



Town of Archer Lodge

AGENDA

Special Meeting for the Purposes of the following :

- Quasi-Judicial Public Hearing and a
- Public Hearing

Monday, November 15, 2021 @ 6:30 PM
Jeffrey D. Barnes Council Chambers

Page

1. WELCOME/CALL TO ORDER:

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

2. QUASI-JUDICIAL PUBLIC HEARING

- 4 - 21 2.a. Discussion and Consideration of a Special Use Permit Application Submitted by Johnston County to Construct a 500,000-Gallon Elevated Water Storage Tank on the Archer Lodge Middle School Property located at 762 Wendell Road, Wendell, NC

Conduct of Quasi-Judicial Public Hearing:

1. **Town Attorney - Swear in Witnesses, including staff, who intend to Present Evidence**
2. **Mayor - Call Case as stated on the Agenda.**
3. **If applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Town Council**
4. **Members of Town Council to disclose the following:**
 - Any site visits.
 - Ex parte communications.
 - Specialize knowledge they have relevant to the case.
 - Fixed opinion that is not susceptible to change based on what they learn.
 - Conflict of Interest.
 - Financial interest; and
 - Any other information relevant to determining whether a conflict of interest
 - ****Town Council to vote on recusal of member if any conflict exists.**
 - **Note: The applicant or other affected persons may present any objections regarding a member's participation.**
5. **Mayor - Open the public hearing**
6. **Staff report**

7. All parties represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement
8. Applicant - present arguments and evidence in support of the application.
9. Persons opposed to granting the application shall present arguments and evidence against.
10. Opportunity for cross-examination.
11. After all evidence has been presented, the Mayor may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order.
12. The Mayor will entertain objections and rule on the admissibility of the evidence or exhibit.
13. Mayor - Close the public hearing unless the hearing has been continued to the next regularly scheduled quasi-judicial hearing or to a publicly stated date, time and location.
14. Mayor - Calls for a vote on each of the findings of fact/conclusions for the special use permit.
 - Must receive a super majority vote of the Town Council for the Application to be approved.
 - The Town Council may attach conditions of approval in accordance with existing state law and Town Code.
15. Mayor - Calls for a vote on the special use permit.
 - Must receive a super majority vote of the Town Council for the Application to be approved.
 - The Town Council may attach conditions of approval in accordance with existing state law and Town Code.
16. Mayor - Calls for a vote on the site plan.

[Staff Report](#)

[Johnston County Special Use Permit & Site Plan](#)

3. PUBLIC HEARING

- 22 - 37 3.a. Discussion and Consideration of Amending the Town of Archer Lodge Code of Ordinances, Archer Lodge, NC, Chapter 30 - UDO
- ARTICLE 2. - AUTHORITIES, DIVISIONS 1, 5, and 6
 - ARTICLE 3. - PROCEDURES, DIVISION 1
 - ARTICLE 4. - ZONING DISTRICTS, DIVISION 5
 - ARTICLE 5. - USE REGULATIONS, DIVISION 3
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 the Consistency Statement

- Discussion and Consideration of Adopting Ordinance# AL2021-11-1 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Unified Development Ordinance: Article 2; - Authorities, Divisions 1, 5, and 6; Article 3; - Procedures, Division 1; Article 4. - Zoning Districts, Division 5; and Article 5. - Use Regulations, Division 3.

[Staff Report](#)

[AL2021-11-1 Ordinance Amending Ch 30, Art 2, Div 1,5,6 Art 3, Div 1, Art 4, Div 5 and Art 5, Div 3](#)

[AL2021-11-1 Ordinance Amending Ch 30 UDOTA](#)

4. ADJOURNMENT:



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 11, 2021
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney
Re: Agenda Item 2. – Staff Report - Special Use Permit Application (SUP-9-1-21) submitted by Johnston County to Construct a 500,000-Gallon Elevated Water Storage Tank on the Archer Lodge Middle School Property located at 762 Wendell Road, Wendell, NC

Background:

On September 20, 2021, a Special Use Permit Application was submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School 40.66-acre property, 762 Wendell Road, Wendell, NC. The property is owned by Johnston County Board of Education, a Governmental Entity, and is referenced as Johnston County parcel tag id number 16J03017A.

Accompanying the special use permit application is the proposed site plan depicting the location of the elevated storage tank on a 1.16-acre easement area on said property.

A link to the special use permit application and site plan is included (see Agenda Item 7. b.)

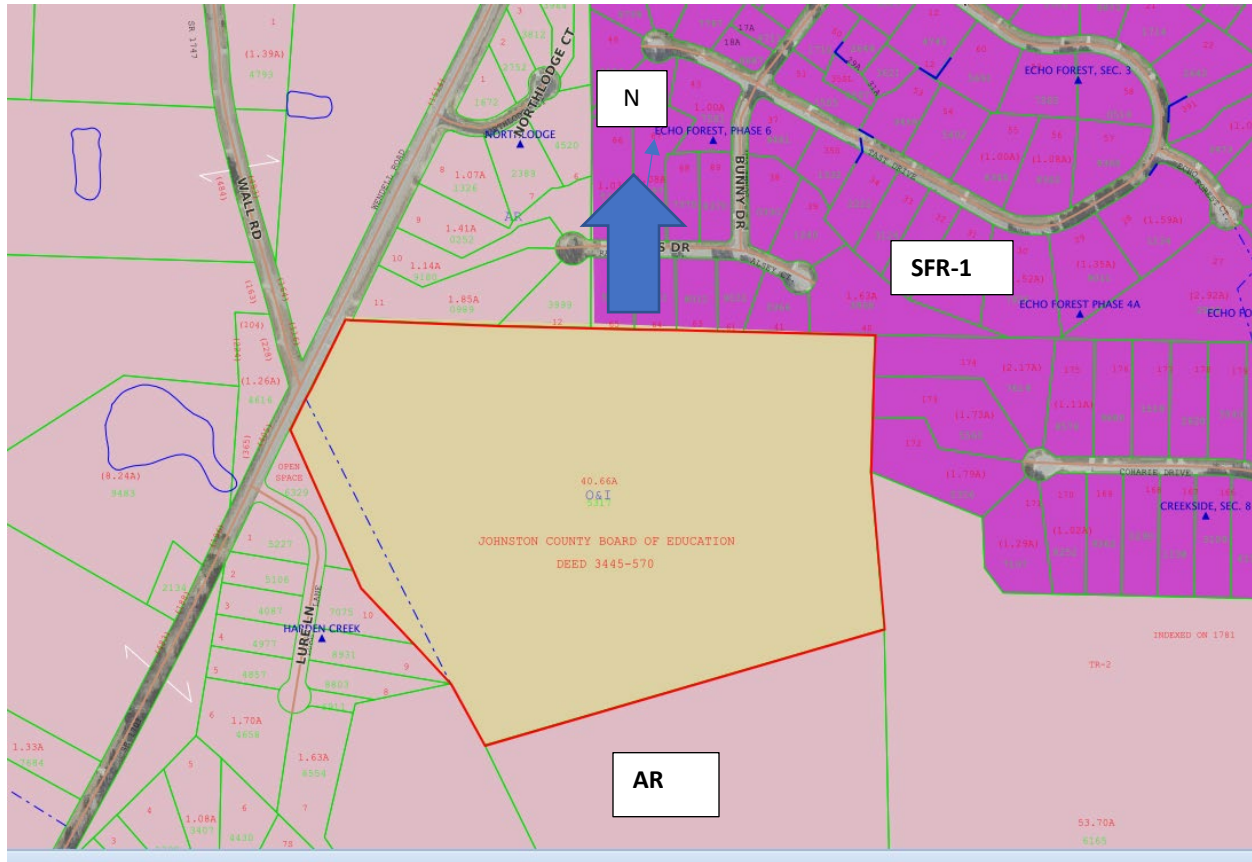
Publication Requirements:

Advertisement/public notice of the meeting and the proposed special use permit/site plan was completed in accordance with applicable NC General Statutes and Unified Development Ordinance provisions.

Zoning:

The property is zoned Office and Institutional (OI) District. It is bounded on the North and East by lands zoned Single Family Residential District (SFR-1) and Agricultural-Residential (AR) District. Bounded on the South and West by lands zoned AR.

