable comprehensive transportation plan, or by the NCDOT.
WINDOW SIGN	A sign affixed to or visible through the surface of a window or glass door that is intended to be visible to the public from outside the building. Signs painted on glass and etched or frosted glass that includes text or symbols shall be considered as a window sign. Signs mounted to a building’s exterior wall are “wall” signs.

Sec. 30-210. - Multi-family design standards.

(a) Purpose and intent.

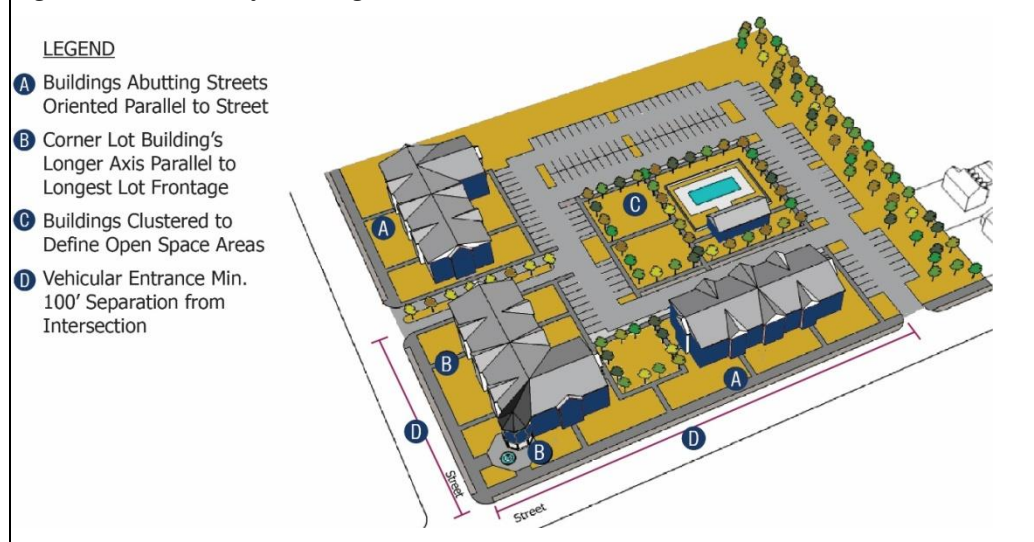
These multi-family residential design standards supplement the applicable zoning district and use-specific standards of this Ordinance by providing the minimum requirements for design and configuration of multi-family development within the Town’s jurisdiction. They are intended to:

- (1) Ensure multi-family development takes place in a manner consistent with the context, scale, and proportion of its surroundings;
- (2) Promote greater compatibility between new multi-family development and other allowable use types, particularly adjacent residential single-family detached dwellings;
- (3) Establish expectations for minimum level of quality for multi-family development;

- (4) Encourage creativity in design and promote individual project identity;
 - (5) Create neighborhoods with enhanced architectural and visual interest; and
 - (6) Preserve property values and protect public and private investment.
- (b) Applicability. Except where expressly exempted in writing in this Ordinance, the standards in this section shall apply to the following forms of development:
- (1) New multi-family dwellings;
 - (2) New triplex and quadplex dwellings;
 - (3) New multi-unit residential structures within a continuing care retirement community use type; and
 - (4) New assisted living facilities and nursing homes.
- (c) Exemptions. The following forms of development shall be exempted from these standards:
- (1) Single-family attached development, unless subject to voluntary consent by the landowner;
 - (2) Duplex dwellings, unless subject to voluntary consent by the landowner;
 - (3) Renovation or redevelopment of existing multi-family structures; and
 - (4) Routine maintenance and repairs.
- (d) Timing of review
- Development subject to these standards shall be reviewed for compliance at the time of site plan, or special use permit review, as appropriate. In cases where a development application is considered by more than one review authority, the decision regarding compliance with these standards shall be made by the review authority making the final decision on the application under review.
- (e) Site design requirements.
- (1) Street network.
 - a. On sites including new streets, an interconnected network of streets shall be provided, to the maximum extent practicable, and streets shall connect to adjacent existing streets outside of the development.
 - b. Vehicular driveways into a development with 10 or more dwelling units shall be at least 100 feet away from any major intersection, to the maximum extent practicable.
 - c. Driveways shall be consolidated in order to reduce curb cuts, to the maximum extent practicable.
 - (2) Building orientation.
 - a. Buildings that abut streets shall be oriented parallel to the street they front rather than being oriented at an angle to the street.

- b. On corner lots, the long axis of the building shall be parallel to the longest lot frontage unless such orientation is incompatible with adjacent, existing development along the same street (see Figure 20 Multi-family Building Orientation).
- c. Buildings within multiple-building developments shall be clustered in order to define open space recreation areas and development entry points.

Figure 20 Multi-Family Building Orientation



(3) Accessory structures. Accessory uses and structures associated with a development subject to these standards shall comply with the following:

- a. Street-facing detached garages on corner lots shall be located to the side or rear of buildings.
- b. Access to accessory structures (such as garages, carports, storage areas, etc.) shall be provided from alleys or secondary streets, to the maximum extent practicable.
- c. Accessory buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure.
- d. Accessory structures shall not physically obstruct pedestrian entrances.
- e. Centralized refuse collection containers, if provided, shall be located in an enclosed area located to the rear of principal buildings.

(4) Site features.

- a. Except for nursing homes, development subject to these standards shall not include a gate or obstruction that blocks access to the site for vehicles, bicycles, or pedestrians.
- b. Off-street parking serving guests shall be evenly distributed throughout the development.
- c. Shared solid waste facilities shall be evenly distributed throughout the development or be centrally located and fully screened from all on-site and off-site views.

- d. Detached garages or carports shall not be located between a principal building and the street it faces.
 - e. New utilities shall be provided underground, and utility vaults shall be clustered in areas outside of required landscaping.
- (f) Building design requirements.
- (1) Building entrances.
- a. The facades of buildings abutting streets shall be configured so that entryways to individual dwelling units or shared entrances face the street.
 - b. Access to upper-floor dwelling units shall be obtained from shared internal entries. In no instance shall walkways to individual upper-story dwelling units take place on the exterior of the building.
 - c. Individual ground-floor and shared entryways shall be sheltered from the weather either by:
 - d. Recessing the entrance at least three feet to the inside of the primary ground floor façade plane; or
 - e. Inclusion of an overhead architectural treatment that extends outward at least three feet from the primary façade plane.
- (2) Building facades.
- a. Buildings subject to these standards shall maintain a consistent level of architectural detailing and composition on each building façade facing a street.
 - b. Building facades facing streets shall provide a minimum of three of the following architectural elements (see Figure 21 Multi-family Building Facades):
 - i. A covered porch or terrace;
 - ii. One or more dormer windows or cupolas;
 - iii. Eyebrow windows;
 - iv. Awnings or overhangs;
 - v. Decorative moldings;
 - vi. Shutters;
 - vii. Pillars, posts, or pilasters;
 - viii. One or more bay windows with a minimum twelve-inch projection from the facade plane;
 - ix. Multiple windows with a minimum of four-inch-wide trim;
 - x. Corniced parapets;
 - xi. Eaves with a minimum of four-inch-wide trim; or
 - xii. Integral planters that incorporate landscaped areas and/or places for sitting.

- c. Garage entries, loading and service entries, utility rooms, stairs, elevators, or similar features shall not occupy more than 20 percent of the width of a building façade facing a street.
- d. Attached street-facing garages serving individual dwelling units shall be recessed at least three feet inwards from the primary first floor façade plane or be associated with an upper-story projection that exists above the garage.
- e. Developments with three or more principal buildings shall provide variation in building size, shape, height, color, and roofline in a manner that allows different buildings to be distinguished from one another.

Figure 21 Multi-Family Building Facades

LEGEND

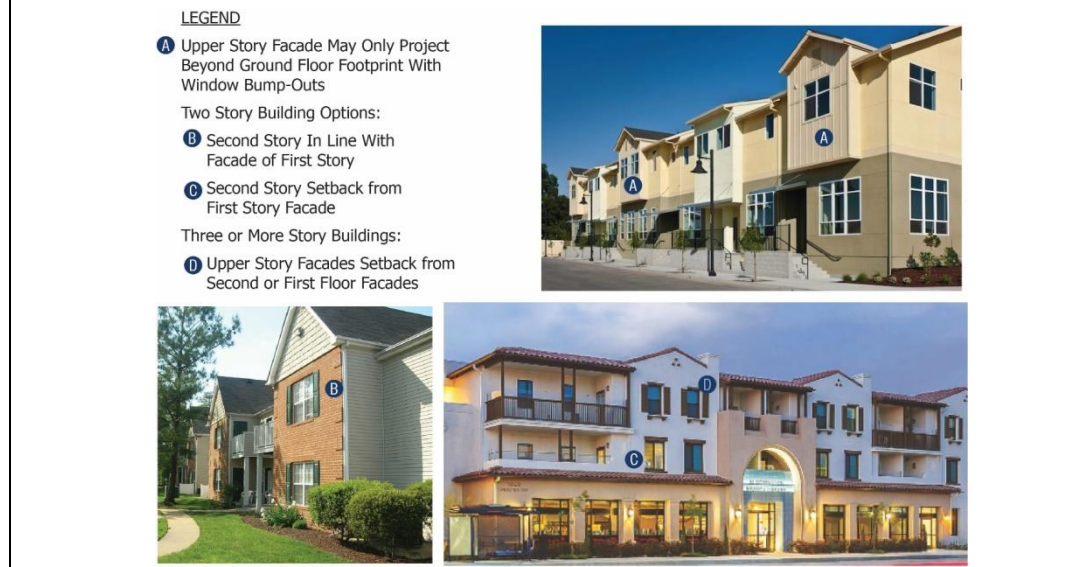
- A Covered Porch or Terrace
- B Dormer Windows or Cupolas
- C Eyebrow Windows
- D Awnings or Overhangs
- E Decorative Moldings
- F Shutters
- G Pillars, Posts, or Pilasters
- H Bay Window(s) (Min. 12" Projection)
- I Windows With Minimum 4" Wide Trim
- J Corniced Parapets
- K Eaves With Min. 4" Wide Trim
- L Integral Planters or Seating Areas



(3) Building massing.

- a. Upper story façade walls shall not project beyond the ground floor footprint except to accommodate bump-outs with windows.
- b. In the case of two-story buildings, the exterior façade walls of the second floor shall be in line with or setback from the first floor façade walls (see Figure 22 Multi-Family Building Massing).

Figure 22 Multi-Family Building Massing



(4) Building articulation.

- a. Street-facing building facades shall be articulated with wall offsets, in the form of recesses or projections from the primary façade plane, of at least two feet for every 35 linear feet of facade frontage (see Figure 23 Multi-family Façade Articulation).
- b. Where provided, projections or recesses shall extend from the grade to the top of the highest story in line with the ground-floor footprint.

Figure 23 Multi-Family Façade Articulation



(5) Building Height.

- a. Buildings subject to the standards of this section shall have a maximum height of two stories or 18 feet within 100 feet of a lot with an existing single-family detached

residential dwelling, without an intervening street (see Figure 24 Multi-family Building Height).

- b. Building stories that are 75 percent or more below the finished grade at the front of the lot shall not be counted towards the number of allowable stories.

Figure 24 Multi-family Building Height



(6) Roof form.

- a. Development shall incorporate roof pitches between 3:12 and 12:12 or shall incorporate parapet walls with a dimensional cornice around a flat roof.
- b. Alternative roof forms or pitches are encouraged for small roof sections over porches, entryways, or similar features.
- c. Buildings with eaves shall be configured such that no single horizontal eave continues for more than 60 linear feet without being broken up by a gable, building projection, and articulation feature.
- d. Buildings with overhanging eaves and roof rakes shall extend at least six inches past supporting walls.

(7) Building materials and colors.

- a. Configuration.
 - i. Buildings subject to these standards shall include at least two primary exterior materials on any single building.
 - ii. Changes in colors and materials shall take place at internal corners or in logical locations, such as: building wings, bays, bump-outs, or recesses (see Figure 25 Multi-family Building Materials). In no instance shall exterior materials or colors change at outside corners.
 - iii. Heavier or more bulky exterior materials shall be located beneath or below lighter materials.

Figure 25 Multi-family Building Materials

LEGEND

- A Minimum Two Primary Exterior Materials on Each Building
- B Material Changes at Logical Locations (Internal Corners, Wings, Bays, Bump-outs, or Recesses)
- C Heavier Materials Below Lighter Materials



- b. Prohibited materials. The following materials shall be prohibited on any façade facing a street, open space, or district intended primarily for single-family detached development:
- i. Smooth-faced concrete block;
 - ii. Corrugated metal siding; or
 - iii. Synthetic stucco within two feet of the grade.

Definitions. The following definitions apply only to this section 30-210.

