

**UNIFIED DEVELOPMENT ORDINANCE**

**OF**

**HARNETT COUNTY, NORTH CAROLINA**



Adopted  
October 17, 2011

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March 30, 2026

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**UNIFIED DEVELOPMENT ORDINANCE  
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**ARTICLE I. GENERAL PROVISIONS**

**SECTION 1.0 TITLE**

Here within, this document may be referred to as “this Ordinance”, “Ordinance”, “this document” and the like.

**SECTION 2.0 PURPOSE**

The regulations as herein set forth have been made for the purpose of promoting the health, safety, and general welfare of Harnett County residents, specifically:

- 2.1 The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land which facilitates the creation of functional neighborhoods where collective security, and community attributes enhance the quality of life for the immediate residents, adjoining neighborhoods, and the County as a whole;
- 2.2 The design goals set forth in this Ordinance aim for orderly growth and development of new neighborhoods;
- 2.3 The coordination of streets within proposed neighborhoods with existing or planned streets and with other public facilities;
- 2.4 The general distribution of population and traffic in a manner that will avoid congestion and overcrowding;
- 2.5 The dedication or reservation of farmland, forests, natural areas, parks, squares, and recreational open space areas, improved and accessible to all residents of the neighborhood to serve as community focal points;
- 2.6 Detailing of the public domain of streets, parks, and squares to promote civic awareness and responsibility;
- 2.7 Provide for pleasing visual environments to create conditions essential to public health, safety, and the general welfare;
- 2.8 The encouragement of the most appropriate use of land in the County; and
- 2.9 Protect the natural environment and other valuable resources.

**SECTION 3.0 JURISDICTION**

The provisions of this Ordinance shall apply to the unincorporated areas of Harnett County. This Ordinance shall not be applied to the extra-territorial jurisdiction or corporate limits of any municipality in the County. This Ordinance shall be permanently kept on file in the office of the Harnett

County Planning Department.

**SECTION 4.0 AUTHORITY**

The provisions of this Ordinance are adopted under authority of the General Statutes of North Carolina, with particular reference to Chapter 160D.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and any other applicable regulations of local, State, or Federal governments.

**SECTION 5.0 EXEMPTION OF BONA FIDE FARMS**

The zoning provisions of this Ordinance shall not apply to bona fide farms, as defined herein. This Ordinance does not exercise any controls over cropland, timberland, or other farmlands, nor does it exercise control over any barn or other farm buildings, including houses for persons working on said farms and their families, as long as such houses shall be in same ownership as the farm and located on the farm and shall not exceed four (4) residences. All buildings, including residences, shall meet the following setbacks:

<b>DISTANCE OF STRUCTURE FROM:</b>	<b>REQUIRED DISTANCE:</b>
Front property line or street right of way (whichever is greater)	35 ft.
Side property lines	10 ft.
Side property lines on corner lots	20 ft.
Rear Property line	25 ft.
Other Structures	10 ft.
Structures less than 600 sq. feet from property line	5 ft.

The use of any bona fide farm property for any non-farm purposes shall be subject to the regulations of this Ordinance, with the exception of those uses determined to be agritourism, as defined by this Ordinance. In no case shall structures erected for non-farm purposes be exempt from the North Carolina State Building Code or other applicable local, State, or Federal regulations.

**SECTION 6.0 EFFECTIVE DATE**

This Ordinance shall be effective from and after the date of its adoption by the Harnett County Board of Commissioners.

**SECTION 7.0 INTERPRETATION**

In the interpretation and application of this Ordinance all provisions shall be:

- A. Considered as minimum requirements;
- B. Deemed neither to limit nor repeal any other powers granted under the North Carolina General Statutes; and
- C. In all references to other documents, including but not limited to statutes, plans, and titled works, said references shall be assumed to mean the most current version of that document.

### **SECTION 8.0 CONFLICT WITH OTHER LAWS OR REGULATIONS**

It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between private parties. Wherever the provisions of this Ordinance conflict with the provisions contained in any other local, State, or Federal regulation, the more restrictive provisions shall govern.

### **SECTION 9.0 REPEAL PROVISIONS**

The provisions and requirements of this Ordinance supersede all the provisions and requirements of the pre-existing Harnett County Subdivision Regulations and Zoning, Vested Rights, Flood Damage Prevention, Water Supply Watershed Management and Protection, Manufactured Home Park, Communications Tower, Airport Height Control, and Historic Preservation Ordinances.

### **SECTION 10.0 SEVERABILITY**

If for any reason one or more sections, sentences, clauses, or parts of this Ordinance are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance.