The property is not located in Water Supply Watershed Protection Overlay District (WSWOD), nor does it contain any 100-year flood plains.



Subject Property and Adjacent Land Uses:

Staff will present photographs of the of the site and adjacent land uses at the meeting.

Technical Review Committee Comments:

As of this writing no comments have been received from the Technical Review Committee on the special use permit application/site plan.

Future Land Use Plan (Excerpts from the 2030 Archer Lodge Comprehensive Land Use Plan):

Community Vision & Mission Statement:

- "Vision Statement: Today and into the future the Town of Archer Lodge, will be a peaceful, family oriented, active community that looks to retain our small-town, agricultural character meeting the needs of current and future residents and business."

- “Mission Statement: The Town of Archer Lodge is a community that honors and embraces its rich cultural heritage and past, pursues healthy living in the present and looks for opportunity of mold future growth into the town’s core values. Archer Lodge is home to many natural resources and open-agricultural land. With an eye toward planning future growth the Town will protect these resources.”

Future Land Use:

- The *Town of Archer Lodge 2030 Comprehensive Land Use Plan* (2015) identifies key areas for land use and growth management, it makes recommendations relating to community image, small economic development and skill training, business and farming relationships, public services and infrastructure, parks, and recreation, as well as environmental protection and historic preservation.
- According to the plan, Archer Lodge is located within the Research Triangle Economic Development region designated by the State.
- Archer Lodge is described as a sub-rural community that combines the town’s agricultural and suburban lifestyles.
- Given the influx of families moving to the Town, the plan acknowledges the likelihood of change in the community.
- Archer Lodge anticipates continued agricultural uses, residential developments, and business development to be the future land uses in the Town.

Staff Recommendations:

A PowerPoint presentation given at the meeting. Staff recommends approval since it complies with applicable ordinance provisions. Staff concurs with the Planning Board recommendations.

Planning Board Recommendations:

On November 10, 2021, the Planning Board considered the proposed special use permit application and site plan. After deliberation, the Planning Board unanimously recommends approval (see Exhibit #1).

Requested Council Action:

Staff respectfully requests that the Town Council:

- Conduct a quasi-judicial public hearing.
- After closing the public hearing, deliberate on the special use permit application and site plan.
- Vote on each finding of fact.
- Vote on the site plan.

EXHIBIT #1**ARCHER LODGE PLANNING BOARD RECOMMENDATIONS
JOHNSTON COUNTY SPECIAL USE PERMIT AND SITE PLAN**

On November 10, 2021, the Archer Lodge Planning Board conducted a public meeting and deliberated on a special use permit application submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School 40.66-acre property, 762 Wendell Road, Wendell, NC. Accompanying the special use permit application was the proposed site plan depicting the location of the elevated storage tank on a 1.16-acre easement area on said property. The property is owned by Johnston County Board of Education, a Governmental Entity, and is referenced as Johnston County parcel tag id number 16J03017A. The property is zoned Office-Institutional District (OI).

After deliberation, Planning Board voted unanimously to approve the *findings of fact* for “A.” as stated below:

- A. All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

The proposed tank will facilitate greater water system reliability, better pressure and storage for fire protection, and additional storage for growth in the region. The County will also use the tank to improve SCANDA and/or 911 communication reliability. No third-party service providers will be allowed to mount equipment on the tank without additional approval from the Town.

After deliberation Planning Board voted unanimously to approve the *findings of fact* for “B.” as stated below:

- 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.

The existing access road to the middle school will support the infrequent need to visit the tank site. The easement agreement allows for access.

After deliberation, the Planning Board voted unanimously to approve the *findings of fact* for “C” as stated below:

- 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.

Parking is available on the tank site for maintenance vehicles.

After deliberation, the Planning Board voted unanimously to approve the *findings of fact* for “D.” as stated below:

- D. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

Yes. All will see improved service.

After deliberation, voted unanimously to approve the *findings of fact* for “E.” as stated below.

- E. The location and arrangement of the use on the site, screening, buffering, landscaping, pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impact.

The District worked with the school to site facility in an area that would not disturb the current use of the site. Elevated tanks are often used to advertise the local community and instill civic pride. Our current policy allows for the Town to choose to place a name or logo on the tank for the cost difference from our standard letter

After deliberation, the Planning Board voted unanimously to approve the *findings of fact* for “F.” as stated below.

- F. The type, size, and intensity, of the proposed use, including such considerations as the hours of operations 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.

Elevated storage tanks are highly visible. The tank will be seen by adjoining properties. The use of the site will not produce noise, odors, traffic, or other nuisances, beyond original construction and infrequent (every 7-10) major maintenance. The public will not use this site.

Based on the above, a motion was made by Planning Board Member Herbert Locklear and seconded by Planning Board Vice Chair Teresa Romano to recommend approval of the special use permit to the Archer Lodge Town Council. The motion carried unanimously.

After deliberation, a motion was made by Planning Board Vice Chair Teresa Romano and seconded by Planning Board Member Terry Barnes to approve the submitted site plan. The motion carried unanimously.



Office Use Only:

Permit #: SUP-9-1-21
Fee: \$150; Receipt No. 0202
Payment Method: Ck# 119119
Cash: ; Other: Pay Date: 9-20-21
Application Rec.: 9-20-21

Town of Archer Lodge

Special Use Permit Application

1. General Information (Please Type or Print)

Property Owner: Johnston County Board of Education/ Easement to Archer Lodge Water District

Address: PO Box 1336 City: Smithfield State: NC Zip: 27577

Fax

Telephone Number: 919-934-2021 x 7002

Number:

E-mail Address: brooksmoore@johnston.k12.nc.us

Applicant/Contact: Rick Hester

Address: PO Box 1049 City: Smithfield State: NC Zip: 27577

Fax

Telephone Number:

919-989-5100

Number:

E-mail Address: rick.hester@johnstonnc.com

2. Property Information:

Property Address (if known): 762 Wendell Rd., Wendell, NC 27591

Johnston Co. Tax Map: 16J03017A Lot: Zoning District: Archer Lodge

Site Access Off Road: Lot Acreage: 40.66AC - Easement area - 1.16AC

Status of Lot: Existing: Existing Middle School Proposed: add elevated storage tank

Protected Watershed: No: Yes: , If yes, proposed impervious surface area: ;

Existing Impervious Surface:

3. Utilities (Existing or Proposed – Check All That Apply):

Public Sewer: (a) X Existing, (b) Proposed

Public Water: (a) X Existing, (b) X Proposed

Well: (a) Existing, (b) Proposed

Septic: (a) Existing, (b) Proposed

Building Floor Area (sq. ft.) n/a Max. Bldg./Structure Height: n/a ft.

4. Describe Nature of Request (Type of Building, Land Use, Hours of Operation, etc.):

The District proposes to build a 500,000 gallon elevated storage tank within an easement on the middle school property. It will be a multi-legged steel tank similar to the one that the District owns at the the fire station. It will be in passive, unmanned operation 24-7-365. Annual inspection and periodic maintenance is all that will be required.

5. Submittal Information:

The items listed below are needed to verify compliance with the Town of Archer Lodge, Code of Ordinances, NC State/Local laws and must accompany the special use permit application. Please note that additional information may be needed upon review of the submitted material

- A. A copy of the most recent deed to the property for which the permit is requested. A copy can be obtained from the Johnston County Register of Deeds Office.
- B. A copy of the property survey plat.
- C. If leasehold property, provide copy of lease and, if applicable, access easement to leasehold property.
- D. A site plan (20 hard copies and 1 electronic copy using the Adobe.PDF or MS Word.DOCX file format) prepared/drawn to scale (min. 1"=50' unless otherwise specified) by either a N.C. Professional Land Surveyor, Engineer or Architect depicting the following:
 - 1. Vicinity map, property boundaries, total area of parcel (sq. ft. and acreage), names of adjoining property owners, north arrow, and scale. If leasehold property, also show boundaries of leasehold and access easement to leasehold property.
 - 2. Names of adjoining streets, location of rights-of-way(s) and easements.
 - 3. Existing and proposed structures (including additions) existing & proposed parking areas, parking spaces (including handicapped parking spaces) drive/sidewalk location(s), existing & proposed exterior building/structure lighting and site lighting.
 - 4. If the site is in a protected watershed, please state the applicable square footage, acreage, and percentage, of impervious surface area (existing and proposed).
 - 5. If applicable, location of 100 year flood plain.
 - 6. If applicable, location of all wetlands, perennial streams and surface drainage areas, retention ponds, existing and proposed topography [min. 10' contour]) and buffer areas.
 - 7. If applicable, existing or proposed dumpster location(s) & screening.
 - 8. If applicable, location/type of any required landscape buffer either existing or proposed.
 - 9. Note on site plan all that apply: Height/# stories of existing/proposed buildings/structures, proposed land use (i.e., restaurant, warehouse, etc.), zoning of adjacent tracts.
 - 10. If applicable, any existing utility lines easements (water, sewer, electric, gas, etc.)
 - 11. Location of existing and proposed fire hydrant(s) and standpipes, existing or proposed fire lane.
 - 12. Location/Type of Traffic Control Devices/Driveways Adjacent to Site.
 - 13. Supplemental standard requirements (where applicable) – see Attached Exhibit (s):