ACCENT	The use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.
ACCESS EASEMENT	An easement which grants the right to cross land.
ACCESSWAY	A paved or unpaved travel way intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site.
ACCESSIBLE PARKING SPACE	An off-street parking space provided for the exclusive use of vehicles serving disabled persons.
ACCESSORY BUILDING	See “Accessory Structure.”
ACCESSORY STRUCTURE	A detached subordinate or incidental structure, the use of which is incidental to the principal structure and which is located on the same lot as the principal structure.
ADDITION (TO AN EXISTING BUILDING)	An extension or increase in the floor area or height of a building or structure.
ADJACENT	A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a

	parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
ALTERNATIVE LANDSCAPE PLAN	A document prepared by an applicant that proposes an alternative means of compliance with the standards in Section 30-205, Landscaping.
ALTERNATIVE PARKING PLAN	A document prepared by an applicant that proposes an alternative means of compliance with the standards in Section 30-200, Off-Street Parking and Loading.
ARBOR	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
ARCADE	A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
ARCH OR ARCHWAY	A curved, semicircular opening in a wall.
ARTICULATION	The presence or projections, recesses, or other architectural features along a building façade.
AWNING	A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.
BALCONY	A platform on the outside of a building that is accessible from an upper-story door or window and bounded by a building wall on at least one side, with its open sides surrounded by a railing.
BASEMENT	Any area of a building having its floor subgrade (below ground level) on all sides.
BAY WINDOW	A window, typically with two or more sides that is built to project outward from an outside wall.
BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
BICYCLE PARKING SPACE	Land and facilities used for the parking of bicycles, including a mechanism for securing a parked bicycle.
BUFFER	An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use.
BUFFER, PERIMETER	Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including the Type A Separation, Type B Intermittent, Type C Semi-Opaque, and Type D, Opaque.
BUFFER STREETSCAPE	See “Streetscape Buffer.”
BUILDING AXIS	An imaginary line between two points on a building that describes or explains how the building is organized. For example, the ridgeline of a roof gable depicts a building’s axis.
BUILDING FACADE	The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard

	roof. Facades may be on the front, side, or rear elevation of the building.
BUILDING FOOTPRINT	The area occupied by the perimeter of a principal building. Accessory structures and non-building facilities are not included in the building footprint.
BUILDING WALL PROJECTION	An extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to conceal or screen a service element of site feature like a refuse collection container.
BUILDING WING	A portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.
CALIPER	Measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches above the ground.
CANOPY	A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CANOPY TREE	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
CENTRAL LEADER	The dominant upright branch (or trunk) of a tree.
CHANGE OF USE	The change in the use of a building, structure, or land. “Change of use” includes a change from one use type to another use type.
CLUSTER MAILBOX UNIT	A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.
COLUMN	An upright pillar, typically cylindrical and made of stone or concrete, supporting an entablature, arch, or other structure or standing alone as a monument.
COMMUNITY CHARACTER	The sum or combined effect of the attributes and assets that make the Town unique and that establish the Town’s “sense of place.” Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.
CONTAINERIZED STOCK	Trees or other vegetation delivered for planting or establishment in individual or group containers.
COPING	A finishing or protective course of masonry or cap of metal located at the top of a brick, stone, or masonry wall.
CORNICE	Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

CURB	A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.
DECORATIVE GLASS	Glass located on an exterior wall of a building that may be transparent, semi-transparent, or opaque.
DIAMETER AT BREAST HEIGHT (DBH)	Measurement for determining the size of existing trees to be credited towards landscaping requirements or for violations of this Ordinance. DBH is the measurement of the diameter of an existing tree trunk taken at a height of 4 ½ feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.
DORMER WINDOW	A window that projects vertically from a sloping roof.
DRIVE AISLE	A vehicular accessway within a surface parking lot or a parking structure.
DRIVE THROUGH	A facility designed to enable a person to transact business while remaining in a motor vehicle.
DRIVEWAY	The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
DRIVEWAY MEDIAN	A constructed device, whether raised or lowered from grade level, located within a driveway or drive aisle that is used to control traffic direction or limit turning movements.
EASEMENT	The right to use or occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
EAVE	The projecting lower edges of a roof that overhangs the wall of a building.
ENTRANCE, PRIMARY	See “Primary Entrance.”
EVERGREEN TREE	See “Tree, Evergreen.”
EXISTING TREE(S)	Trees or other woody vegetation that exist and are retained on a development site.
EXPANSION	An increase in the floor area of an existing structure or building, or the increase of area of a use.
FACADE	See “Building Façade.”
FAÇADE, FRONT	The exterior façade of a building where the primary or front entrance is located. Typically the front façade faces the street from which the building derives its street address.
FAÇADE, REAR	The exterior façade of a building that is opposite the front façade.
FAÇADE, SIDE	The exterior façade of a building perpendicular to the front façade.
FALSE (OR OPAQUE) WINDOWS	An exterior building material provided to replace or approximate a window.

FENCE OR WALL	A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection, retention, or confinement, but not including a hedge or vegetation.
FENESTRATION	The arrangement of windows and doors on a building's façade.
FINANCIAL GUARANTEE	See "Performance Guarantee."
FIRE LANE	A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
FLAGPOLE	A freestanding structure or structure attached to the wall or roof of a building that is used to display flags.
FLOOR	The top surface of an enclosed area in a building, including basement, such as, top of slab in concrete slab construction or top of wood flooring in frame construction.
FOOTPRINT	See "Building Footprint."
FRONT FAÇADE	See "Façade, Front."
GABLE	A triangular area of an exterior wall formed by two sloping roofs.
GALLERY	A balcony or platform on an upper floor that projects from the primary wall plane of the building that is open underneath.
GLAZING	The portion of an exterior building surface occupied by glass or windows.
GREENWAY	Public open space under the control and maintenance of the Town which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
GROUND COVER	Low growing plants such as grasses, ivy, creeping bushes and similar decorative plantings as well as mulch, pine straw, or other similar materials used to cover the ground within required landscaping areas.
GROUND-BASED MECHANICAL EQUIPMENT	Utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
HORIZONTAL FAÇADE MODULATION	Projections, recesses, ribs, fins, or building wings distributed evenly across the façade of a building.
LANDSCAPE FABRIC	A geotextile material used to control weeds by inhibiting their exposure to sunlight.
LANDSCAPE ISLAND	The portion of a parking lot intended for landscaping material and pervious surfaces.
LANDSCAPE STRIP	Linear landscape islands located between two parallel rows of off-street parking spaces.
LANDSCAPING	The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and

	objects designed and arranged to produce an aesthetically pleasing effect.
LOADING SPACE (FACILITY)	Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
MATERIAL RETURN	The continuation of one or more exterior building materials on one building façade beyond an inside or outside building corner to a logical termination point on a different wall plane.
MATURE TREE	A tree that has reached more than one-third of its expected maximum size.
MAXIMUM EXTENT PRACTICABLE	No feasible or practical alternative exists, as determined by the Town, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”
MULTI-FAMILY DEVELOPMENT	A development that includes three or more dwelling units configured in on or more buildings on the same lot or development site. The development includes shared parking areas, shared open spaces around the development, active recreation features, and centralized waste/refuse collection facilities.
MULTIPLE LOT DEVELOPMENT	Developments that include two or more buildings on two or more lots that is planned, organized, and managed as a single development for the purposes of the development standards.
MULTI-USE PATH	A form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating and people in wheelchairs. Paths are typically surfaced with asphalt, concrete, or firmly packed crushed aggregate.
NATIVE TREE	See “Tree, Native.”
OPACITY	A measurement indicating the degree of obscuration of light or visibility.
OPAQUE	A building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.
OUTPARCEL	A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.
OVERHANG	The edge of a roof or upper building story projecting outwards.
PARKING PLAN	A plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces (if different from the required number of parking spaces). The plan also shows points of vehicular ingress and egress, drive aisles, the

	locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.
PARKING SPACE	A location where an automobile or passenger truck is temporarily stored.
PARKING STUDY	An analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.
PERFORMANCE GUARANTEE	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or required public site feature prior to issuance of a building permit or other development approval.
PERIMETER BUFFER	See “Buffer, Perimeter.”
PERIMETER PARKING LOT LANDSCAPING	Required landscaping located around the perimeter of a parking lot.
PLANTING SEASON	The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.
PLANTING STRIP	Required landscaping material configured in a linear strip.
PLOT PLAN	A simple drawing or sketch depicting compliance with one or more requirements of this Ordinance.
PRIMARY ENTRANCE	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
PROFESSIONAL ENGINEER	A civil, structural, or traffic engineer licensed by the State of North Carolina.
PROJECTION	Habitable space projecting outwards from the main wall of a building.
RECESS	Habitable space that is recessed inwards from the main wall of a building.
REDEVELOPMENT	Installation of any improvements, new construction, or reconstruction on a lot or site that has pre-existing uses.
REFUSE COLLECTION CONTAINER	A metal or plastic container used for the collection and temporary storage of refuse or waste for pickup by the Town or a solid waste management contractor.
REQUIRED LANDSCAPE AREA	An area required to be planted with trees, shrubs, or ground cover as required by Section 30-205, Landscaping.
RETAINING WALL	A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
RETENTION POND	A stormwater control measure consisting of a depression in the land that retains stormwater flow for gradual release into the surrounding soil.
REVEGETATION PLAN	A plan depicting the re-establishment or replanting of required vegetation or landscaping material on a lot or site where clearing has taken place in violation of this Ordinance or a condition of approval.
ROOF PITCH	The amount of rise or the vertical increase in elevation over the run or the horizontal distance of a roof.

ROOF PLANES	Portions of a roof constructed at different angles to one another.
SCREENING WALL	A wall, whether part of habitable space or not, that interrupts off-site views into a site.
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SHADE TREE	See “Tree, Shade.”
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SIDEWALK	A paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.
SLATS, FENCE	Thin strips of wood, plastic, or other material woven between the components of a chain link-style fence or gate.
SMOOTH-FACED CONCRETE BLOCK	Concrete blocks that do not include adornment or any surface relief.
STOPPING SITE DISTANCE	The minimum amount of physical space necessary for a driver operating a vehicle at the street’s design speed to bring the vehicle to a complete stop before colliding with a pedestrian, stopped vehicle, animal, or debris in the roadway.
STREET INTERSECTION APPROACH	The portion of a street proximate to an intersection.
STREETSCAPE BUFFER	Landscaping provided on individual lots abutting arterial and collector streets but located outside the street right-of-way.
STRUCTURAL SOIL	A planting medium that can be compacted to pavement design and installation requirements while permitting root growth.
TREE CANOPY	The layer of vegetation formed by the crowns of mature trees.
TREE PROTECTION AREA	The portion of a lot or site with existing trees located inside tree protection fencing.
TREE PROTECTION FENCING	Fencing or other barrier provided to protect trees to be retained from damage or encroachment during the development process.
TREE RETENTION AREA	The portion of a lot or site with existing trees to be retained during and after development.

TREE TOPPING	The removal of the central leader and primary upper branches of a tree.
TREE, CANOPY	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
TREE, EVERGREEN	A woody plant with one or more stems that does not lose the majority of its leaves during winter or dormancy.
TREE, HARDWOOD	A deciduous tree with broad leaves that produces fruit or a nut and goes dormant during winter months.
TREE, SHADE	A tree with a crown that provides shade to the surface area within a parking lot and associated parking spaces.
TREE, PROTECTED	A tree that is present prior to the commencement of development or land disturbance that is required or intended to remain after completion of development or land disturbing activities.
TREE, UNDERSTORY	A species of tree which normally grows to a mature height of 15 to 35 feet.
TRELLIS	A framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.
UNDERSTORY TREE	See “Tree, Understory.”
URBAN HEAT ISLAND	A portion of an urban or metropolitan area that is significantly warmer than its surroundings due to additional paving, building mass, and lack of shade. The temperature difference usually is larger at night than during the day and is most apparent when winds are weak.
VEGETATIVE COVER	The presence of vegetation (whether tree, shrubs, or ground cover) in a particular location.
VEHICULAR USE AREA	An off-street parking space or parking lot along with associated drive aisles and means on ingress or egress.
VERTICAL FAÇADE MODULATION	The organization of an individual building façade into a base, middle, and cap configuration where there are discernable differences in exterior materials, building wall planes, or architectural detailing along the façade from the grade to the top of the building.
VISUALLY TRANSPARENT	Glass or glazing that does not obstruct the view into a structure.
WALL, BUILDING	The entire surface area, including windows and doors, of an exterior wall of a building.
WALL OFFSET	A projection or recess located in or along a building wall.
WALL PLANE	The exterior surface of a building wall relative to the lot line it abuts.
WALL PLANE, PRIMARY	The largest portion of a building wall in terms of area on a single building façade that maintains a uniform distance from the abutting lot line.

Section 1.4. Chapter 30, Article VI., Division 5, Sec. 30-421 is hereby repealed and replaced or amended as follows, which shall be effective upon the date of ratification by the Town Council.

Sec. 30-421.- Sedimentation, erosion control and stormwater management.⁷

All subdivisions shall follow the requirements of section 30-201, Sedimentation, Erosion Control and Stormwater Management.

Section 1.5. Chapter 30, Appendix Sec. 30-A3 is hereby repealed and replaced or amended as follows, which shall be effective upon the date of ratification by the Town Council

Appendix, Sec. 30-A3 List of Recommended Plants.

The following is a table of recommended plant for use in compliance with the Town's landscaping requirements. Information is organized by large trees, medium trees, small trees, evergreen shrubs and screening plants, and landscaping shrub categories. Information within each category is further organized by evergreen or deciduous classification, and then by native or non-native designation.

All plantings intended for compliance with the Town's landscaping requirements in the Zoning and Subdivision Ordinances should be of a variety listed here, though an alternative variety may be proposed as part of an alternative landscape plan.

Plants included on the North Carolina Invasive Plant List and the USDA Noxious Weed List shall not be included in landscape plans and will not be credited towards the Town's landscaping requirements.

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS					
PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
LARGE VARIETY TREES (MATURE HEIGHT: 35 FEET OR GREATER)					
Native Evergreen					
Ilex opaca American Holly	40—60'	20—30'	S	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form

⁷ This section is the only section in this Article that is proposed for amendment.