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## **ARTICLE II. NONCONFORMITIES**

### **SECTION 1.0 GENERAL**

Except as specifically provided in this Article, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

- A. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, or adoption of ordinances repealed by this Ordinance, was manifestly designed or arranged to accommodate such uses. However, a nonconforming use may not be extended to additional buildings or to land outside the original buildings.
- B. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if 10 percent (10%) or more of the earth products had already been removed at such time that zoning was adopted at the same location.
- C. Where a nonconforming situation exists, the equipment or processes may be changed if these or similar changes amount only to changes in degree or activity rather than changes in kind and no violations of other Articles of this Ordinance occur.
- D. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
  - 1. An increase in the total amount of space devoted to a nonconforming use; and/or
  - 2. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements.
- E. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged.

### **SECTION 2.0 NONCONFORMING LOT OF RECORD**

A vacant lot of record established prior to the effective date of this Ordinance, or adoption of ordinances repealed by this Ordinance, which does not conform to the minimum lot requirement of the district in which it is located may be used as a building site for a use permitted within that district provided:

- A. All construction and the location of the building(s) shall be in accordance with the applicable front, side, and rear yard requirements of the zoning district in which located.
- B. The existing or proposed water and sewage disposal system is approved by the Harnett County Health Department and Harnett County Department of Public Utilities, as appropriate; and
- C. All uses serviced by a private septic tank system shall have a minimum lot area of not less than 15,000 square feet of suitable or provisionally suitable soil, except in the case of a Manufactured Home Park.

### **SECTION 3.0 NONCONFORMING USE**

The construction or erection of any nonconforming use may be completed provided:

- A. All construction is done pursuant to a validly issued building permit; and/or
- B. If a minor subdivision has been approved and improvements completed (i.e. streets, water, and/or sewer) or a major subdivision has been approved and a multi-section manufactured home has been permitted and occupied on one (1) or more lots in the subdivision prior to adoption of zoning at the same location, then the owner of a lot in any such subdivision may place a multi-section manufactured home on any other lot in the subdivision for residential purposes, provided all requirements of the Ordinance are met regarding

front, side, and rear yard setbacks, and provided the water and sewage disposal systems have been approved by the Harnett County Health Department and the Harnett County Department of Public Utilities, as appropriate.

#### **SECTION 4.0 NONCONFORMING STRUCTURES**

Any structure used for single family residential purposes and maintained as a nonconforming use or structure may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. In particular, a manufactured home may be replaced with a larger manufactured home, and a “single-wide” manufactured home may be replaced with a “double-wide” multi-section manufactured home. This paragraph is subject to the limitations stated in Section “Continuation of Nonconforming Situations” of this Article. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

##### **4.1 Residential Structure Nonconformities**

A residential structure that is nonconforming in any respect and is partially or totally destroyed may be reconstructed or replaced, subject to the following restrictions:

- A. The replacement residential structure is similar in construction and design to the former structure. Provided however, that a stick built, single family residence may only be replaced with another stick built, single family residence and a manufactured home may be replaced with another manufactured home or a stick built, single family residence.
- B. A letter granting approval for the replacement or reconstruction of a damaged residential structure with a similar residential structure is obtained from the Administrator within 12 months from the time the damage or destruction took place.
- C. Notwithstanding Section “General”, Item (D) (above), a larger, single family residential structure may be constructed in place of a smaller one and larger manufactured home intended for residential use may replace a smaller one. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities shall be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building.

##### **4.2 Nonresidential Structure Nonconformities**

Any other structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

- A. A land use and zoning permit is obtained from the Administrator within 12 months from the time the damage or destruction took place.
- B. The total amount of space devoted to a nonconforming use may not be increased.
- C. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities shall be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building.

#### **SECTION 5.0 NONCONFORMING SIGNS**

All nonconforming signs existing on the effective date of adoption of zoning at the location of said

sign may remain in place subject to the following requirements:

### 5.1 Continuation of Nonconforming Signs

A. All existing nonconforming signs shall adhere to the following regulations (excluding Outdoor Advertising /Billboard signs):

1. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message (for example, billboards). However, this Ordinance shall not prohibit the normal maintenance of signs to keep them properly maintained.
2. No nonconforming sign shall be structurally altered so as to change the shape, size, type, or design of the sign, nor shall any nonconforming sign be relocated.
3. The addition of lighting or illumination to existing nonconforming signs is specifically prohibited as reasonable maintenance; however such lighting may be permanently removed from such sign structure.
4. No nonconforming sign shall be allowed to remain after the activity, business, or use to which it was related has been discontinued.

B. Maintenance & Repair of Nonconforming signs

1. Nonconforming signs shall be allowed to perform reasonable repair and maintenance. The following activities are considered to be reasonable repair and maintenance (No Building permit shall be needed to make the following repairs with exception of Items c & e below):
  - a. Change of message or copy on the sign face;
  - b. Replacement of border and trim, stringer, or panel, with like material;
  - c. Repair and replacement of a pole(s), with like material;
  - d. Alterations of the dimensions of painted bulletins incidental to copy change; and
  - e. Any net decrease in the outside dimensions of the advertising copy portion of the sign; but if the sign face or faces are reduced they may not thereafter be increased.
2. A nonconforming sign may continue as long as it is not abandoned, destroyed, discontinued, or significantly damaged as defined by this Ordinance. When the combined damage to the face and support poles appears to be significantly damaged the sign owner shall request the Harnett County Planning Department to review the damaged sign, including salvageable sign components, prior to the repairs being made. Should the sign owner perform repairs without notification to the Planning Department, the permit may be revoked or the sign shall be removed. To determine the percent of damage to the sign structure, the only components to be used to calculate this value are the sign face and support pole(s). The percent damage shall be calculated by dividing the unsalvageable sign components by the original sign structure component quantities, using the following criteria:

a. Signs on Wooden Poles

The percentage of damage attributable to poles shall be 50 percent (50%) and the percentage of damage attributable to sign face shall be 50 percent (50%).