- E. Other: _____
- F. Fee: \$750 _____

6. Special Use Permits:

The Archer Lodge Town Council does not have unlimited discretion in deciding whether to grant a special use permit. NC State Laws will be adhered to in the conduct of quasi-judicial public hearing. Moreover, findings of fact will be made in accordance with ordinance provisions referenced in Chapter 30, Article II, Division 2, Subdivision 2, Section 30-90 of the Archer Lodge Code of Ordinances

Additionally, where applicable, development standards for specific uses will also be considered and evaluated for ordinance compliance.

Please note: Under each indicate the facts you, the applicant, intend to show and statements that you intend to make to convince the Town Council that it can properly reach the required findings of fact listed below (attach additional sheets if needed):

A. All applicable specific conditions pertaining to the proposed use have been or will be satisfied;

The proposed tank will facilitate greater water system reliability, better pressure and storage for fire protection, and additional storage for growth in the region. The County will also use the tank to improve SCADA and/or 911 communication reliability. No third party service providers will be allowed to mount equipment on the tank without additional approval by the Town.

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;

The existing access road to the middle school will support the infrequent need to visit the tank site. The easement agreement allows for access.

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;

Parking is available on the tank site for maintenance vehicles.

D. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;

Yes. All will see improved service.

E. The location and arrangement of the use on the site, screening, buffering, landscaping, pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impact;

The District worked with the school to site the facility in an area that would not disturb the current use of the site.

Elevated tanks are often used to advertise the local community and instill civic pride. Our current policy allows for Town to choose to place a name or logo on the tank for the cost difference from our standard lettering.

F. The type, size, and intensity, of the proposed use, including such considerations as the hours of operations 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.

Elevated storage tanks are highly visible. This tank will be seen by adjoining properties.

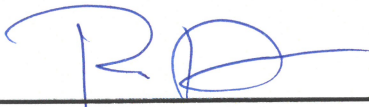
The use of this site will not produce noise, odors, traffic or other nuisance, beyond original construction and infrequent (every 7-10 year) major maintenance. The public will not use this site.

Note: 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 complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that the special use permit may be reviewed by the town council on a periodical basis, street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities.

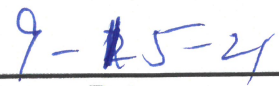
7. Signatures and Acknowledgment:

The undersigned hereby certify that the application material is complete and accurate.

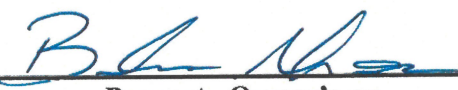
FURTHERMORE, the undersign hereby authorizes the Town of Archer Lodge, NC Town Planner or designated representatives to enter upon the above referenced property for the purpose of inspecting and determining/verifying compliance with the Town's ordinance provisions.



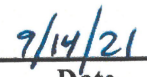
Applicant's Signature



Date



Property Owner's or
Authorized Agent's Signature

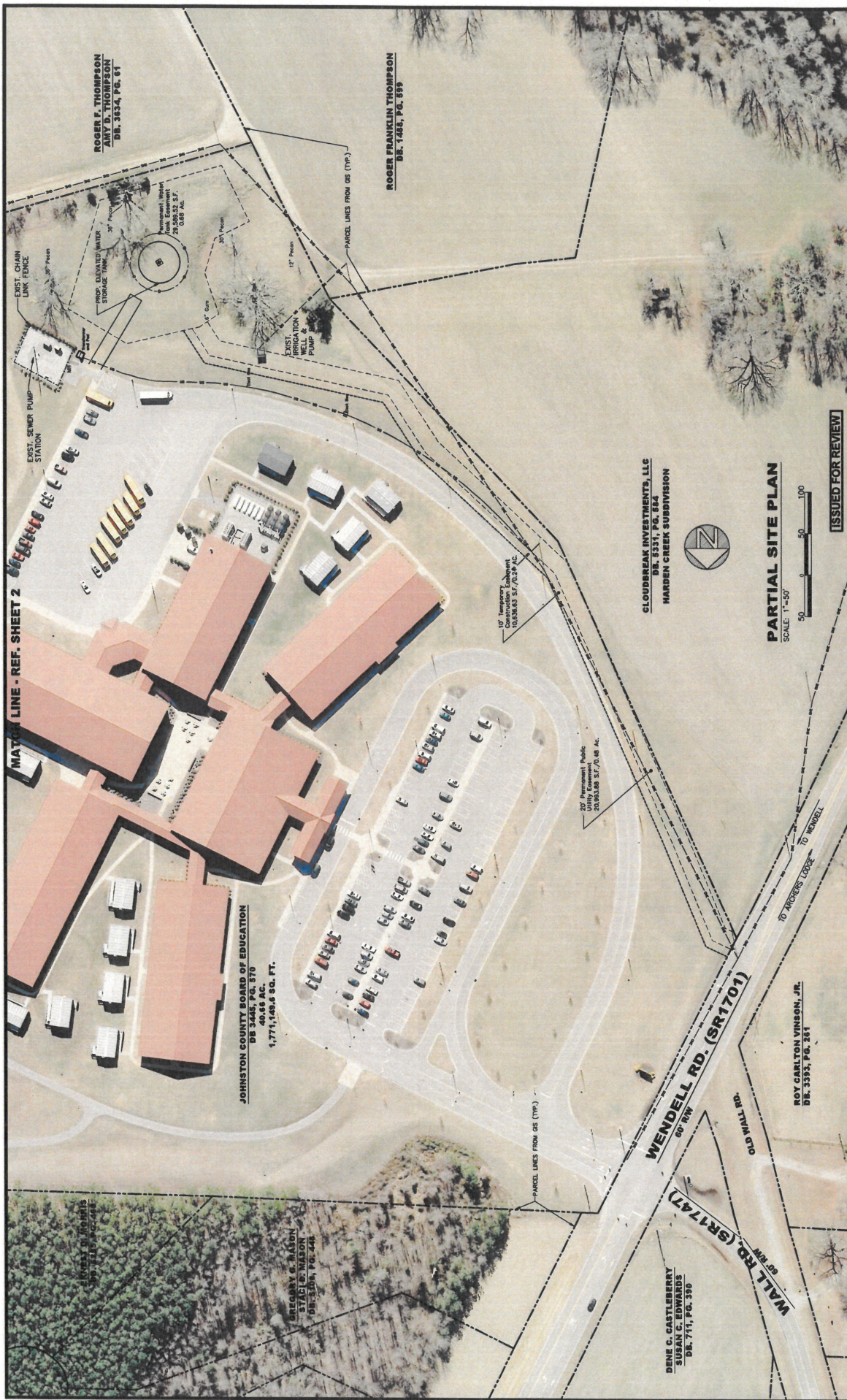


Date

Town of Archer Lodge, NC
14094 Buffalo Road
Archer Lodge, NC 27573

Main: 919.359.9727
Fax: 919.359.3333

Web Site: <https://www.archerlodgenc.gov/planning-zoning>



REVISION INFORMATION		DRAWING INFORMATION		PARTIAL SITE PLAN FOR		ARCHER LODGE MIDDLE SCHOOL		JOHNSTON COUNTY		SHEET	
Num	Description	Date	Init	Date	Init	500,000 GALLON ELEVATED STORAGE TANK	ARCHER LODGE WATER DISTRICT	Department of Public Utilities	P.O. Box 2263	1	of 2
				12/2020	JCH						
				12/2020	KCR						
				01/2021							
SCALE: AS NOTED											