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS

PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
Juniperus virginiana Eastern Red Cedar	40—50'	15—25'	M	S-PS	Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit
Magnolia grandiflora Southern Magnolia	60—80'	30—40'	R	S-PS	Less shade tolerant with age, attracts wildlife, fragrant spring and summer flowers
Pinus taeda Loblolly Pine	90—120'	30—40'	R	S	Tolerates flooding and drought, critical to Brown-headed Nuthatch
Quercus laurifolia or hemisphaerica Laurel Oak	60—80'	30—40'	R	S-SH	Shade tolerant, good for moist sites
Native Deciduous					
Acer barbatum or floridanum Southern Sugar Maple	50—60'	20—35'	M	S-PS	Heat tolerant, dislikes dry, compact soil
Acer rubrum Red Maple	60—90'	30—50'	R-M	S-SH	Tolerates a variety of conditions, including wet soil, fall color
Acer saccharum Sugar Maple	90—120'	40—60'	S	S-PS	Extensive root system, fall color, shade tolerant
Betula nigra River Birch	60—80'	30—50'	R	S-PS	Lacy texture, tolerates a variety of conditions, including wet soil, tends to drop small limbs, cultivars available
Celtis laevigata Southern Hackberry or Sugarberry	70—80'	30—50'	R	S-PS	Tolerates a variety of conditions
Cladrastis kentukea Yellow-wood	40—50'	40—45'	M	S	Tolerates a variety of conditions, fragrant white blooms in alternate years
Diospyros virginiana American Persimmon	30—60'	20—25'	S-M	S-PS	Tolerates dry soil, good fall color, fruit attracts wildlife. Separate male and female plants.
Fraxinus pennsylvanica Green Ash	50—120'	40—50'	R	S-PS	Tolerates a variety of conditions. Separate male and female plants. Many cultivars available.
Gymnocladus dioica Kentucky Coffee-tree	60—75'	40—50'		S	Tolerant of air pollution and drought, fall color
Liriodendron tulipifera Tulip-Tree or Yellow Poplar	90—120'	60—80'	R	S	Tolerates a variety of conditions, drops limbs, best in natural areas, host for N.C. State butterfly
Nyssa sylvatica Black Gum	50—80'	30—50'	M	S-PS	Fall color, pyramidal when young
Platanus occidentalis Sycamore	80—120'	40—60'	R	S-PS	Showy bark, tolerates a variety of conditions but needs water, best in natural areas
Prunus serotina Wild Black Cherry	60—80'	30—50'	R	S-PS	Tolerates a variety of conditions, seeds heavily, best in natural areas
Quercus alba White Oak	80—100'	40—60'	S-M	S-PS	Sensitive to construction damage, good fall color
Quercus bicolor Swamp White Oak	50—60'	50—60'	M-R	S	Needs acidic soil, drought resistant, intolerant of salt and air pollution

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS

PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
Quercus coccinea Scarlet Oak	50—80'	40—50'	R	S	Good fall color, tolerates dry, sandy soil
Quercus falcata Southern Red Oak	70—80'	30—40'	R	S-PS	Tolerates drought
Quercus imbricaria Shingle Oak	50—60'	50—60'	S-M	S	Tolerates a variety of conditions
Quercus lyrata Overcup Oak	35—45'	35—40'	M	S	Tolerates a variety of conditions
Quercus macrocarpa Bur Oak	60—80'	60—80'	S	S	Tolerant of Town conditions
Quercus nigra Water Oak	70—90'	30—50'	R	S	May retain some leaves through the winter, tolerates a variety of conditions
Quercus palustris Pin Oak	60—80'	40—50'	R	S	Tolerates a variety of conditions, pyramidal form, good fall color
Quercus phellos Willow Oak	80—100'	40—50'	R	S-PS	Tolerates a variety of conditions, golden fall color
Quercus rubra Red Oak	80—90'	30—50'	R-M	S-PS	Needs moist soils, good fall color
Quercus shumardii Shumard Oak	90—100'	40—50'	R-M	S	Tolerates a variety of conditions
Quercus texana or nuttallii Nuttall Oak	60—80'	30—40'	R	S-PS	Tolerates poorly drained soils, drought tolerant
Taxodium distichum Bald-cypress	100—120'	30—40'	R	S	Pyramidal when young, tolerates wet and dry soils, fall color, attractive trunk
Tilia americana Southern Basswood or American Linden	50—70'	30—45'	M	S-PS	Tolerates drought and clay soil, intolerant of air pollution, consider 'Redmond' cultivar
Non-Native Evergreen					
Cedrus deodara Deodar Cedar	40—70'	30—40'	M	S-PS	Tolerates drought and hot, dry summers, likes acidic soil
Cryptomeria japonica Japanese Cryptomeria	50—60'	25—30'	M	S-PS	Tolerates a variety of conditions, pyramidal shape, many cultivars available
Thuja 'Green Giant' Green Giant Arborvitae	40—50'	15—20'	R	S-PS	Tolerates a variety of conditions, may need some wind protection, bronzes in winter
Non-Native Deciduous					
Acer × freemanii Freeman Maple	Gen. 40—70'	Gen. 15—40'	M	S-PS	A hybrid of red maple and silver maple, cultivars vary in size and characteristics
Cercidiphyllum japonicum Katsura Tree	40—60'	20—40'	M-R	S	Intolerant of hot, dry sites, fall color
Ginkgo biloba Ginkgo	50—80'	30—40'	S	S	Plant male trees to avoid messy, smelly fruit, tolerates a variety of conditions, bright yellow fall color
Metasequoia glyptostroboides Dawn Redwood	70—100'	15—25'	R	S	Tolerates a variety of conditions, tolerates wet soils, attractive trunk
Platanus × acerifolia London Planetree	65—80'	75—100'	M	S-PS	Good street tree, light brown exfoliating bark

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS

PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
<i>Quercus robur</i> 'Fastigata' Upright English Oak	50—60'	10—20'	S	S	Tolerates drought and air pollution, narrow, upright form
<i>Sophora japonica</i> or <i>Styphnolobium japonicum</i> Japanese Scholartree or Japanese Pagodatree	50—70'	50'	M-R	S-PS	Resistant to air pollution and drought, but marginally heat hardy in Piedmont N.C.
<i>Tilia cordata</i> 'Greenspire' Greenspire Littleleaf Linden	30—40'	25—35'	S-M	S	Piedmont N.C. is at southern extreme of range, air pollution tolerant, cultivars available
<i>Tilia tomentosa</i> Silver Linden	40—70'	25—45'	R	S-PS	Tolerates drought and air pollution and a variety of soil conditions
<i>Ulmus parvifolia</i> Lacebark or Chinese Elm	40—50'	40—50'	M-R	S	Tolerates a variety of conditions, attractive bark, a tough and durable tree
<i>Ulmus hybrida</i> Hybrid Elm	75—125'	60—120'	M-R	S-PS	Tolerates a variety of conditions; Dutch Elm disease resistant varieties available
<i>Zelkova serrata</i> Japanese Zelkova	50—80'	40—50'	M	S-PS	Good street tree; tolerates urban conditions well, cultivars available
MEDIUM VARIETY TREES (MATURE HEIGHT: 25 TO 35 FEET)					
Native Evergreen					
<i>Ilex × attenuata</i> 'Fosteri' Foster's Holly	20—30'	10—20'	R	S-PS	Red fruits, male plants not needed for fruiting, best berry production in full sun
<i>Magnolia virginiana</i> Sweet Bay Magnolia	20—30'	10—15'	M	S-PS	Tolerates some shade, good for wet sites, cultivars provide evergreen and deciduous options
<i>Pinus virginiana</i> 'Wate's Golden' Wate's Golden Virginia Pine	15—30'	10—20'	S-M	S	Grows in poor soils, turns golden in winter, seeds eaten by birds, especially Brown-headed Nuthatch
<i>Prunus caroliniana</i> Carolina Laurel Cherry	20—40'	15—20'	M-R	S-PS	Tolerates a variety of conditions, colonizes
Native Deciduous					
<i>Carpinus caroliniana</i> American Hornbeam or Ironwood	20—30'	20—30'	S	S-PS	Does well in moist to wet soil, attractive trunk, interesting fruit
<i>Cercis canadensis</i> Eastern Redbud	20—30'	25—35'	M	S-PS	Tolerates a variety of conditions, many cultivars available, early spring purple/pink blooms
<i>Cornus florida</i> Flowering Dogwood	15—30'	15—20'	S-M	PS	Best in part shade, many cultivars available, flowers in spring, fall color and red fruit
<i>Gleditsia triacanthos</i> var. <i>inermis</i> Thornless Honeylocust	30—70'	30—40'	R	S	Range of soil types, drought tolerant;
<i>Halesia tetraptera</i> Common Silverbell	20—40'	20—35'	M	S-PS	Tolerates a variety of conditions, showy white blooms in spring, cultivars available
<i>Ostrya virginiana</i> Eastern Hop-hornbeam	20—30'	20—30'	S	S-PS	Tolerates a variety of conditions, interesting fruit

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS

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Oxydendrum arboreum Sourwood	20—30'	10—15'	S	S-PS	Tolerates a variety of conditions, white summer flowers, fall color, source of sourwood honey
Non-Native Evergreen					
Ilex × 'Nellie R. Stevens' Nellie Stevens Holly	30—40'	10—15'	R	S-PS	Red fruit, drought and heat tolerant, male and female plants (I. cornuta) needed for best fruiting, also used as a large shrub
Pinus thunbergii Japanese Black Pine	20'	20'	S-M	S	Select small tree cultivar from among dwarf cultivars, heat and drought tolerant
Non-Native Deciduous					
Acer buergerianum Trident Maple	25—35'	20—30'	M	S-PS	Tolerates a variety of conditions; good fall color
Acer campestre Hedge Maple	25—35'	25—35'	S	S	Tolerates drought and air pollution; shallow root system
Carpinus betulus 'Fastigata' Pyramidal European Hornbeam	30—40'	20—30'	S-M	S-PS	Pyramidal when young, tolerates a range of conditions
Koelreuteria paniculata Goldenrain Tree	20—40'	15—35'	M-R	S-PS	Tolerates drought and air pollution, yellow flowers in June
Magnolia × soulangeana or soulangeana Saucer Magnolia	15—25'	15—25'	M	S-PS	Late flowering cultivars avoid frost damage to blooms
Pistacia chinensis Chinese Pistachio	25—35'	20—30'	M-R	S	Drought tolerant, male and female plants needed for fruit, fall color
Prunus 'Kwanzan' Kwanzan Cherry	20—30'	15—25'	M	S-PS	Pink blooms in April, may be short-lived, good fall color, no fruit
Prunus 'Okame' Okame Cherry	15—30'	20—30'	M-R	S	Tolerates a variety of conditions, pink blooms in late winter lasting longer than most cherries
Prunus subhirtella 'Autumnalis' Fall Blooming Cherry	20—30'	15—25'	R	S-PS	Flowers best in full sun, flowers both in fall and late winter, may be short lived
Prunus subhirtella 'Pendula' Weeping Cherry	20—40'	15—30'	M	S	Tolerant of heat and clay soil; white to pinkish flowers in early spring; relatively long lived
Prunus × yedoensis Yoshino Cherry	30—40'	30—50'	R	S	Tolerates a variety of conditions, pale pink to white flowers in early spring, many cultivars available
SMALL VARIETY TREES (MATURE HEIGHT: LESS THAN 25 FEET)					
Native Evergreen					
Ilex vomitoria Yaupon Holly	15—20'	10—20'	S-M	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, many cultivars available in many sizes
Magnolia grandiflora 'Little Gem' Little Gem Magnolia	15—20'	8—10'	R	S-PS	Dwarf cultivar of Magnolia grandiflora
Morella or Myrica cerifera Wax-myrtle	10—15'	8—10'	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female

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PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
					plants needed for fruit, also can be used in shrub form
Native Deciduous					
Aesculus pavia Red Buckeye	10—20'	10—20'	M	S-PS	Especially attracts hummingbirds and pollinators, red flowers in spring, leaf scorch may develop in dry soils
Amelanchier × 'Autumn Brilliance' Autumn Brilliance Serviceberry	25—40'	20—30'	S	S-PS	Tolerates a variety of conditions, rust fungus can attack fruit, early spring white blooms, fall color, other cultivars available
Chionanthus virginicus Fringe-tree or Old Man's Beard	12—20'	12—20'	S-M	S-PS	Tolerates a variety of conditions, male and female plants needed for fruit, fragrant white flowers in spring
Crataegus viridis 'Winter King' Winter King Green Hawthorn	15—30'	10—20'	S	S-PS	Drought tolerant, has thorns, other native species available, white flowers in spring, fall color, interesting bark
Non-Native Deciduous					
Acer palmatum Japanese Maple	15—25'	10—25'	S-M	S-PS	Avoid hot, dry and windy sites; many cultivars available
Chionanthus retusus Chinese Fringe-tree	15—25'	10—25'	M	S-PS	Tolerates a variety of conditions, showy white flowers in spring
Cornus kousa Kousa Dogwood	15—30'	15—30'	S	S-PS	Resistant to anthracnose, white flowers in May, fall color
Lagerstroemia indica cvs. Crapemyrtle	15—30'	6—15'	R	S	Summer blooms, attractive bark, overused, many cultivars (including dwarfs) available, do not top
Magnolia stellata Star Magnolia	10—15'	6—10'	S-M	S-PS	Blooms best in full sun, late winter white flowers
Malus hybrida Hybrid Crabapple	15—25'	10—20'	M	S	Plant only disease resistant cultivars, many cultivars available, showy spring flowers and fall fruit
Prunus sargentii Sargent Cherry	20—40'	20—40'	R	S	One of the hardiest cherries; pink flowers; sensitive to air pollution; reddish bark
Prunus serrulata 'Snowgoose' Snowgoose Japanese Cherry	15—25'	15—20'	M	S-PS	White sprung flowers; reddish bark; may be short-lived
Syringa reticulata Japanese Tree Lilac	20—30'	15—20'	M	S	Tolerates a variety of conditions; creamy white flowers in mid-summer
EVERGREEN SHRUBS AND SCREENING PLANTS					
Native					
Ilex opaca American Holly	40—60'	20—30'	S	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form, cultivars available
Ilex × attenuata 'Fosteri' Foster's Holly	20—30'	10—20'	R	S-PS	Red fruits, male plants not needed for fruiting, best berry production in full sun