b. Signs on Steel Poles, Beams, or Monopoles

The percentage of damage attributable to poles shall be 80 percent (80%) and the percentage of damage attributable to sign face shall be 20 percent (20%).

C. Nonconforming Outdoor Advertising / Billboard signs

1. As per G.S. 136-133.2, existing nonconforming outdoor advertising signs shall be allowed to be repaired or reconstructed so long as the square footage of its advertising surface area is no increased. This also includes the changing of an existing multipole outdoor advertising structure to a new monopole structure.
2. All nonconforming outdoor advertising signs that are required to be permitted by the North Carolina Department of Transportation, shall maintain all required permits in good standing for the life of the nonconformity. If at any point the NCDOT revokes these permits, the nonconforming sign shall come into compliance with current regulations or be removed.

## 5.2 Removal of Nonconforming Signs

Upon failure to comply with any of the above requirements, the Administrator shall cause the removal of any nonconforming signs as hereafter provided.

- A. The Administrator or his designated agent shall give the owner of the nonconforming sign notice of the violation. Notice to the owner or the occupant of the premises on which the sign is located shall be sufficient.

## 5.3 Exception

Relocation of existing, nonconforming outdoor advertising signs located within the Highway Corridor Overlay (HCO) District shall be exempt from the regulations set forth in this Article, only as provided below:

- A. Relocation of existing, nonconforming outdoor advertising signs shall be permitted in cases where the location of the sign is preventing the location of a new business;
- B. The property on which the outdoor advertising sign is currently located and the proposed new location shall be under the same ownership;
- C. Relocated outdoor advertising signs shall meet Sub-sections “Maximum Display Area”, “Height Regulations”, “Setback Requirements”, and “Lighting” of Section “Outdoor Advertising Signs”;
- D. In regards to spacing requirements, the proposed outdoor advertising sign shall comply with the most recent version of NCDOT’s *Regulations for the Control of Outdoor Advertising in North Carolina*; and
- E. Relocation of the outdoor advertising sign shall not be permitted until the first permit is issued on the new business.

## **SECTION 6.0 NONCONFORMING MANUFACTURED HOME PARKS**

### **6.1 Existing, Unpermitted Manufactured Home Parks**

The purpose of this Section is to provide for the permitting of previously unpermitted, nonconforming manufactured home parks, existing prior to September 15, 2003.

#### *6.1.1 Eligibility*

- A. Application shall be for a minimum of four (4) manufactured homes.

- B. Previously permitted manufactured home parks that are now unpermitted shall not be eligible for permitting under this Section.
- C. Manufactured home subdivisions, unless entirely included under single ownership, are not eligible.
- D. Application shall be for either one (1) parcel of land or two (2) or more contiguous parcels. In no case shall two (2) or more noncontiguous parcels be considered eligible.

*6.1.2 Permitting Procedure*

- A. A complete application shall be submitted to the Harnett County Planning Department. The Planning Department shall establish criteria for a complete application. All requirements shall be submitted with the application.
- B. Upon receipt of a complete application, the Administrator, or his designee, shall conduct a manufactured home park inspection. All requirements included in the “Manufactured Home Park Inspection Checklist”, available at the Planning Department Office, shall be met.
- C. The Administrator shall cause to be issued a provisional certificate of zoning compliance for said application following a passing manufactured home park inspection.

*6.1.3 Initial Zoning Verification Requirements*

- A. Manufactured home parks permitted under the provisions included in this Section shall meet the requirements set forth in Subsection “Standards for New & Altered Manufactured Home Parks” of Section “Manufactured Home Park” of Article V “Use Regulations” and Subsection “Buffering & Landscaping” of Article VII “Development Design Guidelines” of this Ordinance. Parks permitted under said provisions shall be granted a probationary certificate of zoning compliance, valid for a period of 12 months.
- B. At the conclusion of a 12 month period a manufactured home park inspection shall be performed. Passing manufactured home parks shall be issued a standard certificate of zoning compliance. Failure to meet said requirements shall result in the forfeiture of the certificate of zoning compliance.

**6.2 Existing, Permitted Manufactured Home Parks**

The purpose of this Section is to regulate permitted, nonconforming manufactured home parks.