PARTIAL SITE PLAN
SCALE: 1"=50'

ISSUED FOR REVIEW

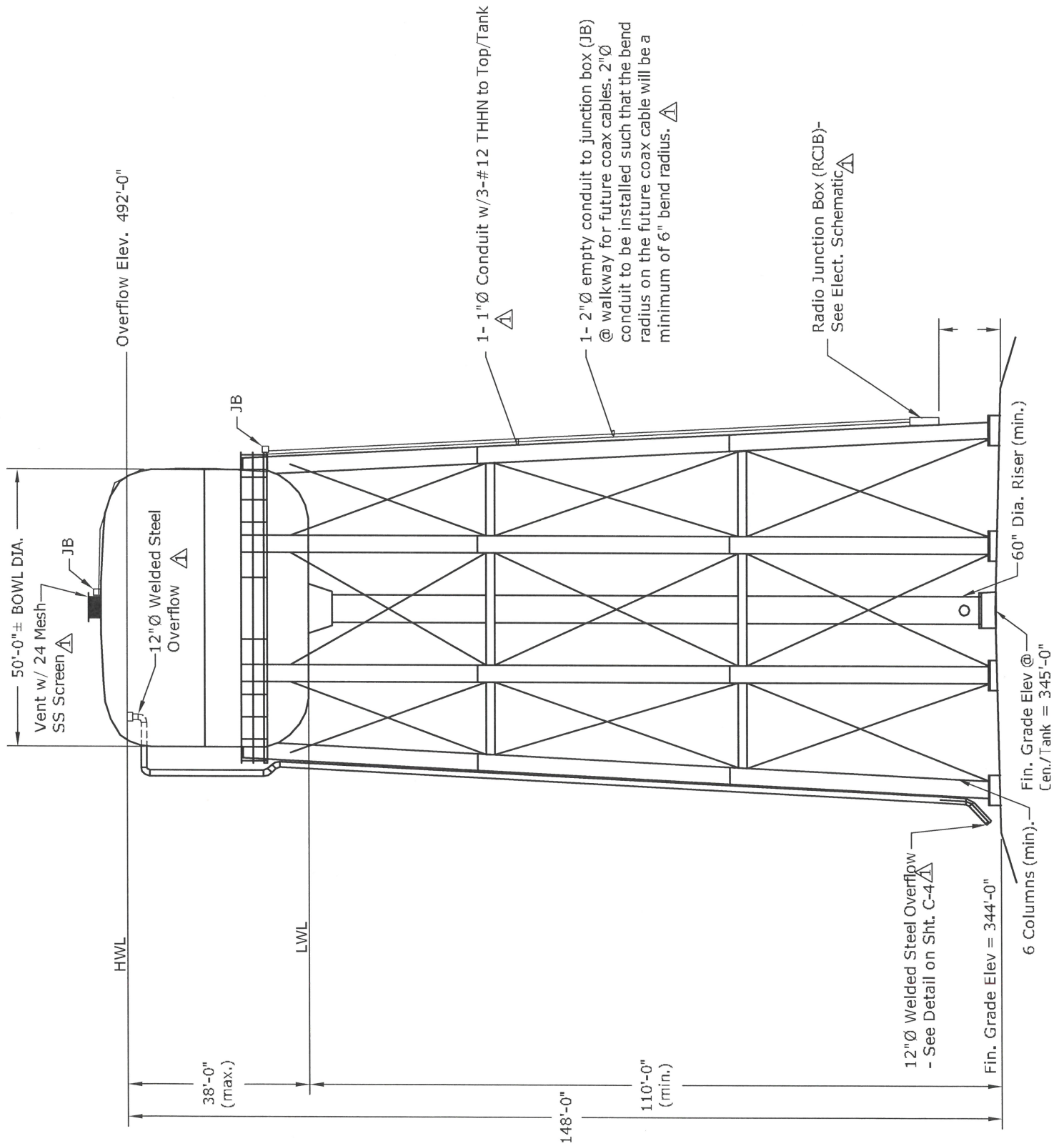
JOHNSTON COUNTY
Department of Public Utilities
P.O. Box 2263
Smithfield, NC 27577

SHEET
2
of 2

ARCHER LODGE MIDDLE SCHOOL
500,000 GALLON ELEVATED STORAGE TANK
SRL PROJECT NO. H-SRP-D-17-0125
ARCHER LODGE WATER DISTRICT

PARTIAL SITE PLAN FOR
ARCHER LODGE REVIEW

DRAWING INFORMATION			
Num	Description	Date	Init
	Drawn By:	JCH	12/2020
	Checked By:	JCH	12/2020
	Approved By:	KCR	01/2021
SCALE: AS NOTED			



500,000 Gallon Elevated Steel Storage Tank (Base Bid)

NTS

Filed in JOHNSTON COUNTY, NC
CRAIG OLIVE, Register of Deeds
Filed 08/23/2021 02:31:37 PM
DEED BOOK: 6025 PAGE: 895-900
INSTRUMENT # 2021766671
Real Estate Excise Tax \$0.00
Deputy/Assistant Register of Deeds asantos

Prepared by: Jennifer J. Slusser, Johnston County Attorney
Project Name: Archer Lodge Middle School Elevated Storage Tank Project
SRL Project No. H-SRP-D-17-0125
Brief Description: 40.660 acres +/-, Deed Book 3445 Page 570-572, Parcel ID 16J03017A

NORTH CAROLINA
JOHNSTON COUNTY

EASEMENT

THIS EASEMENT, made this 22nd day of July, 2021, by and between **Johnston County Board of Education**, with an address of P.O. Box 1336, Smithfield, North Carolina 27577 hereinafter referred to as "Grantor", and **Archer Lodge Water District**, a North Carolina body politic and corporate with an address of P.O. Box 1049, Smithfield, North Carolina 27577 hereinafter referred to as "District".

WITNESSETH:

WHEREAS, Grantor is the owner of a 40.660 acre tract of land located in the Wilders Township, Johnston County, North Carolina, which is more particularly described in Deed Book 3445, Pages 570-572, Johnston County Register of Deeds hereinafter referred to as the "Parcel"; and

WHEREAS, the District desires a permanent easement on part of the Parcel for the purpose of installing and maintaining utilities, including but not limited to an elevated water storage tank, hydraulic improvements to water distribution main lines, and the necessary appurtenances and accessories such as mains, meters, meter boxes, pipes, fittings, valves and other devices (hereinafter referred to as "utility" or "utilities"); and

WHEREAS, the District also desires a temporary construction easement for the installation of the above said utilities; and

WHEREAS, Grantor requires the District to assume full liability for the District officials and other associated parties during the construction, operation, and maintenance of the District owned utilities;

NOW, THEREFORE, Grantor, for and in consideration of the sum of ten and 00/100th Dollars (\$10.00) and other valuable consideration, to it in hand paid, the receipt of which is hereby acknowledged by Grantor, does hereby give, grant, bargain, and convey to the District, its successors and assigns, the right to construct, maintain, inspect, operate, protect, repair, replace, change the size of, or remove elevated water tank, the water distribution and transmission lines

and the necessary appurtenances and the right of ingress and egress to and from the same for the purposes aforesaid, over, under, through and across the said tract of land of Grantor situated in Wilders Township, Johnston County, North Carolina, said easement being more particularly described as follows:

PERMANENT EASEMENT:

Being a 20,993.88 square foot permanent access and public utility easement and being designated as "20' Permanent Utility Easement," as shown upon map entitled, "Exhibit Map for Johnston County Public Utilities 20' Public Utility Easement Archer Lodge Middle School Water Tank", prepared by Hall Land Surveying, Inc., said map attached hereto as Exhibit A and incorporated as if fully set forth herein; and also

Being a 29,589.52 square foot permanent access and public utility easement and being designated as "Permanent Water Tank Easement," as shown upon that map entitled, "Exhibit Map for Johnston County Public Utilities 20' Public Utility Easement Archer Lodge Middle School Water Tank", prepared by Hall Land Surveying, Inc., said map attached hereto as Exhibit A and incorporated as if fully set forth herein.