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS

PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
Juniperus virginiana Eastern Red Cedar	40—50'	15—25'	S	S-PS	Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit
Morella or Myrica cerifera Wax-myrtle	10—15'	8—10'	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size
Prunus caroliniana Carolina Laurel Cherry	20—40'	15—20'	M-R	S-PS	Tolerates a variety of conditions, colonizes
Thuja occidentalis American Arborvitae	Var.	Var.	Gen. S	S	Many cultivars in countless shapes and sizes, some tolerate part shade, some reach small tree size
Non-Native					
Ilex × 'Nellie R. Stevens' Nellie Stevens Holly	30—40'	10—15'	R	S-PS	Red fruit, drought and heat tolerant, male cultivar (I. cornuta) needed for best fruiting, also used as a large shrub
Pinus thunbergii Japanese Black Pine	20'	20'	S-M	S	Select small tree cultivar from among dwarf cultivars, heat and drought tolerant
LANDSCAPING SHRUBS {MATURE HEIGHT 36 INCHES OR MORE}					
Native Evergreen					
Agarista populifolia Florida Leucothoe or Agarista	8—12'	8—12'	R	PS	Tolerates a variety of conditions, but prefers moist soil
Ilex glabra Inkberry Holly	5—9'	5—10'	S-M	S-PS	Drought tolerant but prefers moist soil, many cultivars available, male and female plants needed for fruit
Ilex vomitoria Yaupon Holly	10—20'	8—12'	M-R	S-PS	Tolerates wet to dry soils, male and female plants needed for fruit, dwarf and other cultivars available
Illicium floridanum Florida Star-anise	5—8'	6—8'	M	PS-SH	Prefers moist, well-drained soil high in organic matter, many cultivars available, showy spring flowers
Illicium parviflorum Yellow Anise-tree	7—10'	8—10'	M	S-PS	Tolerates a variety of conditions, drought tolerant, can colonize, some cultivars available
Morella or Myrica cerifera Wax-myrtle	10—15'	8—10'	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size
Rhododendron catawbiense Catawba Rhododendron	6—12'	6—10'	M	PS	Showy flowers, needs excellent drainage and organic soil, many cultivars available
Thuja occidentalis 'Emerald' Emerald American Arborvitae	6—10'	3—6'	M	S-PS	Tolerates a range of soils and conditions; good screening plant
Native Deciduous					

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<i>Calycanthus floridus</i> Sweet-shrub or Carolina Allspice	6—9'	6—12'	S-M	S-PS	Tolerates a range of conditions, drought tolerant, fragrant maroon flowers in early spring, fall color, cultivars available
<i>Callicarpa americana</i> American Beautyberry	3—4'	4—5'	R	S-PS	Prefers moist soil, showy purplish berries in fall
<i>Ceanothus americanus</i> New Jersey Tea	3—4'	3—5'	S-M	S-PS	Easy to grow in a wide range of conditions, drought tolerant, early summer flowers
<i>Clethra alnifolia</i> Sweet-pepperbush	4—8'	4—6'	S-M	S-PS	Needs moist soil, fragrant white summer flowers, may colonize, fall color
<i>Fothergilla gardenii</i> Witch-alder or Fothergilla	3—5'	3—4'	S	S-PS	Drought tolerant, fall color, may colonize, fragrant white spring flowers
<i>Fothergilla major</i> Large Witch-alder	6—10'	5—9'	S	PS	Drought tolerant, cultivars include 'Mt. Airy,' white spring flowers
<i>Hamamelis virginiana</i> Witch-hazel	15—30'	15—25'	S-M	S-PS	Multi-stemmed, yellow fall flowers and leaf color, tolerates heavy clay soil
<i>Hydrangea arborescens</i> Smooth Hydrangea	3—5'	3—5'	R	PS	Suffers in full sun and with drought, likes moist well-drained soil, attracts bees, prune in early spring, cultivars available, including 'Annabelle,' long bloom period
<i>Hydrangea quercifolia</i> Oakleaf Hydrangea	4—8'	3—8'	R	PS-S	Somewhat drought tolerant, attractive bark, needs mulch to keep roots cool, long bloom period in spring and summer, fall color, dwarf cultivars available
<i>Ilex decidua</i> Possum-haw	6—7'	6'	M	PS	Prefers moist, well-drained soil, male and female plants needed for fruit
<i>Ilex verticillata</i> Winterberry	6—15'	6—10'	S-M	S-PS	Tolerates a range of conditions, but prefers moist soil, male and female plants needed for fruit, dwarf cultivars available
<i>Itea virginica</i> Sweetspire	3—6'	4—6'	M	S-PS	Tolerates wide range of moisture, excellent fall color, fragrant white spring flowers
<i>Lindera benzoin</i> Spicebush	6—12'	6—12'	S-M	S-PS	Prefers moist, well-drained soil, male and female plants needed for fruit, fall color, early spring yellowish flowers
<i>Physocarpus opulifolius</i> Eastern Ninebark	5—8'	6—10'	M-R	S-PS	Drought tolerant, tough and durable, white spring flowers, attractive bark, dwarf cultivars available
<i>Rhododendron calendulaceum</i> Flame Azalea	4—8'	8—10'	S	PS	Good for naturalistic landscape, needs some direct sun, orange/yellow flowers in late spring, needs well-drained organic soil
<i>Rhododendron periclymenoides</i> Pinxterbloom Azalea	3—6'	4—7'	S	S-PS	Drought tolerant, needs some sun, pink spring flowers, needs well-drained organic soil
<i>Rhododendron viscosum</i> Swamp Azalea	2—8'	3—8'	M	PS	Likes moist organic soil, but tolerates some drought, fragrant white flowers in early summer

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<i>Sambucus canadensis</i> American Elderberry	5–12'	5–12'	R	S	Likes moist soil, may colonize, white summer flowers and dark fruit
<i>Vaccinium arboreum</i> Sparkleberry	10–20'	10–15'	M	S-SH	Tolerates drought, needs multiple genetic strains for fruit set, fall color
<i>Vaccinium stamineum</i> Deerberry	3–5'	3–5'	M	S-PS	Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set
<i>Vaccinium virgatum</i> or <i>ashei</i> Rabbiteve Blueberry	8–12'	6–10'	M	S-PS	Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set, fall color, grown for fruit production
<i>Viburnum acerifolium</i> Mapleleaf Viburnum	4–6'	4–6'	M	S-SH	Tolerates drought, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color
<i>Viburnum dentatum</i> Arrow-wood Viburnum	6–10'	6–15'	M	S-PS	Tolerates drought but prefers moist soil, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available
<i>Viburnum nudum</i> Possumhaw or Southern Wild Raisin	6–10'	6–10'	M	S-PS	Prefers moist to wet soil, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available
<i>Viburnum prunifolium</i> Blackhaw Viburnum	12–15'	8–12'	S-M	S-SH	Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color
<i>Viburnum rafinesqueanum</i> Downy Arrow-wood Viburnum	4–6'	4–6'	M	S-PS	Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color
<i>Viburnum rufidulum</i> Southern Black Haw Viburnum	10–20'	10–15'	M	PS	Needs multiple genetic strains for fruit set, white spring flowers, fall color
Non-Native Evergreen					
<i>Abelia × grandiflora</i> Glossy Abelia	5–8'	5–8'	M-R	S-PS	Tolerates a variety of conditions, drought tolerant, summer flowers, many dwarf cultivars available
<i>Aucuba japonica</i> Aucuba	6–10'	4–6'	S	PS-S	Needs winter shade, drought tolerant, many cultivars available
<i>Berberis julianae</i> Wintergreen Barberry	4–8'	6–8'	S	S-PS	Tolerates a variety of conditions, drought tolerant, has spines, good barrier plant
<i>Berberis verruculosa</i> Warty Barberry	3–6'	3–4'	S	S-PS	Tolerant of drought and urban conditions, tolerates a variety of soils
<i>Buxus microphylla</i> Littleleaf Boxwood	2–8'	2–8'	S	S-PS	Many shapes and sizes, var. <i>japonica</i> is often used, generally densely branched, leaves may bronze in winter
<i>Buxus sempervirens</i> Common Boxwood	15–20'	10–15'	S	S-PS	Drought tolerant, protect from wind, many cultivars available
<i>Camellia japonica</i> Camellia	8–15'	5–10'	S-M	PS	Excess sun, cold or shade can reduce flowering, many cultivars available, blooms in early spring
<i>Camellia sasanqua</i> Sasanqua Camellia	6–10'	5–7'	M-R	S-PS	Drought tolerant, many cultivars available, blooms in the fall
<i>Euonymus japonicus</i> Japanese Euonymus	10–15'	5–6'	R	S-SH	Tolerates drought and variety of soil types, subject to scale insects

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS

PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
Ilex crenata cvs. Japanese Holly (i.e., Compacta Holly)	4—10'	3—5'	S-M	S-PS	Many cultivars available in varying shapes and sizes, black fruit when present, generally hardy, male and female plants needed for fruit
Juniperus chinensis cvs. Chinese Juniper	Var.	Var.	Var.	S	Many cultivars available in varying shapes and sizes, generally heat and drought tolerant, male and female plants needed for fruit
Loropetalum chinensis Loropetalum	6—10'	6—10'	R	S-PS	Tolerates a variety of conditions, drought tolerant, long spring bloom period, dwarf cultivars available
Osmanthus heterophyllus Tea Olive	8—10'	5—10'	S-M	S-PS	Drought and heat tolerant, a good plant for screening, many cultivars available, fragrant fall flowers
Osmanthus × fortunei Fortune's Osmanthus	15—20'	15—20'	M	S-SH	Drought tolerant, good for screening and barriers, fragrant fall flowers
Pinus mugo Mugo Pine	15—20'	25—30'	S	S-PS	Varies greatly in size; tolerates clay soil, cultivars available
Prunus laurocerasus Cherrylaurel	4—8'	5—8'	M	S-SH	Favorite cultivars are Zabel, Otto Luyken and Schip laurel, need well-drained soil, some disease problems and scale insects
Raphiolepis cvs. Indian Hawthorn	4—10'	4—10'	S	S-PS	Tolerates a variety of conditions, drought tolerant, many cultivars available
Rhododendron hybrida Evergreen Azalea	2—8'	2—10'	M	PS	Many hybrids and cultivars available, needs well drained soil
Sarcococca confusa Sweetbox Sarcococca	3—5'	3—5'	S-M	PS-SH	Drought tolerant, fragrant flowers in late winter
Viburnum awabuki 'Chindo' Chindo Viburnum	10—15'	6—8'	R	S-PS	Pyramidal form, drought tolerant
Viburnum rhytidophyllum Leatherleaf Viburnum	10—15'	10—15'	M	PS-SH	Protect from winter wind and sun
Non-Native Deciduous					
Chaenomeles speciosa or japonica Japanese Flowering Quince	5—8'	4—8'	R	S-PS	Varied flower colors, flowers best in full sun, tolerates a variety of conditions, many cultivars available, stems often have spines
Cotinus coggygria Smoketree or Smokebush	10—15'	8—12'	M-R	S	Tolerates a range of soil types, drought tolerant, showy summer flowers, many cultivars available
Forsythia × intermedia Border Forsythia	8—10'	10—12'	R	S-PS	Tolerates a variety of conditions, blooms in early spring, best in full sun, many cultivars to choose from
Hydrangea macrophylla Bigleaf Hydrangea	3—4'	4—6'	R	PSH	Moist well drained soil, wilts in drought, long bloom period, needs pruning after blooming
Hydrangea paniculata Panicle Hydrangea	6—20'	6—8'	R	S-PS	Drought tolerant, white flowers in summer, long bloom period, many cultivars available

SUGGESTED PLANT MATERIALS LIST – TREES & SHRUBS

PLANT NAME/ COMMON NAME	HEIGHT	SPREAD	GROWTH RATE S = SLOW; M = MODERATE; R = RAPID	LIGHT NEEDS S = SUN; SH = SHADE; PS = PARTIAL SUN	COMMENTS
Kerria japonica Japanese Kerria	3—6'	6—9'	M	PS-SH	Drought tolerant, early spring yellow flowers, interesting green stems, cultivars available
Rosa hybrida Hybrid Landscape Rose (i.e., Knock Out Rose)	3—4'	3—4'	M	S-PS	Drought and disease resistant, blooms all summer, has thorns, many cultivars available

Section 1.6. Add to Chapter 30, Zoning and Subdivisions, Appendix Sec. 30-A6 as follows, which shall be effective upon the date of ratification by the Town Council.

Sec. 30-A6. Information Required with Applications.

Prior to the issuance of a zoning compliance permit, special use permit, or a building permit for any use developer shall submit a site specific development plan for review by the Administrator and, where specified in the ordinance, by other Town Boards, including but not limited to the Planning Board and the Town Council.

The site plan may also be the "preliminary plat" for subdivisions if it contains all the information required Chapter 30, Article VI, Division IV, Section 385.

All site plans and subdivision plats shall be prepared by a NC registered engineer, architect or professional land surveyor, signed and be sealed by the same, and shall include the following information:

- (a) Information required for both site plans and subdivision plats.
 - (1) Site plans shall include a location map that shows the location of the project in the broad context of the town or planning jurisdiction.
 - (2) Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Large developments may require that plans show the development in sections. The objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. Also, an applicant may use a narrative or master plan to describe and define those site plan elements that cannot be readily depicted in a graphic format.
 - (3) Development site plans shall show on the first page the following information:
 - (a) Name of applicant.
 - (b) Name of development (if any).
 - (c) North arrow.
 - (d) Legend.
 - (e) Scale.
 - (4) Existing Natural, Man-Made and Legal Features.
 - (a) Tree line of wooded areas.