*6.2.1 Parks Existing Prior to September 15, 2003*

Manufactured Home Parks existing prior to September 15, 2003 shall, within 12 months, be required to comply with Subsections “General Provisions” and “Maintenance of Park & Facilities” of Section “Manufactured Home Park” of Article V “Use Regulations”, and Section “Manufactured Home Park Certificate of Zoning Compliance” Section of Article III “Development & Subdivision Review, Permitting, & Approval Requirements” of this Ordinance.

*6.2.2 Alteration & Expansion of Existing Parks*

Existing parks shall not be allowed to alter or expand the number of lots or acreage unless the park receives approval as required by Subsection “Manufactured Home Park Site Plan” of Article III “Development & Subdivision Review, Permitting, & Approval Requirements”, and complies with the requirements set forth in this Ordinance.

*6.2.3 Manufactured Homes*

After September 15, 2003 no manufactured home built prior to July 15, 1976 will be allowed to locate or move within a manufactured home park or within the jurisdiction of Harnett County.

## **SECTION 7.0 NONCONFORMING COMMUNICATIONS TOWERS**

Communications towers existing prior to the adoption of the Communications Tower Ordinance on December 4, 2000 or permitted prior to the adoption of this Ordinance shall be allowed to continue to operate provided they met the requirements set forth by Harnett County at the time of final inspection; not including any communications towers that are currently in violation of this Ordinance and pre-existing Communications Tower Ordinance of Harnett County.

## **SECTION 8.0 CONTINUATION OF NONCONFORMING SITUATIONS**

For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this Article, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) space in a nonconforming manufactured home park for 180 days shall not result in the loss of the right to rent that space thereafter so long as the manufactured home park as a whole is continuously maintained and has a valid certificate of zoning compliance. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a manufactured home is used as a nonconforming use on a residential lot where a conforming residential structure also is located, removal of that manufactured home for 180 days terminates the right to replace it.

### **8.1 Change of Nonconforming Uses**

Any nonconforming use may be changed to a conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in the district. In permitting such changes, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

### **8.2 Abandonment & Discontinuance of Nonconforming Situations**

- A. When a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used only for conforming purposes.
- B. If a structure or operation is vacant or discontinued at the effective date of this Ordinance, the 180 day period, for purposes of this Article, shall begin at such date. In cases when a manufactured home is declared abandoned by the Administrator, such 180 day period shall expire upon official date of said declaration.

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## **ARTICLE III. DEVELOPMENT & SUBDIVISION REVIEW, PERMITTING, & APPROVAL REQUIREMENTS**

### **SECTION 1.0 COMMON REVIEW PROCEDURES**

#### **1.1 Fees**

The Board of Commissioners shall set a fee or fees, payable to Harnett County, North Carolina, to be paid by the applicant/owner(s) to cover the necessary processing, administrative, review, advertising, if applicable, and related costs of all permits and plan reviews. The set fee shall be posted in the County's Planning Department Office.

### **SECTION 2.0 PERMIT REQUIREMENTS**

#### **2.1 Land Use & Zoning Permit**

- A. After the adoption of this Ordinance, it shall be unlawful to establish, move, or alter any use other than a bona fide farm or obtain a permit from the Health Department unless a land use and zoning permit is applied for and issued by the Administrator. The Administrator shall maintain a record of all land use and zoning permits. Failure to obtain a land use and zoning permit shall be a violation of this Ordinance and punishable under Article "Enforcement & Penalties" of this Ordinance. In no case shall a land use and zoning permit be issued for a building, or portion thereof, which is located on a parcel of land that is currently in violation of any provisions of this Ordinance.

##### *2.1.1 Application for Land Use & Zoning Permits*

Owner(s) or owners' agent shall submit application for a land use and zoning permit and all information that is necessary for staff to determine if all requirements of this Ordinance are being met. The land use and zoning permit application shall including the following:

- A. Scale drawing showing the information listed below. A surveyed drawing is required for all lots 10 acres or less;
1. The actual dimensions and shape of the lot to be built upon
  2. The exact sizes and locations on the lot of buildings already existing, if any
  3. The location and dimensions of the proposed building or alteration
- B. Existing or proposed uses of the building and land;
- C. The number of families or rental units the building is designed to accommodate;
- D. Conditions existing on the lot, and such;
- E. Other matters and/or information as may be necessary to determine conformity with, and provide for the enforcement of this Ordinance;
- F. Other information as may be required by the Administrator; and
- G. No deed, conditional sales agreement, or instrument of transfer copy shall be required of any applicant who is making application for property which is the subject of intestate succession.

##### *2.1.2 Distribution of Application*

One (1) copy of the submittal materials shall be kept by the Administrator after he shall have marked such copy either as approved or disapproved and issued a land use and zoning

permit. The second copy of the plans, similarly marked, shall be retained by the Department of Public Health.

### *2.1.3 Construction & Use to be as Stated on Land Use & Zoning Permit*

Land use and zoning permits issued on the basis of plans and applications approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article “Enforcement & Penalties” of this Ordinance.