TEMPORARY CONSTRUCTION EASEMENT FOR PERMANENT EASEMENT:

Being a 10,636.63 square foot temporary construction easement, adjacent to the above described Permanent Easement and being designated as "10" Temporary Construction Easement" as shown upon that map entitled, "Exhibit Map for Johnston County Public Utilities 20' Public Utility Easement Archer Lodge Middle School Water Tank," prepared by Hall Land Surveying, Inc., said map attached hereto as Exhibit A and incorporated as if fully set forth herein. The above described temporary construction easement shall terminate upon completion of the installation of the above said utilities.

IT IS THE PURPOSE OF THIS EASEMENT to convey to the District a permanent easement and temporary construction easement as described hereinabove for an elevated water tank and distribution and transmission lines to serve the Wilders area for the purposes set forth hereinabove.

TO HAVE AND TO HOLD said permanent easement to the District, its successors and assigns, continuously and perpetually.

The Grantor covenants with the District that Grantor is seized of the said premises in fee simple, has the right to convey the easement described herein, that title is marketable and free and clear of all encumbrances other than deeds of trust and other restrictive covenants or record.

The District shall have the right to clear vegetation and other obstructions from the herein granted right of way and Grantor agrees not to build, construct, create, or permit others to build, construct or create any buildings or other structures on the herein granted right of way that will interfere with the normal operation and maintenance of said elevated tank, water lines and appurtenances herein referred to; provided, however, that Grantor retains the right to construct roads, driveways, and parking areas over the underground utilities (provided that there is at least 3.0 feet of cover over the pipeline) and to use fully the above described premises for any other purpose that is not inconsistent with the rights herein granted to the District. Any areas within the easement that are disturbed during the construction of the elevated water tank and water lines will be repaired in accordance with state regulatory requirement for erosion and sedimentation control and to a condition compatible to that prior to such construction.

All utilities shall be installed, maintained owned and operated by the District in accordance with all applicable codes, laws, rules and regulations; and the Grantee, by acceptance of this Easement, agrees to hold the Grantor harmless from and against any and all claims, demands, actions, causes of action, suits, judgments or liability whatsoever, arising by reason of the District's operation of the District owned utilities on the Parcel.

This easement shall exist for so long as the utilities are used by the District for the purposes set forth herein, it being understood that at such time as the utilities are permanently abandoned or removed from the Parcel that this easement shall terminate and be of no further force and effect.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal the day and year set out above.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

Signature Page for Deed of Easement

Project Name: Archer Lodge Middle School Elevated Storage Tank Project

SRL Project No. H-SRP-D-17-0125

Brief Description: 40.660 acres +/-, Deed Book 3445 Page 570-572, Parcel ID 16J03017A

Johnston County Board of Education

By: Todd Sutton (SEAL)
Todd Sutton, Chairman

Date: 7/22/2021

ATTEST:

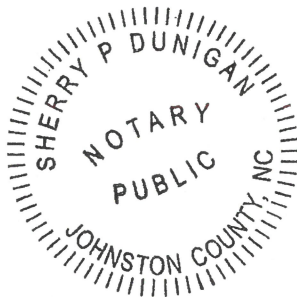
By: Eric Bracy
Eric Bracy, Secretary/Superintendent

NORTH CAROLINA
COUNTY OF JOHNSTON

I, a Notary Public of said State and County, certify that Eric Bracy, Secretary/Superintendent of the Johnston County Board of Education, a corporate body, came before me and acknowledged that by authority given, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by him as its Secretary/Superintendent.

This the 22nd day of July, 2021.

Sherry P. Dunigan
Signature of Notary Public



Signature Page for Deed of Easement

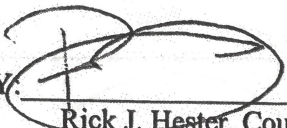
Project Name: Archer Lodge Middle School Elevated Storage Tank Project

SRL Project No. H-SRP-D-17-0125

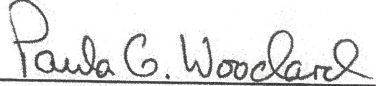
Brief Description: 40.660 acres +/-, Deed Book 3445 Page 570-572, Parcel ID 16J03017A

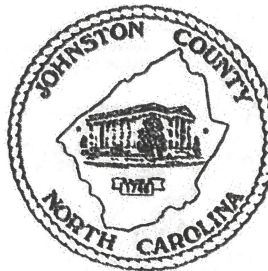
NORTH CAROLINA

Archer Lodge Water District

BY:  (SEAL)
Rick J. Hester, County Manager

ATTEST:

BY: 
Paula G. Woodard, Clerk

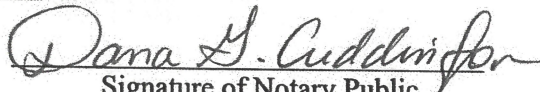


NORTH CAROLINA

COUNTY OF JOHNSTON

I, Dana G. Cuddington, a Notary Public of said State and County, certify that Paula G. Woodard, Clerk of the Archer Lodge Water District, a corporate body, came before me and acknowledged that by authority given, the foregoing instrument was signed in its name by its County Manager, sealed with its corporate seal and attested by her as its Clerk.

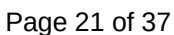
This the 4th day of August, 2021.


Signature of Notary Public

Notary Seal



My commission expires: 9-14-2024





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 11, 2021

Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, CodeWright Planners

Re: Agenda Item 3. – Staff Report – Amendments to the Code Of Ordinances, Archer Lodge, North Carolina, Chapter 30 - Unified Development Ordinance (Outlined Below)

Summary: Amendments (attached) are proposed to the Archer Lodge Code of Ordinances, Chapter 30 – Unified Development Ordinance. The provisions are intended to further clarify/streamline ordinance provisions and address changes in state law.

Below is in overview/summary of the amendments. It is respectfully requested that the Town Council deliberate on the attached revisions. Proposed changes are **red text** and ~~deleted text in blue strikethrough~~.

Amendments to the Code of Ordinances, Archer Lodge, North Carolina, Chapter 30 – Unified Development Ordinance:

- Article 2.- Authorities, Divisions 1, 5, 6 and Article 3 – Procedures, Division 1 to clarify the definition, roles, and duties of respective review authorities.
- Article 4.- Zoning Districts, Division 5, to update and clarify the Water Supply Protection Overlay District (WSWOD) standards.
- Article 5.- Use Regulations, Division 3, to:
 - Update manufactured home park standards for masonry skirting in accordance with state law; and
 - Update/clarify electronic gaming operations in accordance with state law.

Publication Requirements:

Advertisement/public notice of the meeting and the proposed amendments was completed in accordance with applicable NC General Statutes and Unified Development Ordinance provisions.

Staff Recommendations:

A PowerPoint presentation will be given at the meeting. Staff recommends approval of the text amendments finding said amendments in accordance with applicable ordinance provisions. Staff also concurs with the Planning Board recommendations.

Planning Board Recommendations:

On November 10, 2021, the Planning Board considered the proposed text amendments. After deliberation voted unanimously to approve the consistency statement below and motion:

Planning Board Consistency Statement:

The Planning Board finds that the proposed amendments to Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the roles of review authorities; Article 4. - Zoning Districts, Division 5, to update the Water Supply Protection Overlay District standards; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and electronic gaming operations provisions (i.e., removes privilege license requirement) in accordance with state law are reasonable and in the public interest. The proposed revisions clarify/streamline ordinance provisions, facilitates environmental protection, plans for future development, and addresses changes in state law. Furthermore, the proposed amendments are consistent with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka “Comprehensive Plan”, vision and mission statements and other adopted Town plans having bearing on the matter.

Motion:

Upon making consistency findings, the Planning Board recommends approval to the Town Council on the amendments to the Unified Development Ordinance, Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the roles of review authorities; Article 4. - Zoning Districts, Division 5, to update/clarify the Water Supply Protection Overlay District standards with clarification to (i) (2)(d) 3; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and electronic gaming operations.

Requested Town Council Action:

Staff respectfully requests that the Town Council:

- Conduct a public hearing on the proposed text amendments.
- After deliberation determine, vote on consistency statement (Draft Town Council Consistency Statement included)
- Vote to approve, deny, or modify the proposed amendments (Town Council draft motion included).