- (b) Streams, ponds, drainage ditches, swamps, boundaries of flood ways and flood plains.
 - (c) Existing storm drainage patterns.
- (5) Existing man-made features:
- (a) Public streets, sidewalks and other walkways, all designated by the type of surface material.
 - (b) Curbs and gutters, curb inlets and curb cuts and drainage grates.
 - (c) Stormwater and drainage facilities.
 - (d) Underground utility lines, including water, sewer, electric, telephone, gas and cable.
 - (e) Above ground utility lines and other utility facilities.
 - (f) Fire hydrants.
 - (g) Buildings, structures (including dimensions).
 - (h) The location of any areas previously used for landfill or other waste disposal purposes that are known or reasonably should be known to the applicant.
- (6) Existing legal features:
- (a) Zoning of the subject property and surrounding properties.
 - (b) Property lines of the tract to be developed (with dimensions identified).
 - (c) Street right-of-way lines.
 - (d) Utility or other easement lines.
 - (e) Deed book and page reference demonstrating ownership of property. If the applicant does not yet own the property, the applicant shall include a written statement describing the applicant's legal authority to make application for the requested permit or conditional zoning.
- (7) Show all proposed changes in existing natural, man-made and legal features, including but not limited to the following:
- (a) Lot dimensions.
 - (b) The location, dimensions, and footprints of all buildings on the property, including the distances of all buildings from property lines, streets or street right-of-way lines; (subdivisions may show building setback lines).
 - (c) The location and dimensions of all recreational areas.
 - (d) The location and dimensions of all areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
 - (e) Street names (labeled by classification) showing linear feet, street paving widths and typical street cross-sections.
 - (f) Curbs and gutters (constructed using the same specifications as used by the NC Department of Transportation), curb cuts and drainage grates as required by town policy;
 - (g) If required, a stormwater management plan, as approved by the State of North Carolina, or Town in the Water Supply Watershed Overlay District and drainage facilities.
 - (h) All new proposed storm drainage patterns.
 - (i) Sidewalks and walkways, showing widths and surface material.
 - (j) Bridges.
 - (k) Underground utility lines or easement areas for said lines, including water, sewer, electric, telephone, gas, and cable.

- (l) Above ground utility lines and other facilities.
 - (m) Fire hydrants.
 - (n) Vehicle accommodation areas including parking areas, loading areas and circulation areas, all designated by the type of surface material and dimensions of proposed parking spaces. The total number of parking spaces and the total number of parking spaces for disabled persons (i.e. handicapped spaces) shall be indicated;
 - (o) For properties in the Water Supply Watershed Overlay District provide the proposed total impervious surface area and the calculations showing how the impervious surface area was found;
 - (p) The location and description of all yards, buffers, screening, landscaping and plantings or devices (i.e. fences, berms, etc.) proposed for compliance. Plans shall label trees and shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width.
 - (q) Proposed phasing, if any. Phasing plans shall provide a description of the facilities to be built in each phase.
- (8) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested or is the duly appointed agent of such a person, such as a Deed book and page reference demonstrating ownership of property. If the applicant does not yet own the property, the applicant shall include a written statement describing the applicant's legal authority to make application for the requested permit or conditional zoning.
- (9) Certifications from the appropriate agencies that all necessary easements have been provided; and
- (10) If any street or driveway is proposed to intersect with a State maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveways Regulation.
- (b) Additional Information Required for Site Plans.
- (1) Existing topography at ten (10) foot or other appropriate contour intervals, as approved by the Land Use Administrator.
 - (2) Individual trees eight (8) inches in diameter or more, identified by common or scientific name.
 - (3) Other individual trees the applicants intend to preserve.
 - (4) Location of exterior light fixtures, with type and intensity of lighting fixtures sufficiently identified.
 - (5) The proposed use or uses of all land within the subject property.
 - (6) The scale of buildings relative to abutting property.
 - (7) The total number of residential units and the total square footage of any nonresidential development.
 - (8) Building elevations for all accessory structures, except for accessory structures to single family residences, duplexes and townhouses approved under the N.C. Single Family Building Code.
 - (9) All refuse facilities (including dumpsters and their screens), mechanical equipment and utility equipment.
 - (10) Vehicle accommodation areas including parking areas, loading areas and circulation areas, all designated by the type of surface material and dimensions of proposed parking spaces. The total number of parking spaces and the total number of parking spaces for disabled persons (i.e. handicapped spaces) shall be indicated. SITE and SUBDIVISIONS in the Water Supply Watershed Overlay District.
 - (11) Building elevations for typical units of new buildings or exterior remodeling of existing buildings showing building heights, widths and materials (except single family, duplex or townhouse buildings approved under the NC Residential Building Code for One- and Two-Family Dwellings).

- (12) The location and dimensions, including height, of all signs, including the distances of all signs from property lines, streets or street right-of-way lines. If applicable, this information may be included as part of a sign plan.
- (13) Any other facilities to be constructed or otherwise provided as part of the development.
- (c) Additional Information Required Only for Subdivision Plats.
 - (1) The number of square feet in every lot created by a new subdivision and the total number of lots created.
- (d) Number of Copies of Plans and Documents.
 - (1) With respect to all site plans submitted pursuant to this appendix, the applicant shall submit a minimum of two (2) copies of full size plans (i.e. twenty-four (24) inches by thirty-six (36) inches) and two (2) copies of plans drawn on ledger size paper (eleven (11) inches by seventeen (17) inches). Other documents required by this appendix shall be submitted on letter size paper (8.5 inches by eleven (11) inches) or legal size paper (8.5 inches by fourteen (14) inches).
 - (2) The applicant shall submit a minimum of two (2) copies of all other documents required by this appendix.
 - (3) The applicant shall submit all documents in Adobe format or other software approved by the Zoning Administrator

Section 1.7. Add to Chapter 30, Zoning and Subdivisions, Appendix Sec. 30-A7 as follows, which shall be effective upon the date of ratification by the Town Council.

Sec. 30-A.7 Information Required on Lighting Plans.

- (a) Street Lighting Service Levels.

It is the Town's objective to provide street lighting in accordance with the Illumination Engineering Society (IES) standards for various classes of streets. These nationally recognized standards acknowledge such key variables as use of streets, prevalence of entering and exiting right-of-way, parking and existing physical conditions on or near the streets. Standards relate to amount of light, noted in terms of foot-candles, and uniformity of light, stated as a ratio of average to minimum foot-candles along a given distance. These standards result in service levels that increase according to use. Higher levels of lighting correspond to higher usage by motorists and/or pedestrians.

Allowances are made for differences in the intensity of use and safety needs. Selective reduction of service levels for certain classes of streets, primarily those classed as residential, is necessary because of high costs involved with conversion to full IES standards.

- (b) Street classifications.

IES's "Illumination Guide" groups streets into different classes — expressway, commercial, intermediate and residential. These area classes are further subdivided into major, collector and local categories with standards established for each. These categories correspond to Archer Lodge street classifications with the IES "major" category corresponding to our "arterial" classification.

- (c) Street lighting guidelines.

Provision of lighting along streets in Town enhances the safe movement of motorists, pedestrians and other users of public right-of-way. The Town's street light system is designed to support the following guidelines:

IES standards should be used town wide as the basis for establishment of lighting levels for new lighting installation along non-residential streets. These streets should be lighted to 100% of IES standards. Residential streets should be lighted at 220-foot intervals, with amendments as needed to consider local conditions such as topography, traffic volumes, number of intersections, crime rates and other factors. Town streets are being classified based on operational definitions of lighting by IES and consistent with street classifications as referenced in this ordinance. Conversion to IES standards for existing non-residential streets

and to spacing at 220-foot intervals for residential streets town wide will be phased over several years. Priority for implementation will be based on use, with commercial, intermediate and residential area classes being converted in that order.

High-pressure sodium luminaries should be installed on all streets, with lamps suggested by IES according to classification. The Town standard for residential street lighting is a typical 9,500 lumen economical traditional luminaries, mounted on a 12-foot fiberglass pole or a 9,500-lumen cut-off cobra luminary, mounted on a 25-foot wood pole. Exceptions to this standard may be approved by the Zoning Administrator when a duly authorized officer of a neighborhood group requests another configuration of hardware, provided any additional hardware costs are paid by the developer or representative prior to installation of the lights; and provided the alternative configuration results in the same operational costs to the Town as the Town standard fixtures. Underground wiring should be provided for all new fixture installations.

The Zoning Administrator will determine those circumstances in which implementation guidelines will be waived. Examples include, but are not limited to, adjustments for areas with particularly high incidence of crime; significant public demand for additional services; and physical conditions associated with conversion of existing lighting. If there are permanent overhead utility lines, the Zoning Administrator may waive the requirement for underground lines for new lights.

(d) Street lighting standards.

The following standards and specifications are to assist developers in the placement and selection of street lights for use on streets classified as residential only. For information on lighting for streets with higher classifications, contact the Zoning Administrator. Where appropriate, a street lighting plan should be prepared as a part of a development application for approval by the Zoning Administrator.

(1) Placement.

- a. Street lights should be located an average of 220' apart. A minimum of one street light should be located at every intersection and at the end of every cul-de-sac.
- b. Where possible any street light not located at an intersection should be located on a property line.
- c. On streets with a width of 44' or greater (back of curb to back of curb), street lights should be staggered on either side of the street.
- d. On streets with a lesser width, street lights should be located on the side with a sidewalk if only one sidewalk exists. They should be staggered if sidewalks do not exist or if there are sidewalks on both sides of the street.
- e. Street lights should be located within the road right-of-way a minimum of 3 feet from the back of curb or edge of road pavement.
- f. Street lights should be located a minimum of 3' from the edge of any paved sidewalk.

(2) Fixture selection.

- a. The Town's standard residential lighting fixture is the 9,500 lumen "economical traditional" luminaire provided by Duke Energy Progress Company. The luminaire should be mounted on a 12' black fiberglass pole.
- b. A 9,500-lumen cut-off lens cobra fixture can also be used when mounted on a 25' wooden pole.
- c. Other ornamental fixtures may be selected if they provide a comparable lighting level and are approved by the Town. If there are any additional costs for installation and maintenance, the developer will pay "up front" such costs.

(e) Outdoor Lighting. All multi-family buildings and projects, including outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed to enhance the visual impact of the project on the community and, where practicable, should be designed to

blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes onsite lighting needs without intrusion on adjoining properties.

- (1) Lighting Plan. A site lighting plan shall be required as part of the application and site plan review for all multi-family developments exceeding four (4) dwelling units per multifamily development.
- (2) Site Lighting Design Requirements. Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material, or color. All lighting fixtures designed or placed to illuminate any portion of a site shall meet the following requirements:
 - a. Fixture (Luminaire). The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards toward the sky. Under-canopy lighting fixtures should be completely recessed within the canopy.
 - b. Fixture height. Lighting fixtures shall be a maximum of thirty (30) feet in height within the parking lot and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas. Pedestrian scale lighting at a height not exceeding twelve (12) feet is encouraged. All light fixtures located within fifty (50) feet of any adjacent residential use or residentially zoned property boundary shall not exceed fifteen (15) feet in height.
 - c. Light source (Lamp). Incandescent, florescent, metal halide, or color corrected high-pressure sodium are preferred. The Administrator shall have the authority to approve other lamp types (including light emitting diodes [LEDS] and fiber optics) provided the color emitted is similar to the preferred types. Non-color corrected high pressure sodium lamps are prohibited. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.
 - d. Mounting. Fixtures shall be mounted in such a manner that the cone of light is contained onsite and does not cross any property line of the site.
 - e. Limit lighting to periods of activity. Where practicable, the use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Administrator to conserve energy, provide safety, and promote compatibility between different land uses.
- (g) Illumination levels. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below, with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level) measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

Light Level (Foot-candles)			
Type of Lighting	Minimum	Average	Maximum
Multi-Family Parking Lot	0.2	1.0	8.0
Multi-Family Entrances	1.0	5.0	15.0
Storage Area (Security Lighting)	0.2	1.0	10.0
Walkways, Landscape, or Decorative Lighting	0.2	0.8	5.0

* The maximum level of illumination at the outer perimeter of the site or project shall be 0.5 foot-candles when abutting a residential zoning district and 5.0 foot-candles when abutting all other districts and/or streets.

- (g) Excessive illumination. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this subsection.
 - (1) All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line does not exceed 0.2 on neighboring residential uses, and 0.5 on neighboring commercial sites and public rights-of-way.
 - (2) Lighting shall not be oriented to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
 - (3) Fixtures used to accent landscaping or art shall be located, aimed, or shielded to minimize light spill into the night sky.
 - (4) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature.
- (h) Nonconforming lighting. Lighting fixtures existing as of the date of adoption of this ordinance, may remain, and shall be considered lawful nonconforming structures. Modifications, replacement or expansions shall conform to the standards of this ordinance.

Section 2. This ordinance shall become effective on November 2, 2020.

DULY ADOPTED, THIS 2ND DAY OF NOVEMBER 2020.