### *2.1.4 Expiration of Land Use & Zoning Permit*

If the work described in any land use and zoning permit has not begun within 365 days from the date of issuance thereof, said permit shall expire. If after commencement, the work is discontinued for any period of 365 days, the permit shall immediately expire and further work as described in the expired permit shall not proceed unless and until a new land use and zoning permit has been obtained.

### *2.1.5 Right of Appeal*

If a land use and zoning permit is denied, the applicant may appeal within 30 days of the action of the Administrator to the Board of Adjustment.

## **2.2 Temporary Land Use & Zoning Permit**

### *2.2.1 Temporary Events*

A temporary land use and zoning permit may also be issued for temporary events, such as bazaars, carnivals, religious meetings, or seasonal special events, provided that such events shall comply with the requirements for such in Article V “Use Regulations” of this Ordinance.

### *2.2.2 Temporary Recreational Vehicles*

- A. A temporary land use and zoning permit for a recreational vehicle may be issued for a period of 180 days, renewable for an additional 30 days from staff, or longer as approved by the Board of Adjustment if it is deemed reasonable to allow completion of work, when an existing or proposed primary or secondary residence or commercial facility is deemed uninhabitable due to renovation or construction. Application shall be made for a temporary land use and zoning permit before the use is initiated and not prior to application for a building permit for construction of the primary or secondary residence or commercial facility. The temporary land use and zoning permit shall expire 30 days after issuance of a Certificate of Occupancy (CO) for the primary or secondary residence or commercial facility.
- B. One (1) recreational vehicle or travel trailer may be parked on the rear or side yard of a lot where a religious assembly structure is located and said recreational vehicle or travel trailer can be used as living quarters by pastors, evangelists, missionaries, gospel singing groups, or church workers affiliated with said religious assembly structure.

## **2.3 Certificate of Occupancy (CO) & Building Permits**

- A. No new building or part thereof shall be occupied, no addition or enlargement of any existing building shall be occupied, no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector has

issued a certificate of occupancy. The change of occupancy provision shall not apply to rooms intended for transient rental or to re-rental of individual apartment rentals.

- B. Prior to issuance of a certificate of occupancy on all manufactured homes and nonresidential development, a zoning compliance inspection shall be completed under the direction of the Administrator of this Ordinance. In no case shall a building or part thereof be considered compliant with zoning regulations if the Administrator is aware that said structure or property is not in compliance with any applicable State or Federal regulations.
- C. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building.
- D. Application for a certificate of occupancy may be made by the owner(s) or owners' agent after all final inspections have been made for new buildings, or in the case of existing buildings, after supplying the information and data necessary to determine compliance with this Ordinance.
- E. In no case shall a certificate of occupancy be issued for a building, or portion thereof, which is located on a parcel of land that is currently in violation of any provisions of this Ordinance.
- F. In no case shall a building permit be issued for a parcel, or portion thereof, which has been illegally subdivided, pursuant to NCGS 160D-807.

## **2.4 Sign Permit**

The Administrator shall issue a permit for the erection, repair, replacement, or construction of outdoor advertising or business sign which meets the requirements of this Ordinance.

### *2.4.1 Filing Procedure*

Applications for permits to erect, hang, place, paint, replace, repair, or alter the structure of an outdoor advertising or business sign shall be submitted on forms obtainable from the Administrator. Each application shall be accompanied by a plan showing the following:

#### A. Outdoor Advertising Signs

In order for an application to be considered complete the applicant shall submit five (5) copies of a Site Plan drawn to scale and certified by a Professional North Carolina Land Surveyor or Engineer. The site plan for new signs or the repair of existing signs shall contain, at a minimum, those items indicated in the sign site plan requirements of this Ordinance.

#### B. Business Signs

In order for an application to be considered complete the applicant shall submit five (5) copies of a sign site plan drawn to scale. The site plan for all new, damaged, conforming, and nonconforming signs shall contain, at a minimum, those items indicated in the sign site plan requirements of this Ordinance.

#### C. Expiration of an Approved Sign Site Plan

1. Any sign permit that has received final approval shall be valid for a period of 365 days from the date the plan received approval from the Administrator. During this time the sign shall be constructed as approved. Once this period has passed the site plan shall be considered null and void. In the situation where the sign is considered to be conforming the permit may be renewed after the Planning Department has determined that the sign is still a conforming site. Each application for renewal shall constitute a new review of the application and all pertinent fees shall apply.
2. A nonconforming sign shall not be allowed to be renewed, therefore once a nonconforming site plan or permit has expired then the site plan or permit shall be considered to be null and void and the applicant shall repeat the filing process and comply with all regulations

for the placement of a conforming sign.

## **2.5 Watersupply Watershed Development Permit**

Except for a single family residence constructed on a lot deeded prior January 1, 1994, no permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

### *2.5.1 Watershed Protection Permit*

For purposes of this Ordinance, the land use and zoning permit shall serve as the Watershed Protection Permit.