Town Council Draft Consistency Statement

The Town Council finds that the proposed amendments to Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the definition, roles, and duties of review authorities; Article 4. - Zoning Districts, Division 5, to update and clarify the Water Supply Protection Overlay District standards; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and update/clarify electronic gaming operations provisions (i.e., removes privilege license requirement) in accordance with state law are reasonable and in the public interest. The proposed revisions clarify/streamline ordinance provisions, facilitates environmental protection, plans for future development, and addresses changes in state law. Furthermore, the proposed amendments are consistent with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka “Comprehensive Plan”, vision and mission statements and other adopted Town plans having bearing on the matte

Town Council Draft Motion:

Councilmember _____moves to approve Ordinance AL#2021-11-1 as presented. The motion was seconded by Councilmember _____and approved by a ____ to ____ vote.

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE: ARTICLE 2. –
AUTHORITIES, DIVISIONS 1, 5, AND 6; ARTICLE 3. – PROCEDURES, DIVISION 1;
ARTICLE 4. – ZONING DISTRICTS, DIVISION 5; AND
ARTICLE 5. – USE REGULATIONS, DIVISION 3**

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 143 - 214.5, 160A - 174, 160D - 801, and 160D - 702, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Unified Development Ordinance, as follows, attached hereto and incorporated herein by reference:

Article 2. – Authorities, Divisions 1, 5 and 6

Article 3. – Procedures, Division 1

Article 4. – Zoning District, Division 5

Article 5. – Use regulations, Division 3

Section 2. The amendments to Chapter 30 - Unified Development Ordinance, attached hereto and incorporated herein by reference, shall become effective on November 15, 2021.

DULY ADOPTED, THIS THE 15TH DAY OF NOVEMBER 2021.

TOWN OF ARCHER LODGE:

(SEAL)

Matthew B. Mulhollem, Mayor

ATTEST:

Kim P. Batten, Town Clerk

Town of

ARCHER LODGE

UNIFIED DEVELOPMENT ORDINANCE

Effective Date: June 7, 2021

Amended:



ORDINANCE AMENDMENTS

<u>TABLE OF UDO AMENDMENTS</u>		
<u>ORDINANCE NUMBER</u>	<u>ADOPTION DATE</u>	<u>DESCRIPTION</u>
<u>UDO-TA-1-21</u>	<u>xx-xx-21</u>	- <u>Clarification of Review Authority roles,</u> - <u>Updates to the Water-Supply Watershed Overlay Districts standards,</u> - <u>Update to manufactured home park standards for masonry skirting in accordance with State law</u> - <u>Revisions to Electronic Gaming Operation use standards</u>

ARTICLE 2. - AUTHORITIES

DIVISION 1. - GENERAL REQUIREMENTS FOR ALL REVIEW AUTHORITIES.

A review authority is any board, council, committee or staff member identified in this Ordinance that review applications for development approval under this Ordinance. An application may be reviewed by more than one review authority.

Sec. 30-2101 - Oath of office required.

- (a) All members appointed to boards shall, before entering their duties, qualify by taking an oath of office administered by the Mayor or the Mayor Pro Tem.
- (b) Oaths shall be signed and filed with the Town Clerk.
- (c) The oath to be administered is prescribed in Article VI, § 7 of the N.C. Constitution, as follows:
 “I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as, so help me God.”

Sec. 30-2102 - Open meetings.

Except as provided by N.C. Statute, each official meeting of the public bodies described in this Article shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with §166A-19.24 of the North Carolina General Statutes shall comply with this subsection even if all members of the public body are participating remotely.

Sec. 30-2103 - Attendance.

Faithful attendance at scheduled meetings is required. The Town Council may remove any appointed member for absenteeism. Missing three or more meetings in a twelve-month period is prima facie evidence of absenteeism. The Secretary to each board shall make a report on attendance to the Town Council in writing at least once in every calendar year.

Sec. 30-2104 - Minutes and rules of procedure.

- (a) Each board shall draw up rules of procedure under which it will operate. The Town Council will adopt rules of procedure and any amendments that are consistent with the provisions of this UDO. In the absence of action by the Town Council, each board created under this Article is authorized to adopt its own rules of procedure that are consistent with the provisions of this Ordinance. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town's official web site.
- (b) Each board shall keep minutes of its proceedings. The 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. 30-2105 - Conflict of interest.

- (a) A Town Council or Planning Board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this UDO where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Council or Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

- (c) A quorum for the Board of Adjustment is four members. 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 § 30-2406 Voting, shall be counted as present for purposes of determining whether a quorum is present.

Sec. 30-2406 - Voting.

- (a) Once a quorum is established, the concurring vote of a majority of those present (excluding members who are disqualified) shall be necessary to make any decision, except decisions on variances.
- (b) Once a member is physically present at a Board of Adjustment 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:
 - (1) If the member has a conflict of interest as defined by § 30-2105 Conflict of interest, above; or
 - (2) If the matter at issue involves the member's own official conduct.
- (d) A motion to excuse a member from voting on a specific item, or from the remainder of the meeting may be made by any Board of Adjustment member.

DIVISION 5. - TECHNICAL REVIEW COMMITTEE.**Sec. 30-2501 - Establishment.**

The Town Administrator shall appoint a committee of staff members having particular expertise in the development of real property as the Technical Review Committee (TRC). The Committee shall be chaired by the Town Planner. The TRC members shall consist of the Planning Board Chair, and the Fire Chief or their designees. Other members shall serve on the TRC on an ad hoc basis, depending on the nature, size, and complexity of the development project to be reviewed include, but are not limited to: Parks and Recreation, Legal, NCDOT, and the following Johnston County agencies: Public Utilities (including storm water, erosion control, infrastructure), Environmental Health, Health Department, Inspections, and Emergency Management Services.

Sec. 30-2502 - Powers and Duties.

(a) The TRC shall provide a recommendation to the Planning Board on the following:

- (1) Major subdivisions;
- (2) Site plans; and
- (3) Plans filed with applications for a special use permit.

(b) The TRC shall review and comment, prior to consideration by other review authorities, on the following:

- (1) The Comprehensive Plan or an amendment to the Comprehensive Plan;
- (2) Planned development master plans; and
- (3) Reasonable accommodations.

~~(a) all plans to be reviewed and/or approved by any other body listed in this Ordinance, including the Town Council, Planning Board, and Board of Adjustment, and on all request for permits referred to the TRC by the Town Planner, both for conformity with the Town Code and with Town Council resolutions.~~

(c) The TRC shall participate in pre-application conferences as requested by the Town Planner.

~~(b) The TRC shall suggest rules of procedure and schedules to ensure that plans submitted shall be reviewed and comments returned to developers in a timely manner. The Town Council shall approve the rules of procedure.~~

Sec. 30-2503 - Conflicts of Interest

The members of the TRC shall follow and abide by § 30-2603 Conflict of interest.

DIVISION 6. - TOWN PLANNER.

Sec. 30-2601 - Powers and Duties.

The Town Planner shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(a) Review and decision.

To review and decide applications for the following:

- (1) Administrative adjustments (see Section 30-3301, Administrative adjustments);
- (2) Determinations regarding the text of this Ordinance (see § 30-3306, Determinations and interpretations);
- (3) Exempt subdivisions;
- (4) Expedited subdivisions;
- (5) Final plats;
- (6) Floodplain development permits;
- (7) Minor subdivisions;
- (8) Temporary use permits; and
- (9) Zoning compliance permits.

(b) Review and recommend.

To review and provide a recommendation to the Town Council on applications for vested rights certificates.

(c) Review and comment.

To review and provide comments to other review authorities on applications for the following:

- (1) Building permits;
- (2) Certificates of occupancy;
- (3) Development agreements;
- (4) Major subdivisions;
- (5) Rezoning/map amendments;
- (6) Text amendments; and
- (7) Variance requests.

(d) General planning and permitting.

- (1) To review all applications for land development for completeness and compliance with the terms of this Ordinance.
- (2) To ensure that applications submitted are reviewed and comments returned to applicants in a timely manner.
- (3) To issue and maintain a record of all development related permits, subdivisions of land and approvals on file and to make copies available to interested parties.
- (4) To provide the Town Council, Planning Board, Board of Adjustment, Town Staff, and applicants with reports and recommendations, as required by this Ordinance, other laws or regulations, or at the request of another review authority.

~~(4) To interpret the language of this UDO (see § 30-3306 Determinations and interpretations).~~

(5) To enforce compliance with the terms of this Ordinance, unless otherwise specified.

(6) To revoke any permits provided therein.