TOWN OF ARCHER LODGE

(SEAL)

Matthew B. Mulhollem, Mayor

ATTEST:

Kim P. Batten, Town Clerk

TOWN OF ARCHER LODGE

14094 Buffalo Road
Archer Lodge, NC 27527



Main: 919-359-9727

Fax: 919-359-3333

Mayor:

Matthew B. Mulhollem

Council Members:

Clyde B. Castleberry

Mayor Pro Tem

Teresa M. Bruton

J. Mark Jackson,

James (Jim) Purvis, III

Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: November 2, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney
Re: Agenda Item 5.b. Discussion and Consideration of Adopting a Resolution Approving Dedication of Trail in Vinson Park Trail Subdivision

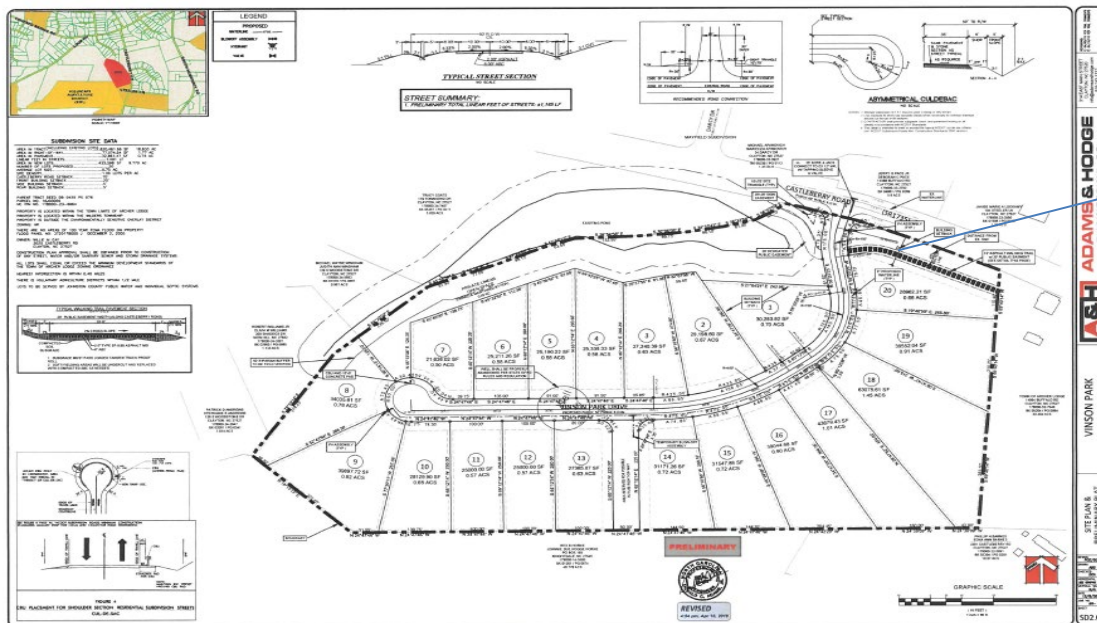
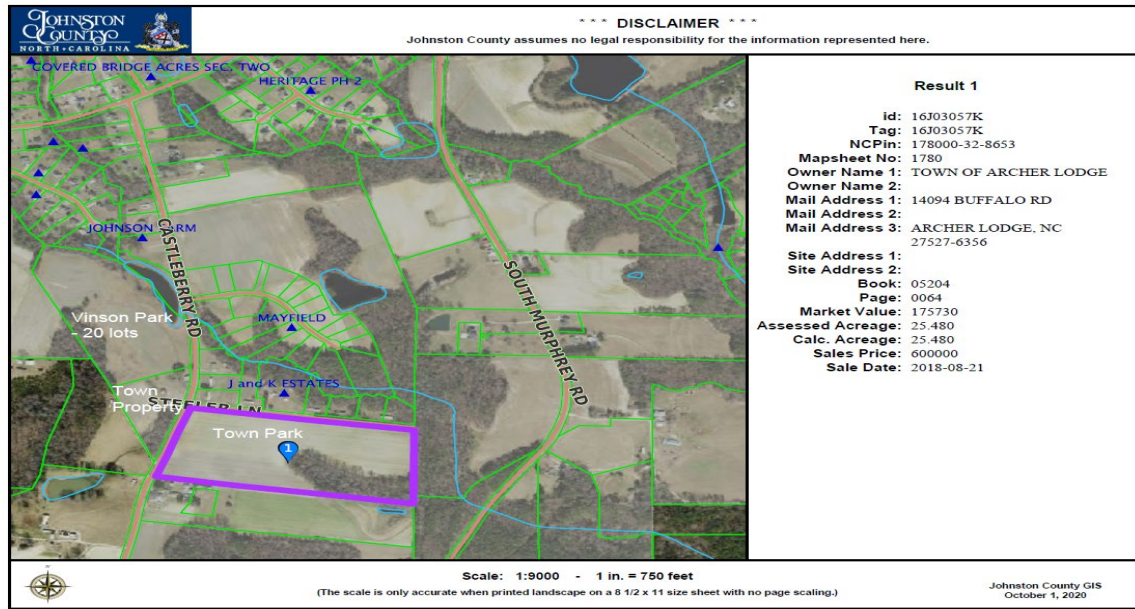
At the October 5, 2020, meeting it was the consensus of the Town Council to move forward with Mr. James Lipscomb's offer of trail dedication as conveyed below. He is the Registered Agent and Managing Member for Goodwin Chase, LLC, a North Carolina limited liability company, developing the property.

"... Our intent is to dedicate this trail section to the Town of Archer Lodge, knowing it is an integral part of The Town's future trail system identified in the Town of Archer Lodge Bicycle and Pedestrian plan. In addition, a public pedestrian assessment easement will be included on the final plat, ensuring there is adequate space along Castleberry Road for the Town to continue the path's construction towards Covered Bridge Road..."

Accordingly, "**AL#2020-11-02a Resolution Approving Dedication of Trail in Vinson Park Subdivision**", was prepared by Town Attorney Marcus Burrell and is forwarded for Council's consideration and adoption.

Subdivision Approval/Bike and Pedestrian Plan Background Information:

In April 2019, the Planning Board approved a preliminary plat for Vinson Park, a 20-lot major subdivision, on western right-of-way of Castleberry Road in the vicinity of the Town Park. Please refer to the **Town Park Vicinity Map** and **Vinson Park Preliminary Plat** (presented at the above referenced Planning Board meeting) below:



At the Planning Board meeting the developer offered an easement between the pond and Castleberry Road for a possible future public trail or side-path.

A ten (10) feet wide asphalt multi-purpose trail, approximately two hundred seventy (270) feet long, has since been constructed in the public easement area near the entrance of the subdivision.

As stated in his letter to members of the Archer Lodge Town Council, the developer, James Lipscomb, "... Our intent is to dedicate this trail section to the Town of Archer Lodge, knowing it is an integral part of The Town's future trail system identified in the Town of Archer Lodge Bicycle and Pedestrian plan. In addition, a public pedestrian assessment easement will be included on the final plat, ensuring there is adequate space along Castleberry Road for the Town to continue

the path's construction towards Covered Bridge Road..."

In reviewing the adopted *Bicycle and Pedestrian Plan, Town of Archer Lodge, NC*, a shared use path is recommended along Castleberry Road as "PROJECT 5B: Castleberry Road Shared-use Improvements" to help residents access the Town Park. Please see the applicable plan map and excerpt below:



Background. Castleberry Road runs north to south from Covered Bridge Road in the vicinity of Covered Court in the north to NC Highway 42 (outside of the town's municipal boundary) to the south. A connection to the new Archer Lodge Park was discussed numerous times in public meetings and was frequently identified as needing bicycle and pedestrian improvements. There are numerous homes surrounding the new park's location, especially around South Murphrey Road, Steeler Lane, and Castleberry Road. The total length between Castleberry Road and South Murphrey Road is roughly 2,500 feet long. Improvements would provide additional safe access from nearby neighborhoods to the new Town park.

Existing Conditions. Castleberry Road is a paved two-lane road with a speed limit ranging between 35 and 55 mph. Higher speeds may pose a safety concern for on-road cyclists. Separation from motor vehicles can offer higher levels of security for cyclists if a shared-use path is installed ..."



Opportunity for Wayfinding Signage to the Town Park on Castleberry Road and a Shared-use Path Westbound of Castleberry Road

Opportunities and Recommended Improvements. The proposed shared-use path project will travel south on Castleberry Road, connecting the proposed South Woodstone Trail to a future greenway within the new Town park (south of Steeler Lane). Several spot projects have been proposed on this road that will help residents access the new Town park ...”

Staff Recommendation:

Staff supports Mr. Lipscomb’s offer of dedication and Council’s adoption of “*AL2020-11-02a Resolution Approving Dedication of Trail in Vinson Park Subdivision.*”

Town Council Requested Action:

Staff respectfully requests that the Town Council:

- (1) Adopt “*AL2020-11-02a Resolution Approving Dedication of Trail in Vinson Park Subdivision.*”



**TOWN OF ARCHER LODGE
RESOLUTION APPROVING DEDICATION OF TRAIL IN
VINSON PARK SUBDIVISION**

WHEREAS, an offer of dedication of a bicycle and pedestrian trail was made by Goodwin Chase, LLC, a North Carolina limited liability company, being the developer of Vinson Park Subdivision located adjacent to Castleberry Road; and

WHEREAS, the Archer Lodge Town Council has previously approved a bicycle and pedestrian plan, together with bicycle and pedestrian trails; and

WHEREAS, the proposed dedicated trail would connect with the previously approved trail section 5B (as referenced on Exhibit #1); and

WHEREAS, said developer has provided that private maintenance of the trail would be performed until such a time that the completed trail section 5B connects to the dedicated trail, at which time, the Town of Archer Lodge would assume maintenance of the dedicated portion of trail section 5B; and

WHEREAS, the Archer Lodge Town Council has determined it is in the best interest of the Town to approve the dedication of the trail located adjacent to Castleberry Road and Vinson Park Subdivision; and

NOW, THEREFORE, BE IT RESOLVED that the Archer Lodge Town Council hereby approves the dedication of the trail located adjacent to Castleberry Road and Vinson Park Subdivision. That the maintenance of said trail shall be assumed by the Town of Archer Lodge at such time that trail section 5B joins the dedicated trail. Until such a time, the maintenance shall be the responsibility of the developer or Vinson Park Subdivision homeowners' association.

DULY ADOPTED ON THIS 2ND DAY OF NOVEMBER 2020 WHILE IN REGULAR SESSION.

_____(SEAL)
Matthew B. Mulhollem, Mayor

ATTEST:

_____(SEAL)
Kim P. Batten, Town Clerk

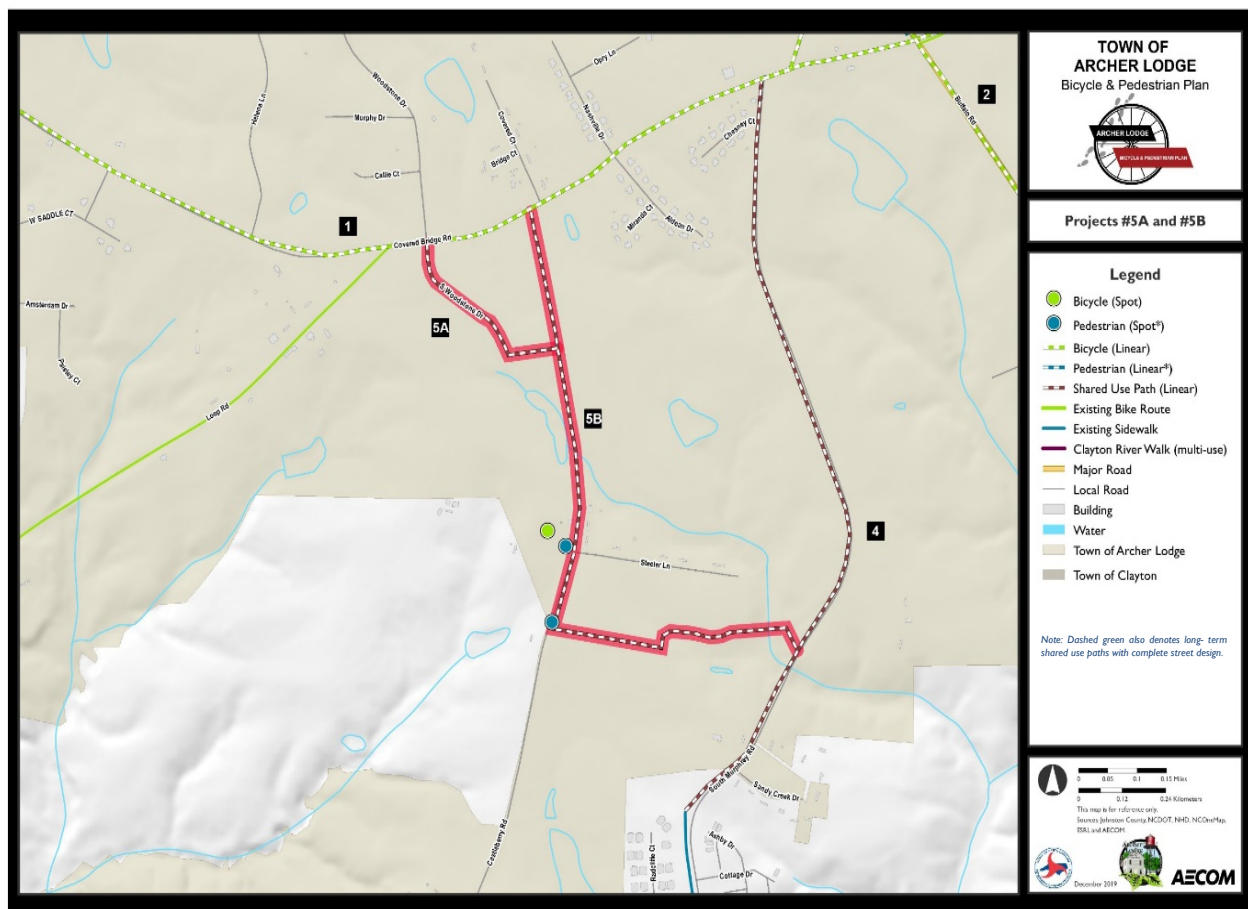


EXHIBIT #1

Map Excerpt (Page 79) from the Bicycle and Pedestrian Plan, Town of Archer Lodge, North Carolina Adopted April 6, 2020



Figure 4-5: Project 5 South Woodstone and Castleberry Road





**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE 2021 HOLIDAY SCHEDULE**

WHEREAS, it is the policy of the Town to follow the holiday schedule provided by the State of North Carolina for its employees; and

WHEREAS, the below 2021 Holiday Schedule was retrieved from the State of North Carolina website <https://oshr.nc.gov/state-employee-resources/benefits/leave/holidays#2021>

2021 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 1st	Friday
Martin Luther King Jr's Birthday	January 18th	Monday
Good Friday	April 2nd	Friday
Memorial Day	May 31st	Monday
Independence Day	July 5th	Monday
Labor Day	September 6th	Monday
Veterans Day	November 11th	Thursday
Thanksgiving	November 25th & 26th	Thursday & Friday
Christmas	December 23rd, 24th & 27th	Thursday, Friday & Monday

NOW, THEREFORE, BE IT RESOLVED that the Archer Lodge Town Council hereby adopts the 2021 Holiday Schedule as presented.