- A. Except where a single family residence is constructed on a lot deeded prior to the effective date of this Ordinance, no building or built-upon area shall be erected, moved, enlarged, or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of this Ordinance.
- B. Watershed Protection Permit applications shall be filed with the Administrator. The application shall include a completed application form and any supporting documentation deemed necessary by the Administrator.
- C. Prior to issuance of a Watershed Protection Permit, the Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.
- D. A Watershed Protection Permit shall expire if a building permit or Watershed Occupancy Permit for such use is not obtained by the applicant within 12 months from the date of issuance.

### *2.5.2 Watershed Protection Occupancy Permit*

For purposes of this Ordinance, the required zoning inspection, performed under the direction of the Administrator, and certificate of occupancy shall serve as the Watershed Protection Occupancy Permit.

- A. The Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected, altered, or moved and/or prior to the change of use of any building or land.
- B. A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within 10 days after the erection or structural alterations of the building.
- C. When only a change in use of land or existing building occurs, the Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.
- D. If the Watershed Protection Occupancy Permit is denied, the Administrator shall notify the applicant in writing stating the reasons for denial.
- E. No building or structure which has been erected, moved, or structurally altered may be occupied until the Administrator has approved and issued a Watershed Protection Occupancy Permit.

### 2.5.3 *Special Nonresidential Intensity Allocation*

A Special Nonresidential Intensity Allocation (SNIA) may be permitted for nonresidential uses. The Harnett County Watershed Review Board is authorized to approve SNIA's as consistent with the provisions of this Ordinance.

## 2.6 Floodplain Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas as determined in Subsection "Basis for Establishing the Areas of Special Flood Hazard" of Section "Flood Damage Prevention" of Article X "Natural Resources."

### 2.6.1 *Application for Floodplain Development Permit*

Application for a floodplain development permit shall be made to the Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Administrator to apply for a floodplain development permit:

- A. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
  1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Subsection "Basis for Establishing the Areas of Special Flood Hazard" of Section "Flood Damage Prevention" of Article X "Natural Resources", or a statement that the entire lot is within the Special Flood Hazard Area;
  3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Subsection "Basis for Establishing the Areas of Special Flood Hazard" of Section "Flood Damage Prevention" of Article X "Natural Resources";
  4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Subsection "Basis for Establishing the Areas of Special Flood Hazard" of Section "Flood Damage Prevention" of Article X "Natural Resources";
  5. The Base Flood Elevation (BFE) where provided as set forth in:
    - a. Subsection "Basis for Establishing the Areas of Special Flood Hazard" of Section "Flood Damage Prevention" of Article X "Natural Resources"; or
    - b. Items "K" and "L" of Subsection "Duties & Responsibilities of the Local Administrator" of Section "Flood Damage Prevention" of Article X "Natural Resources"; or
    - c. Subsection "Standards for Floodplains without Established Base Flood Elevation" of Section "Flood Damage Prevention" of Article X "Natural Resources";
  6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
  7. Certification of the plot plan by a Professional North Carolina Land Surveyor or Engineer.
- B. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
  1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

2. Elevation in relation to mean sea level to which any nonresidential structure in Zone AE, A, or AO will be flood-proofed; and
  3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- C. If floodproofing, a Floodproofing Certificate (*FEMA Form 81-65*) along with detailed back-up computations and operational plans that specify the location on a FIRM panel of flood proofing measures, the entity responsible for transportation and installation according to the design within the warning time available, and maintenance of floodproofing measures assuring their effectiveness when installed. Floodproofing certificate and back-up computations and operational plans shall be certified by a Professional North Carolina Engineer or Architect to ensure that the nonresidential floodproofed development will meet the floodproofing criteria in Item B “Nonresidential Construction” of Subsection “Specific Standards” of Section “Flood Damage Prevention.”
- D. A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
  2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Item D “Elevated Buildings” of Subsection “Specific Standards” of Section “Flood Damage Prevention,” when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- E. Usage details of any enclosed areas below the regulatory flood protection elevation.
- F. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- G. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, stream and riparian buffers, mining, etc.).
- H. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure Items F “Recreational Vehicles” and G “Temporary Nonresidential Structures” of Subsection “Specific Standards” of Section “Flood Damage Prevention” of this Ordinance are met.
- I. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

#### 2.6.2 Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

- A. A description of the development to be permitted under the floodplain development permit;
- B. The Special Flood Hazard Area determination for the proposed development per available data specified in Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “Flood Damage Prevention” of Article X “Natural Resources”;
- C. The regulatory flood protection elevation required for the reference level and all attendant utilities;

- D. The regulatory flood protection elevation required for the protection of all public utilities;
- E. All certification submittal requirements with timelines;
- F. A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, as applicable; and
- G. The flood openings requirements, if in Zones A, AO, AE, or A1-30.

**2.7 Communications Tower Permit**

*2.7.1 Permit (Level I)*

The permit issued by the Administrator as designated by this Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of amateur radio tower.