~~(b) Special use, variance, and map and text amendments.~~

~~(1) To review all applications for special use permits, variances, and amendments for completeness and compliance with the terms of this Ordinance.~~

~~(2) To enforce compliance with the terms of this Ordinance, unless otherwise specified.~~

~~(c) Subdivision administration.~~

~~(1) To review all applications for the subdivision of land for compliance with the terms of this Ordinance.~~

~~(2) To approve final plats, exempt subdivisions, expedited subdivisions, and minor subdivision plats, and to revoke any permits as provided by this UDO.~~

~~(3) To provide the Town Council and Planning Board with reports and recommendations, as required by this Ordinance, other laws or regulations, or at the request of said bodies.~~

~~(4) To issue and maintain a record of all subdivisions and approvals on file and to make copies available to interested parties.~~

~~(5) To enforce compliance with the terms of this Ordinance, unless otherwise specified.~~

~~(6) To revoke any permits provided therein.~~

~~(d)~~ (e) Environmental protection.

(1) To administer the Town's Water Supply Watershed Protection Overlay District standards.

(2) To serve as the Floodplain Administrator in accordance with the Archer Lodge Code of Ordinances Chapter 14 Flood Damage Prevention.

~~(3) To revoke any permits provided therein.~~

Sec. 30-2602 - Conflict of Interest.

(a) No Town staff member shall make a final decision on an administrative decision required by this UDO if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the UDO.

(b) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

ARTICLE 3. - PROCEDURES

DIVISION 1. - SUMMARY PROCEDURES TABLE.

APPLICATION SUMMARY TABLE								
Review Authority Actions:			C = Comment; R = Recommendation; D = Decision; A = Appeal;					
Pre-Application Conferences			M = Mandatory; O = Optional; N/A = Not Applicable					
Type of Review:			=Public Meeting; / \=Legislative Hearing; { }=Quasi-Judicial Hearing					
APPLICATION TYPE	UDO SECTION NUMBER	PRE-APPLICATION	REVIEW AUTHORITY /1/					
			TOWN PLANNER	TECH. REVIEW COMMITTEE	PLANNING BOARD	BOARD OF ADJUSTMENT	TOWN COUNCIL	SUPERIOR COURT
Administrative Adjustment	30-3301	M	D	•	•	{A}	•	•
Appeal	30-3302	N/A	•	•	•	{D}	•	A
Building Permit /2/	30-3303	N/A	C	•	•	•	•	•
Certificate of Occupancy /2/	30-3304	N/A	<u>DC</u>	•	•	•	•	•
Comprehensive Plan	30-3305	M	C	C	R	•	/D\	A
Determination and Interpretation	30-3306	O	D /3/	•	•	{D} /4/	•	•
Development Agreement	30-3307	M	C	•	R	•	/D\	A
Exempt Subdivision	30-3308	N/A	D	•	•	{A}	•	•
Expedited Subdivision	30-3309	N/A	D	•	•	•	•	A
Final Plat	30-3310	N/A	D	•	•	•	•	A
Floodplain Development Permit	30-3311	N/A	D	•	•	{A}	•	•
Major Subdivision	30-3312	O	<u>RC</u>	<u>R</u>	D	•	•	A
Minor Subdivision	30-3313	O	D	•	•	{A}	•	•
Planned Development	30-3314	M	<u>C</u>	<u>C</u>	R	•	/D\	A
Reasonable Accommodation	30-3315	O	<u>C</u>	C	•	•	{D}	A
Rezoning/Map amendment	30-3316	O	C	•	R	•	/D\	A
Site Plan	30-3317	M	<u>C</u>	R	R	•	/D\	A
Special Use Permit	30-3318	M	<u>C</u>	R	R	•	{D}	A
Temporary Use Permit	30-3319	N/A	D	•	•	{A}	•	•
Text Amendment	30-3320	O	C	•	R	•	/D\	A
Variance	30-3321	M	C	•	•	{D}	•	A
Vested Rights Certificate	30-3322	O	R	•	•	•	/D\	A
Zoning Compliance Permit	30-3323	N/A	D	•	•	{A}	•	•

- (i) *Permitted uses.* The following uses are permitted as principal uses in the watershed protection overlay district provided such uses are also permitted in the underlying zoning district and providing that the requirements stated in this section and this zoning and subdivision ordinances.

(1) *Protected area.*

- a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11 .0101.0209).
- c. Residential development as permitted in the underlying zoning district provided that it meets the standards of the WSWOD.
- d. Nonresidential development as permitted in the underlying zoning district provided that it meets the standards of the WSWOD.

(2) *Density and built-upon (impervious) limits in the protected area.*

- a. Where the maximum allowed built-upon area conflicts with another ordinance or standard, the stricter standard, or lower maximum allowed built-upon area applies. For example, where either (i) the Johnston County Stormwater Management Ordinance as adopted by reference by the Town, or (ii) § 30-7203 Lot size standards of this Ordinance shall apply, then lower built-upon area requirements apply.
- b. Single family residential uses shall develop at a maximum of two dwelling units per acre (2 du/ac) or 20,000 square feet per lot, excluding street rights-of-way. In the alternative, the maximum built upon area shall be 24% per individual lot.
- c. All other residential and non-residential development shall not exceed 24 percent built-upon area. For projects without a curb and gutter street system, development shall not exceed 36 percent built-upon area.
- d. Cluster development is allowed on a project-by-project basis provided of all of the following conditions are met:
 1. Overall density shall ~~meet the requirements of sub-section (1) or (2) above~~ not exceed 20,000 square feet per lot or a maximum overall density of the entire site of two dwelling units per acre; and
 2. The minimum lot area standard for the zoning district shall not be applied, but in no instance shall an individual lot have more than 24% built-upon area; and
 3. The minimum lot width standard for the zoning district shall not be applied, but the lot shall include sufficient width to accommodate both applicable side lot line or street setbacks and an additional 30 linear feet; and
 4. The required setbacks for the zoning district shall continue to apply to each buildable lot; and
 5. Buffers (vegetated setbacks) shall meet the requirements of sub-section (3i) below; and
 6. Built-upon areas are designed and located to minimize stormwater runoff impacts to receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas and maximize the flow length through vegetated areas; and
 7. Areas of concentrated development shall be located in upland areas and away from surface waters and drainage ways. In determining whether these criteria have been met the approving body shall take into account site-specific factors such as topography, site layout and the protection of water quality; and
 8. The remainder of the tract shall remain in a vegetated or natural state; and

- ~~6.9.~~ The area in a vegetated state shall be conveyed to a homeowner's association, the Town for preservation as a park or greenway, a conservation organization, or placed in a permanent conservation or farmland preservation easement; and
- ~~7.10.~~ A maintenance agreement for the vegetated or natural area shall be recorded with the Johnston County Register of Deeds and incorporated into any restrictive covenants for the development; and
- ~~8.11.~~ Vegetated swales and/or "curb outlet systems" as described in § 30-4502(j), Vegetated setback (~~landscape buffer area~~), ~~required~~ will be provided.
- e. *Density averaging.* An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:
1. The properties are within the Archer Lodge Water Supply Watershed Protection Overlay District boundary.
 2. Overall project density meets applicable density or stormwater control requirements of this section.
 3. Vegetated setbacks on both properties meet the minimum requirements in § 30-4502(j), Vegetated setback (landscape buffer area) required.
 4. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
 5. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainage ways.
 6. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to the Town or County as a park or greenway, or placed under a permanent conservation or farmland preservation A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
 7. Development permitted under density averaging shall transport stormwater runoff by vegetated conveyances, to the maximum extent practicable.
 8. A special use permit shall be obtained from the Town Council to ensure that both properties considered together meet these standards and that potential owners have record of how these standards were applied to the properties.
- f. *Low-Density Option.* The standards in ~~this s~~Section ~~(2)and sub-section (1) above~~ are collectively known as the "low density option." No "high density option" is permitted in the protected area.
- g. *Calculation of density.*
1. Project density is calculated as the total ~~b~~Built upon area divided by the total project area;
 2. A project with "existing development" may calculate project density. in either of the following methods: total built upon area divided by total project area, or (total built-upon area minus existing built-upon area) divided by (total project area minus existing built-upon area)
 3. When there is a net increase of built-upon area, only the area of net increase is subject to the Water Supply Watershed Protection Overlay (WSWOD) District standards.
 4. Where existing development is replaced with a new built-upon area, and there is a net increase of built-upon area, only the area of net increase is subject to the Water Supply Watershed Protection Overlay Standards.
- (j) *Vegetated setback (landscaped buffer area) required.*

- a. All streets in a manufactured home park shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards.
- b. Maintenance of such streets shall be provided by the owner or operator of the park.
- c. Permanent dead-end streets or cul-de-sac shall not exceed 1,000 feet in length and shall be provided with a turnaround of at least 100 feet in diameter.
- d. New street names or manufactured home park names shall not duplicate, or be similar to, existing street names or manufactured home park names in the Town.
- e. The developer shall be required to provide and erect street name signs to State standards at all intersections within the manufactured home park.
- f. Sidewalks, or a paved pedestrian walkways, shall be provided along all streets within the manufactured home park.
- g. A minimum of two off-street automobile parking spaces surfaced with an all-weather surface such as concrete, asphalt, or crushed stone shall be provided adjacent to each manufactured home space but shall not be located within any public right-of-way or within any accessway in the park.
- h. All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four-inch lettering.
- i. All streets in the manufactured home park shall be adequately illuminated in accordance with § 30-6302.