DULY ADOPTED ON THIS 2ND DAY OF NOVEMBER 2020 WHILE IN REGULAR SESSION.

ATTEST:

_____(SEAL)
Matthew B. Mulhollem
Mayor

_____(SEAL)
Kim P. Batten
Town Clerk



**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE
2021 TOWN COUNCIL MEETING SCHEDULE**

WHEREAS, the Archer Lodge Town Council exists to conduct the business of the citizens; and

WHEREAS, the Regular Town Council meetings for the Archer Lodge Town Council are held the first Monday of the month at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers, unless otherwise noted; and

WHEREAS, the Work Sessions for the Archer Lodge Town Council are held the third Monday of the month at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers, unless otherwise noted; and

WHEREAS, each meeting of the Archer Lodge Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Archer Lodge Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

TOWN OF ARCHER LODGE			
2021 CALENDAR			
TOWN COUNCIL MEETINGS			
MONTH	REGULAR MEETING	WORK SESSION	BUDGET RETREAT
January	Monday, Jan 4		
February	Monday, Feb 1		Monday, Feb 15
March	Monday, Mar 1		
April	Monday, Apr 5		
May	Monday, May 3	Monday, May 17	
June	Monday, Jun 7	Monday, Jun 21	
July	* Monday, Jul 12 *		
August	Monday, Aug 2		
September	* Tuesday, Sep 7 *	Monday, Sep 20	
October	Monday, Oct 4		
November	Monday, Nov 1	Monday, Nov 15	
December	Monday, Dec 6		

NOW, THEREFORE, BE IT RESOLVED that the Archer Lodge Town Council hereby adopts the 2021 Town Council Meeting Schedule as presented.

DULY ADOPTED ON THIS 2ND DAY OF NOVEMBER 2020 WHILE IN REGULAR SESSION.

ATTEST:

_____(SEAL)
Matthew B. Mulhollem
Mayor

_____(SEAL)
Kim P. Batten
Town Clerk

Town of Archer Lodge
Fiscal Year Ending June 30, 2021



Budget Amendment # BA 2021 01

Date: 02-Nov-20

General Fund/Capital Reserve Fund/Park Reserve Fund/Public Safety Reserve Fund

Account	Account Number	Budget	Amendment	Amended Budget
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Revenues:

Gen: 2019 Property Taxes	10-3119-0000	-	900.00	900.00
Gen: 2020 Property Taxes	10-3120-0000	740,000.00	8,000.00	748,000.00
Gen: 2020 Vehicle Taxes	10-3120-0120	104,000.00	7,000.00	111,000.00
Gen: Investment Earnings	10-3831-0000	16,000.00	(13,000.00)	3,000.00
Gen: Transfer from Town Hall Exp Fund 40	10-3900-3940	-	1,100.00	1,100.00
Cap Res: Investment Earnings	30-3831-0000	4,200.00	(2,700.00)	1,500.00
Park Res: Investment Earnings	31-3831-0000	2,400.00	(1,600.00)	800.00
Pub Safety Res: Investment Earnings	32-3831-0000	2,400.00	(1,400.00)	1,000.00

Total Increase (Decrease) in Revenues**(1,700.00)****Expenditures:**

Gen/Gov Body: Town's Annual Events	10-4110-3160	7,000.00	(3,000.00)	4,000.00
Gen/Public Buildings: Contracted Services	10-4190-3500	20,500.00	5,000.00	25,500.00
Gen/Public Safety: Contracted Services-AL Fire Department	10-4300-3500	329,000.00	3,000.00	332,000.00
Gen/Public Works: Capital Outlay	10-4510-5100	10,000.00	(3,000.00)	7,000.00
Gen/Parks & Recreation: Social Media Services <i>(new account)</i>	10-6120-3360	-	2,000.00	2,000.00
Cap Res: Transfer to General Fund 10	30-9900-0010	4,200.00	(2,700.00)	1,500.00
Park Res: Recreation Development	31-6120-5500	83,400.00	(82,600.00)	800.00
Park Res: Transfer to Archer Lodge Town Park Fund 41	31-9900-0041	-	81,000.00	81,000.00
Pub Safety Res: Public Safety Development	32-4300-5500	27,400.00	(1,400.00)	26,000.00

Total Increase (Decrease) in Expenditures**(1,700.00)****0.00****Justification for Budget Amendment:**

To appropriate or reappropriate unanticipated revenues and expenditures as recorded.

Adopted this 2nd day of November 2020

ATTEST:

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk

Teresa M. Bruton, Budget Officer



TOWN OF ARCHER LODGE FINANCIAL SUMMARY REPORT FOR MONTH ENDING SEPTEMBER 30, 2020

GENERAL FUND 10				
<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
AD-VALOREM & MOTOR VEHICLE TAXES	846,000.00	47,441.83	63,242.52	7.48%
SALES TAXES	135,510.00	24,012.19	24,012.19	17.72%
FRANCHISE TAXES	157,200.00	0.00	0.00	0.00%
ALCOHOL BEV TAXES/JO CO ABC DIST	49,000.00	0.00	4,338.25	8.85%
PERMITS AND FEES	5,140.00	100.00	785.00	15.27%
FEE IN LIEU OF RECREATION	30,000.00	10,000.00	10,000.00	33.33%
PEG CHANNEL SUPPORT	53,000.00	0.00	0.00	0.00%
MISCELLANEOUS REVENUES	0.00	635.89	645.88	#DIV/0!
INVESTMENT EARNINGS	16,000.00	217.48	707.18	4.42%
TRANSFER IN FROM CAP RES FUND	0.00	0.00	0.00	#DIV/0!
TRANSFER IN FROM PARK RES FUND	64,000.00	0.00	64,000.00	100.00%
TRANSFER IN FROM PUBLIC SAFE RES FUND	0.00	0.00	0.00	#DIV/0!
TRANSFER IN FROM TOWN HALL EXP FUND	0.00	1,098.70	1,098.70	#DIV/0!
FUND BALANCE APPROPRIATION	0.00	0.00	0.00	#DIV/0!
TOTALS	1,355,850.00	83,506.09	168,829.72	12.45%
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
GOVERNING BODY	50,679.00	3,311.72	17,663.15	34.85%
ADMINISTRATION	258,185.00	15,365.91	59,458.61	23.03%
JO CO TAX COLLECTION FEES	25,000.00	1,290.90	1,856.76	7.43%
LEGAL	14,750.00	536.26	3,300.00	22.37%
PROPERTY TAXES	100.00	0.00	0.00	0.00%
PUBLIC BUILDINGS	50,300.00	2,466.13	10,605.06	21.08%
PEG MEDIA PARTNERS	53,000.00	0.00	0.00	0.00%
PUBLIC SAFETY	334,000.00	18,880.35	22,485.99	6.73%
TRANSPORTATION-PUBLIC WORKS	53,000.00	2,184.29	3,094.87	5.84%
PLANNING & ZONING	156,767.00	10,606.50	30,417.04	19.40%
CULTURAL & RECREATION	45,000.00	2,000.00	10,000.00	22.22%
DEBT SERVICES	145,069.00	39,771.00	103,771.00	71.53%
TRANSFER TO CAP RESERVE	0.00	0.00	0.00	#DIV/0!
TRANSFER TO PARK RESERVE	145,000.00	16,294.99	18,373.02	12.67%
TRANSFER TO PUBLIC SAFETY RESERVE	25,000.00	0.00	25,000.00	100.00%
TOTALS	1,355,850.00	112,708.05	306,025.50	22.57%
Y-T-D GENERAL FUND INCREASE (DECREASE)		(29,201.96)	(137,195.78)	

CAPITAL RESERVE FUND 30

<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
INVESTMENT EARNINGS	4,200.00	102.53	332.25	7.91%
TRANSFER FROM GEN FUND 10	0.00	0.00	0.00	#DIV/0!
FUND BALANCE APPROPRIATED	0.00	0.00	0.00	#DIV/0!
TOTALS	4,200.00	102.53	332.25	7.91%
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
TRANSFER TO GEN FUND 10	4,200.00	0.00	0.00	0.00%
TOTALS	4,200.00	0.00	0.00	0.00%
Y-T-D CAP RESERVE FUND INCREASE (DECREASE)		102.53	332.25	

PARK RESERVE FUND 31

<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
INVESTMENT EARNINGS	2,400.00	49.38	176.89	7.37%
TRANSFER FROM GEN FUND 10	145,000.00	16,294.99	18,373.02	12.67%
FUND BALANCE APPROPRIATED	0.00	0.00	0.00	#DIV/0!
TOTALS	147,400.00	16,344.37	18,549.91	12.58%
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
RECREATION DEVELOPMENT	83,400.00	0.00	0.00	0.00%
TRANSFER TO GEN FUND 10	64,000.00	0.00	64,000.00	100.00%
TRANSFER TO AL TOWN PRK FND 41	0.00	20,350.00	20,350.00	#DIV/0!
TOTALS	147,400.00	20,350.00	84,350.00	57.23%
Y-T-D PARK RESERVE FUND INCREASE (DECREASE)		(4,005.63)	(65,800.09)	

PUBLIC SAFETY RESERVE FUND 32

<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
INVESTMENT EARNINGS	2,400.00	71.55	231.87	9.66%
TRANSFER FROM GEN FUND 10	25,000.00	0.00	25,000.00	100.00%
FUND BALANCE APPROPRIATED	0.00	0.00	0.00	#DIV/0!
TOTALS	27,400.00	71.55	25,231.87	92.09%
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
PUBLIC SAFETY DEVELOPMENT	27,400.00	0.00	0.00	0.00%
TRANSFER TO GEN FUND 10	0.00	0.00	0.00	#DIV/0!
TOTALS	27,400.00	0.00	0.00	0.00%
Y-T-D PUB SAFE RES FUND INCREASE (DECREASE)		71.55	25,231.87	



Kim P. Batten



**TOWN OF ARCHER LODGE
FINANCIAL SUMMARY REPORT
FISCAL YEAR COMPARISON FOR
PERIOD ENDING SEPTEMBER 30**

GENERAL FUND				
REVENUES		Sep-20	Sep-19	DIFFERENCE
	AD-VAL & MOTOR VEHICLE TAXES	63,242.52	67,195.49	(3,952.97)
	SALES TAXES	24,012.19	18,647.70	5,364.49
	FRANCHISE TAXES	0.00	(457.71)	457.71
	ALCOHOL BEV TAXES/JO CO ABC DIST	4,338.25	4,338.25	0.00
	PERMITS AND FEES	785.00	2,145.00	(1,360.00)
	FEE IN LIEU OF RECREATION	10,000.00	0.00	10,000.00
	PEG CHANNEL SUPPORT	0.00	0.00	0.00
	MISCELLANEOUS REVENUES	645.88	6,695.05	(6,049.17)
	INVESTMENT EARNINGS	707.18	4,686.60	(3,979.42)
	TRANSFER IN FROM CAPITAL RESERVE	0.00	0.00	0.00
	TRANSFER IN FROM PARK RESERVE	64,000.00	66,000.00	(2,000.00)
	TRANSFER IN FROM PUBLIC SAFE RESERVE	0.00	0.00	0.00
	TRANSFER IN FROM TOWN HALL EXP FUND	1,098.70	1,919.11	(820.41)
	TRANSFER IN FROM AL TOWN PARK FUND	0.00	0.00	0.00
	FUND BALANCE APPROPRIATED	0.00	0.00	0.00
Y-T-D INCREASE (DECREASE)		168,829.72	171,169.49	(2,339.77)
EXPENDITURES		Sep-20	Sep-19	DIFFERENCE
	GOVERNING BODY	17,663.15	20,337.22	(2,674.07)
	ADMINISTRATION	59,458.61	58,487.29	971.32
	JO CO TAX COLLECTION FEES	1,856.76	1,907.63	(50.87)
	LEGAL	3,300.00	2,062.50	1,237.50
	PROPERTY TAXES	0.00	54.50	(54.50)
	PUBLIC BUILDINGS	10,605.06	11,117.18	(512.12)
	PEG MEDIA PARTNERS	0.00	0.00	0.00
	PUBLIC SAFETY	22,485.99	23,664.14	(1,178.15)
	TRANSPORTATION-PUBLIC WORKS	3,094.87	7,327.57	(4,232.70)
	PLANNING & ZONING	30,417.04	30,868.04	(451.00)
	CULTURAL & RECREATION	10,000.00	10,000.00	0.00
	DEBT SERVICES	103,771.00	102,817.60	953.40
	TRANSFER TO CAP RESERVE	0.00	25,000.00	(25,000.00)
	TRANSFER TO PARK RESERVE	18,373.02	8,905.27	9,467.75
	TRANSFER TO PUBLIC SAFETY RESERVE	25,000.00	25,000.00	0.00
	TRANSFER TO AL TOWN PARK FUND	0.00	0.00	0.00
		306,025.50	327,548.94	(21,523.44)
Y-T-D INCREASE (DECREASE)		(137,195.78)	(156,379.45)	19,183.67