*2.7.2 Permit (Level II)*

The permit issued by the Administrator as designated by this Ordinance to an individual, corporation, partnership, or other entity to engage in co-location, attached antennas, antenna element replacements, tower mitigation, or new concealed towers, excluding amateur radio towers.

*2.7.3 Permit (Level III)*

The Special Use permit issued by the Administrator (after evidentiary hearing and approval by the Board of Adjustment) as designated by this Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of new towers, excluding amateur radio towers.

*2.7.4 Permit (Level IV)*

The Special Use permit issued by the Administrator (after evidentiary hearing and approval by the Board of Adjustment) as designated by this Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of new towers, specifically broadcast facilities.

*2.7.5 Permit Level Requirements Table*

PERMIT LEVEL	ISSUED BY	PERMIT TYPE	USE
I	Administrator	P	Amateur radio no greater than 50 feet in height
II	Administrator	P	Co-location, attached antennas, replacement and mitigation, and new concealed towers
III	BOA	C	New non-concealed towers
IV	BOA	C	Broadcast facilities

Note: P- Permitted by Right      C- Permitted Conditionally      BOA- Board of Adjustment

*2.7.6 Supplemental Review*

The County reserves the right to require a supplemental review for any Permit (Level I, II, III, or IV) subject to the following:

- A. Where due to the complexity of the methodology or analysis required to review an application for a Permit (Level I, II, III or IV) facility, the County may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Harnett County Fee Schedule.
- B. Based on the results of the expert review, the approving authority may require changes to the

applicant's application or submittals.

- C. The supplemental review may address any or all of the following:
  - 1. The accuracy and completeness of the application and any accompanying documentation.
  - 2. The applicability of analysis techniques and methodologies.
  - 3. The validity of conclusions reached.
  - 4. Whether the proposed communications facility complies with the applicable approval criteria set forth in these codes.
  - 5. Other items deemed by the County to be relevant to determining whether a proposed communications facility complies with the provisions of these codes.

## 2.8 Special Use Permit

The development and execution of this Ordinance is based on the division of the County into districts, within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purposes of the district, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Special Use permit as hereinafter provided.

### 2.8.1 *Initiation of Special Use Permit*

Any person having freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one (1) or more of the Special Uses provided for in this Ordinance in the zoning district in which the land is located.

### 2.8.2 *Application for Special Use Permit*

Application for Special Use permits, signed by the applicant and property owner, shall be presented to the Administrator. Each application shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the proposed use and existing conditions. Special Use permit applications shall include information as to sign type and placement, if applicable. The application shall be forwarded to the Harnett County Board of Adjustment for review at their next available meeting, as determined by the application submittal schedule.

### 2.8.3 *Compliance with Other Codes*

- A. Granting of a Special Use permit does not exempt the applicant from complying with all of the requirements of building codes and other ordinances.
- B. In cases where a Special Use permit is applied for as a means to resolve a violation of this Ordinance, the use shall be ceased at notice of violation and until full compliance with this Ordinance is obtained. That is, approval of the Special Use permit application shall not constitute

a granting to proceed with the use, only that the use approval has been granted and the applicant/owner may begin the permitting process to legally conduct said use.

#### *2.8.4 Revocation*

In any case where the conditions of a Special Use permit have not been or are not being complied with, the Zoning Administrator shall give the permittee notice of intention to revoke such permit at least 10 days prior to a Board of Adjustment review thereof. After conclusion of the review, the Board of Adjustment may revoke such permit.

#### *2.8.5 Expiration*

- A. In any case where a Special Use permit has not been exercised within the time limit set by the Board of Adjustment, or within two (2) years if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed.
- B. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the condition set forth in the permit.

### **2.9 Manufactured Home Park Certificate of Zoning Compliance**

All manufactured home parks shall maintain a valid certificate of zoning compliance. A certificate of zoning compliance issued to the owner of Manufactured Home Park shall constitute the authority to utilize the property as a manufactured home park in accordance with this Ordinance. The certificate of zoning compliance shall expire after a two (2) year period or at the sale of the park to a new owner(s), whichever comes first, and shall be renewed to remain valid. The Planning Department shall withhold all permits to parks without a valid certificate of zoning compliance. Failure to obtain a certificate of zoning compliance within six (6) months of September 15, 2003 shall be subject to Article "Enforcement & Penalties" of this Ordinance.

#### *2.9.1 Issuance of Certificate of Zoning Compliance*

Upon completion of construction of the manufactured home park or each phase, the developer shall then apply for a certificate of zoning compliance.

#### *2.9.2 Amended Certificate of Zoning Compliance*

Any reduction of the total number of lots, shall require the issuance of an amended certificate of zoning compliance. The transfer of a manufactured home space or spaces either by sale or by any other means within the manufactured home park is prohibited.