(3) *Sidewalks.*

- a. Sidewalks shall be located on at least one side of each street within the manufactured home park.
- b. Sidewalks shall be five feet in width located fronting arterial, collector, local, and private streets.

(4) *Residential-manufactured home park use/appearance requirements.* All uses within a manufactured home park shall conform to the following regulations:

- a. *Abandoned vehicle.* No junked or abandoned vehicles shall be allowed.
- b. *Additions.* No living compartment or structure other than a "Florida-type" room, or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this Article are not violated.
- c. *Administrative office.* An administrative office may be permitted in accordance with the State Building Code.
- d. *Building proportion.* The main portion of the building, when viewed from the front lot line, shall have a building length not exceeding six times the building width.
- e. *Dwelling configuration.* All manufactured homes shall comply with the standards for individual manufactured dwellings in § 30-5302(d), Manufactured dwelling, except that no continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, shall be required under the perimeter of the dwelling.
- f. *Evacuation plan.* Each manufactured home park in the flood damage prevention area shall have an evacuation plan indicating alternate vehicular access and escape routes. All manufactured homes to be placed in flood prone areas shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties at each of the four corners of the manufactured home with two additional ties per side at intermediate locations.
- g. *Mailboxes.* When more than five rural mailboxes are used for mail delivery, the approval of the local post office department and the State department of transportation shall be required.

- (1) Prior to the operation of an electronic gaming operation, a zoning compliance permit ~~and privilege license for an electronic gaming operation~~ must be issued. In addition, an annual gaming machine fee in the amount of \$500.00 per gaming machine or device as established in the Town's adopted fee schedule shall be paid. This annual per gaming machine fee shall be due annually ~~as the privilege license is scheduled~~.
- (2) Electronic gaming operations shall be regulated as to location in the following manner in addition to any other requirements of this Article:
 - a. Electronic gaming operations shall be located a minimum of 1,000 feet measured in any direction, from:
 1. A place of worship or other religious institution;
 2. A day care center, public or private school;
 3. A public or private park, playground, public library, or cemetery;
 4. A skating rink, video arcade, or motion picture theater which shows G- or PG-rated movies to the general public on a regular basis;
 5. Electronic gaming operations, tattoo or body piercing establishments;
 6. Adult and sexually oriented businesses; or
 7. A residential zoned/residential used parcel.
 - b. Applicants shall submit a current straight line drawing prepared within 30 days prior to the application by a registered surveyor, depicting the property lines and the structures containing any of the above uses and the straight line measurements to each. Straight line distance shall be measured from the property line of the existing or established use to the building of the proposed electronic gaming operation. A use in sub-section ~~(e)~~(2) of this section shall be considered to be existing or established if it is in place or actively under construction at the time the application is submitted. Residential zoning districts shall be based upon the most current official zoning map.
 - c. Hours of operation shall be limited to 8:00 a.m. through 12:00 midnight seven days a week.
 - d. No minor (17 years of age or younger) shall be allowed to operate a gaming machine subject to this Article.
 - e. All electronic gaming operations shall comply with requirements of Chapter 14, Article 37 of the North Carolina General Statutes.
 - f. The maximum number of gaming machines for any electronic gaming operation business is 15 and the minimum building square footage shall be at least 200 square feet per machine.
 - g. Electronic gaming operations must be visible and open to the store front of the building or structure. Shading or tinting of store front windows shall not exceed 35 percent.
 - ~~h. Failure to obtain a privilege license for an electronic gaming operation or pay the privilege license fees upon initial issuance or renewal of a privilege license for an electronic gaming operation as required by the Town shall result in a penalty equal to 100 percent of the fee that is due, in addition to the fee itself.~~
 - ~~i. h.~~ Consciously and purposely hiding machines/terminals/computers, using switching devices to change screens in order to hide the true purpose and use of a computer, or any other ploy to hide the intended use of any computer within the establishment shall be considered as perpetrating a fraud upon the Town and shall result in the immediate permanent revocation of the ~~establishment's privilege license~~ zoning compliance permit and shall result in a penalty equal to 100 percent of the fee that is due, in addition to the fee itself.
 - ~~j. i.~~ There shall be an adult manager, 18 years of age or older, on the premises during the hours of operation.

~~k.i.~~ Each applicant for a zoning compliance permit ~~as required by this Article~~ shall be upon a form approved by the Town Council and shall be filed with the Town Clerk. Each applicant shall certify, under oath, the following information:

1. The name, age and residence of all interested parties;
2. The address of the premises where the business shall be located;
3. The proposed hours of operation of the business;
4. The dimensions of land owned or controlled by the applicant as premises for the electronic gaming operation;
5. A description of any other business to be operated on the same premises or any adjoining premises owned or controlled by the applicant; and
6. A statement of any prior revocations of a license or permit of any interested party to operate an electronic gaming operation or similar business in any jurisdiction.

~~k.~~ The applicant shall provide the serial number of each and every computer in the establishment. The Town Clerk or Town Planner will issue a ~~T~~Town decal including the serial number, ~~T~~Town terminal number, and date of issuance, to be displayed visibly on the computer or gaming terminal at all times. The ~~T~~Town terminal number will be assigned by the code enforcement officer at the time the application for a zoning compliance permit is submitted ~~to development services and shall be maintained on file by the Town. The serial numbers of computers or gaming terminals placed into service after the privilege license is granted (and the additional privilege license fees) shall be provided to the Town Clerk or Town Planner prior to any use of the machine.~~

1. Computers that are removed from the establishment shall be reported, with the serial number, to the Town Clerk or Town Planner; any replacement computer shall be reported, with the serial numbers of the original and replacement machines, to the code enforcement officer. New computers or gaming terminals must be issued a ~~T~~Town decal prior to operation.
2. Alteration or modification of any Town-issued decal shall be considered a zoning violation and subject to civil penalties per Article 9 Enforcement.

~~m.i.~~ No interested party shall operate an electronic gaming operation unless the party shall have first applied for and received ~~the privilege license provided for by the Town~~ a zoning compliance permit. It shall be unlawful to operate an electronic gaming operation within the Town without a ~~privilege license and~~ zoning compliance permit as required by this section and the Town.

~~n.~~ ~~Electronic gaming operations that are operating at the time of the adoption of this section shall have applied for the privilege license provided for by the Town. Any such establishment denied a license shall cease operations of machines within three days of notice of such denial by the Town Clerk or Town Planner.~~

~~o.m.~~ A change of any facts stated in an application filed under this Article shall be reported immediately to the Town Clerk and Town Planner. Failure to report any change of the facts stated in the application shall be subject to civil penalties as outlined in § 30-9501 Amount of civil penalties.

~~p.n.~~ A zoning compliance certificate issued pursuant to this Article shall become void if the licensee moves or ceases to operate at the location required to be stated in the application for the license.

~~q.~~ ~~Off-street parking requirements shall be as follows:~~

- ~~1. One parking space per machine;~~
- ~~2. One parking space per employee; and~~
- ~~3. Two state department of insurance designed handicap parking spaces per first 25 parking spaces and one for every 25 parking spaces thereafter.~~