Kim P. Batten

FINANCE OFFICER

Town of Archer Lodge, North Carolina
Planning & Zoning Report: July 1, 2019 – October 29, 2020

Permits Issued:					
FY 2019-2020	Permit Type	Site Address:	Street	Property Owner	Use
7/11/2019	Z	299 Glenn Farm Ln.	Glenn Farm Ln.	Arthur & Jeanette Canady	Single Family Dwelling (SFD) & Res. Access. Bldg.
7/15/2019	Z	346 Wall Rd.	Wall Rd.	Jason & Bina Blackley	Residential Pool
7/16/2019	Z	474 South Murphrey	Murphrey Rd.	Barbara Whitley	Residential Accessory Bldg../Lean to
7/17/2019	Z	200 Kentucky Dr.	Kentucky Dr.	Aracely El Bascha	Sunroom Addition for Single Family Dwelling
7/17/2019	Z	57 Spring Leave Ln.	Spring Leaf Ln.	Robert Hughes	SFD Enclose Existing Garage for Living Area
7/22/2019	Z	233 Fawn Ln.	Fawn Ln.	Single Family Dwelling	Single Family Dwelling
7/25/2019	Z, WSP	29 Darcy Dr.	Darcy Dr.	Justin & Jennifer Barber	Residential swimming pool
8/15/2019	Z	154 Coharie Dr.	Coharie Dr.	Chris Edmiston	Residential Accessory Bldg.
9/9/2019	Z	104 Bentley Way	Bentley Way	Robbie Gilmore	Residential Accessory Bldg.
9/11/2019	Z	548 Millstone Drive	Millstone Dr.	Karl Repass	Residential Accessory Bldg. Addition
10/9/2019	Z	217 Barrette. Ln.	Barrette Ln.	Samuel Santiago	Home Occupation
11/14/2020	Z	155 Tast Dr.	Tast Dr.	Scott Lockhard	Residential Accessory Bldg. (BOA Variance)
11/25/2019	Z	210 Roanoke Way	Roanoke Way	Daniel Rios Pena	Residential Accessory Bldg.
12/3/2019	Z, WSP	366 Forrest Oaks	Forrest Oaks	Thomas & Jayne L Eannarino	Residential porch, deck addition to SFD
1/9/2020	Z	2002 Woodstone Dr.	Woodstone Dr.	Juan Oviedo	Residential solar pannel
2/4/2020	Z, WSP	861 S. Murphrey Rd.	Murphrey Rd.	Caleb Skinner	Residential Accessory Bldg. (BOA Variance)
2/4/2020	Z, WSP	2995 Castleberry Rd. Johnson Farm, Lot 3)	Castleberry Rd.	Charlie & Lindsay Crocker	Single Family Dwelling
2/4/2020	Z	116 Steeler Ln.	Steeler Ln.	CF Property Management	Single Wide Manufactured Home (SWMH)
2/4/2020	Z, WSP	2111 Castleberry Rd. (Phillip Barnes, Lot 2)	Castleberry Rd.	Phillip & Edna Barnes	Single Wide Manufactured Home (SWMH)
4/6/2020	Z	207 Darcy Dr. (Mayfield, Lot 9)	Darcy Dr.	Sean & Cori Martin	Residential Access. Bldg.
4/6/2020	Z	12270 Buffalo Road	Buffalo Rd.	Brian Callahan & Kelly Callahan	Home Occupation/Sign
4/6/2020	Z	303 Nashville Dr.	Nashville Dr.	Stanley Ozarowski & Robin Metz	Finish Residential Attic for Rec Room
4/8/2020	Z	12460 Buffalo Rd.	Buffalo Rd.	Gerald & Judy Brown	Home Occupation/Sign
4/22/2020	Z	12924 Buffalo Rd.	Buffalo Rd.	Thomas Juarez	Wyndfall Subdivision Entrance Sign
4/22/2020	Z	37 Swindell Rd.	Swindell Rd.	Robert Little	Residential Accessory Bldg.
4/23/2020	Z	222 Etowah Dr. (Woodfin, Lot 17)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
4/23/20	Z	192 Etowah Dr. (Woodfin, Lot 18)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/5/2020	Z	2008 Hunter's Ridge	Hunter's Ridge	Patrick & Shannon Johnson	Finish Attic for craft/study rm in SFD
5/6/2020	Z	213 Fawn Dr.	Fawn Dr.	Hearbert & Susan Locklear	Residential Pool
5/14/2020	Z	83 Etowah Dr. (Woodfin, Lot 2)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/14/2020	Z	101 Etowah Dr. (Woodfin, Lot 3)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/14/2020	Z	115 Etowah Dr. (Woodfin, Lot 4)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/14/2020	Z	121 Etowah Dr. (Woodfin, Lot 5)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/14/2020	Z	221 Etowah Dr. (Woodfin, Lot 10)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/14/2020	Z	248 Etowah Dr.(Woodfin, Lot 16)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/14/2020	Z	160 Etowah Dr. (Woodfin, Lot 19)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/16/2020	Z	312 Pembroke Ct.	Pembroke Ct.	Shannon Griffith	Residential Pool

5/18/2020	Z	249 Etowah Dr. (Woodfin, Lot 11)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
5/20/2020	Z	39 Etowah Dr. (Woodfin, Lot 1 - Sign Easement)	Etowah Dr.	Cloudbreak Investments	Woodfin Subdivision Entrance Sign
5/26/2020	Z	365 Nashville Dr.(Lot 52 Heritage)	Nashville Dr.	Andrew & Keri Council	Garage/Storage Bldg.
5/28/2020	Z	762 Wendell Rd.	Wendell Rd.	Johnston County BOE	2 Modular Classrooms
5/28/2020	Z	504 Abbingtion Court (Virginia Downs, Lot 51)	Abbingtion Ct.	James & Teresa Washington	Shed Addition
6/22/2020	Z	14765A Buffalo Rd.	Buffalo Rd.	Greenfield Housing Center	Double Wide Manufactured Home
6/29/2020	Z	225 Darcy Dr.	Darcy Dr.	Robert Larson, Jr.	Residential Accessory Bldg.
6/29/2020	Z	Bittle Creek Subdivision (Sign Easement)	Buffalo Rd.	Ken Poole	Bittle Creek Subiv. Entrance Sign
FY 2020-21	Permits	Site Location	Street	Property Owner	Use
7/2/2020	Z	180 Loop Rd.	Loop	James Gilhchrist	Residential Solar Panels
7/8/2020	Z	13726 Buffalo Rd.	Buffalo Rd.	CE Barnes Family Trust	Temporary Vendor - Ice Cream Trailer
7/15/2020	Z	370 Nashville Dr.	Nashville Dr.	James & Julie King	Residential Pool
7/23/2020	Z	287 Etowah Dr. (Lot 13 Woodfin)	Etowah Dr.	JSJ Builders, Inc.	Single Family Dwelling
7/20/2020	Z	13413 Buffalo Rd. (Lot 2 Margaret Stevens)	Buffalo Rd.	First Family of Home Care, Inc., A NC Corp.	Single Family Dwelling
7/26/2020	Z	122 Talmadge Farm Dr.	Talmage Farm Dr.	Earnest & Janet Hughes	Residential Accessory Building
8/10/2020	Z	58 Opry Ln.	Opry Ln.	John & Alyssa Franklin	Residential Accessory Building
8/24/2020	Z	3114 Castleberry Rd.	Castleberry Rd.	Michael & Angela Windley	Residential Accessory Building
9/10/2020	Z	62 Aldean Dr.	Aldean Dr.	Matthew and Mary Bartell	Recreation Room (convert attic)
9/14/2020	Z	138 Opry Dr.	Opry Ln.	David Mertens	Residential Solar Panels
9/16/2020	Z	149 Helena Ln.	Helena Ln.	Maria Bonino Houseman	Residential Spa
9/30/2020	Z	371 Nashville Dr.	Nashville Dr.	Mike & Jennifer Cline	Residential Pool
10/5/2020	Z	Castleberry Rd.	Castleberry Rd.	Goodwin Chase, LLC	Vinson Park Subiv. Entrance Sign
Permits Issued by Type:					
FY 2019-20:	Total	Summary:	FY 2020-21:	Total	Summary:
	15	Single Family Homes		2	Single Family Homes
		12 - Stick built/Modular			2 - Stick built/Modular
		3 - Manufactured Homes			0 - Manufactured Homes
	6	Single Family Residential Additions/Alterations		3	Single Family Residential Additions/Alterations
		1 - Residential Solar Panels			2 - Residential Solar Panes
		3 - Additions			0 - Additions
		2 - Alterations			1 - Alterations
	13	Single Family Residential Accessory Structures		6	Single Family Residential Accessory Structures
		3 - Residential Pools			3 - Residential Pools/Spa
		10 - Residential Accessory Building/Garage/Storage			3 - Residential Accessory Building/Garage/Storage
	3	Home Occupations		0	Home Occupations
		2 - Home Occupation Signs			0 - Home Occupation Signs
	1	Institutional Uses (2 modular classrooms)		0	Institutional Uses
	0	Commercial Uses		1	Commercial Uses
	3	Other			1 - Temporary Vendor - Ice Cream Sales
		3 - Residential Subdivision Entrance Signs		1	Other
Cumulative Total	41		Cumulative Total	13	

FY 2019-2020 Incoming E-mails:	Total	Planning & Zoning Staff Member	FY 2020-2021 Incoming E-mails:	Total	Planning & Zoning Staff Member
July - June	7708	Town Planner	July	858	Town Planner
July - June	2522	Zoning Administrator	August (August 1-31)	747	“
July - June	1629	Sr. Planner	September (Sept 1- 30)	567	“
			October (1-29)	800	“
Cumulative Total	11859		Cumulative Total	2972	
FY 2019-2020 Sent E-mails:	Total	Staff Member:	FY 2020-2021 Sent E-mails:	Total	Staff Member:
July - June	4181	Town Planner	July	398	Town Planner
July - June	302	Zoning Administrator	August (August 1 -31)	281	“
July - June	359	Sr. Planner	September (Sept.1-30)	383	“
			October (1-29)	242	“
Cumulative Total	4842		Cumulative Total	1304	
Other Activities:					
	FY 2019 - 20:		FY 2020 - 21:		
	Joint Town Council/Planning Board Meeting		Schedule 2nd Joint Town Council/Planning Board Meeting (COVID 19 - Status Pending)		
	Planning Board/Board of Adjustment Goals Set		Planning Board/Board of Adjustment Goals - Implementation Underway		
	Bike and Pedestrian Plan Adopted.		Submit Resolution/Approved Plan to NCDOT		
	Web Site Updated (Permitting Process, Fillable Forms)		Web Site Updates - Efforts Ongoing		
	Hazard Mitigation Action Plan/ Web Site Information Updated		Hazard Mitigation Plan Update - Efforts Ongoing		
	2020 Census Information Updated		No further action at this time.		
	Developing Permit System		Permit System Developed - Training Underway, Data entry underway		
	Partnerships		Partnership - Efforts Ongoing		
	Sewer Feasibility Study Underway (Admin./Planning Project)		Sewer Feasibility Study Completed - July 2020 Presentation to Town Council (TC)- Admin./Planning; Follow up work ongoing.		
	Updating Ordin. to comply with 160D (TC/Planning Board, Admin., Planning, Attorneys)		Updating Ordinance to Comply with 160 D (TC/Planning Board, Admin., Planning, Attorneys)		
	Code Enforcement (See Code Report)		Code Enforcement (See Report)		
	Department Reports/Forms (Create/Update)		Department Reports/Forms (Create/Update)		
	Miscellaneous:		Miscellaneous:		
	- Boundary & Annexation Report		- Boundary & Annexation Report		
	- Residential Construction Report		- Responding to inquires		
	- CAMPO Report		- Attended (Virtual) Cape Fear Regional Hazard Mitigation Public Hearing		
	- Update Preliminary Plat Application		- Reviewed CAMPO TCC – September 3, 2020 Agenda Material		
	- Archer Lodge Addressing Project (Admin./Planning Project)		- Mtg. on Archer Park Plans/Design with Mike Gordon, Susan Hatchell/Team – 30%		
	Subdivisions:		Subdivisions:		
	- Exempt Plats – Tafton , Lot 92; Johnson Farms – recombination; Heritage lot 55; Castleberry Rd;		- Exempt Plats – 1 (Bittle Creek recomb.)		
	- Major Subdivision – Woodfin Final Plat Approved: 20 lots; Harden Creek Preliminary Plat Approved: 10 lots		- Major Subdivision – 1 (Bittle Creek Final Plat Approved: 10 lots), Vison Park Pending – 20 lots		
	- Minor Subdivision – Skinner Final Plat Approved : 3 lots (included recombination); Johnson Farms Final Plat Approved: 4 lots; Margaret Stevens Final Plat Approved: 3 lots;		- Minor Subdivision – 1 (Ali Farms Final Plat Approved: 2 lots)		
	Text Amendments - 6		Text Amendments - 2		
	Variances – 2 (Lockhard; Skinner)		Variances – 0		

		FY 2020 - 21 (Continued):	
		Other: - Distribution of Archer Lodge’s adopted Bike and Ped. Plan (Adjoin. Plan. Juris., CAMPO, Steering Com, Co. Prk.)	
		- Preliminary Approval of Mandated Watershed Protection Provisions by State (Presentation to Town Council on November 16, 2020)	
		- Ongoing Discussion with State on Flood Prevention Ordinance (Adopted by Town in 2018) and 160D changes.	