#### *2.9.3 Department of Public Health*

##### A. Biannual Inspection

All manufactured home parks in Harnett County shall be inspected by the Harnett County Department of Public Health at least once every two (2) years. The certificate of zoning compliance of parks with sewage problems based on current 15A NCAC 18A.1900 may be revoked upon request of the Harnett County Department of Public Health.

## B. Validation of Sanitary Sewage System

Upon determination that an existing sanitary sewage system has a valid operation permit or a valid certificate of completion and is operating properly in a manufactured home park, the Harnett County Department of Public Health shall issue authorization in writing for a manufactured home to be connected to the existing system and to be occupied following the requirements set forth in this Ordinance and by the Harnett County Department of Public Health.

### 2.9.4 *Registration of Occupants*

Every manufactured home park owner shall maintain an accurate register containing a record of all occupants, owner(s) of manufactured homes, and a description of each home in the park. The register shall be available for inspection at all times by authorized County representatives. In accordance with NC General Statute 105-316(a)(1), park owner(s) shall furnish to the County Tax Supervisor a copy of the register before January 1<sup>st</sup> of each calendar year.

## 2.10 Other Governmental Permits

All permits required by local, State, and Federal agencies shall be obtained as appropriate. Refusal or inability to receive permits required by other governmental agencies may result in non-issuance of a Certificate of Occupancy. Failure to obtain proper permits may result in pursuit of a violation, as provided herein.

## 2.11 Permit Expiration

Unless otherwise specified herein, all permits shall be valid for a period of 365 days. This statement shall not apply to building permits.

## **SECTION 3.0 GENERAL DEVELOPMENT REVIEW REQUIREMENTS**

### 3.1 Foundation & Setback Verification Survey

- A. A foundation and setback verification survey shall be performed and certified by a Professional North Carolina Land Surveyor.
- B. A setback verification survey shall be required on all residential lots equal to or less than 15,000 square feet or when the proposed structure is within 10 percent (10%) of any required setback.
- C. The Administrator may require a foundation or setback verification survey in cases where it cannot be determined that required building setbacks are being met on nonresidential lots or on residential lots greater than 15,000 square feet.

### 3.2 General Plat & Vicinity Map Criteria

#### 3.2.1 *Plat Review*

- A. The Harnett County GIS Department shall review all plats to ensure that all roads are legible and correctly identified as set forth in this ordinance.
- B. Any road drawn on a map/plat shall be identified with the approved GIS road name.
- C. Any State maintained road drawn on a map/plat shall be identified with the North Carolina Department of Transportation State road number and the approved GIS road name.
- D. Major highways such as US, NC, and Interstates shall be identified only with the approved GIS road name (example: US 421 N, US 421 S, NC 27 E, NC 27 W, I-95 etc.)

- E. New or existing easements shall be reviewed to determine if a new street name is required. This shall be determined by the number of lots, the placement of the lots, existing homes, and addresses located on the easement.

### 3.2.2 *Vicinity Map*

- A. Any State maintained road drawn on the vicinity map shall be identified with the NCDOT state road number.
- B. Major highways such as US, NC, and Interstate shall be identified as US 421, US 401, etc, NC 27, NC 210, etc, and I-95.
- C. Roads that are not State maintained shall be identified with the approved GIS road name.

## 3.3 Traffic Impact Analysis

A traffic impact analysis shall be submitted to the Planning Department as part of the site plan submittal for all developments and subdivisions if required by NCDOT and/or with all regional site plans, as defined by this Ordinance.

## **SECTION 4.0 SITE PLAN REVIEW REQUIREMENTS**

### 4.1 General Site Plan Requirements

#### 4.1.1 *Site Plan Review Exemptions*

The following activities or uses shall be exempt from a site plan review, unless such site plan is required elsewhere within this Ordinance:

- A. Public Projects

The construction of any public street or utility service line, whether publicly or privately owned, as part of a public project.

- B. Maintenance

Maintenance of any structure is exempt from site plan review.

- C. Bona Fide Farm

The use or intended use of land, with or without accessory structures, for purposes of agriculture, raising of crops or animals, forestry, mariculture, and the like.

- D. Home Occupations

As defined in the “Definitions” Article of this Ordinance.

- E. Accessory Structures Integral to Permitted Development

Any accessory structure or use, whether temporary or permanent, integral to an approved development permitted in accordance with the provisions of this title. Such accessory structure or use shall comply with the design standards and all other sections of this title. In situations where the size or use of the accessory structure can be considered detrimental to public safety the Administrator may require the applicant to submit a site plan.

- F. Temporary Uses, Nonmaterial

Those activities of short or temporary duration that do not materially affect the area’s natural environment, parking requirements, transportation patterns, public health, or economic values shall be reviewed for approval by the Administrator.

#### 4.1.2 *Site Plan Expiration*

Any site plan that has received approval shall be valid for a period of 365 days from the date the plan received approval from the Administrator or Development Review Board. Any conditional approval or hold decision for a site plan made by the DRB or Administrator shall be valid for a period of 90 days from the date on which the decision was made. It shall be the applicant's responsibility to obtain full approval during said period. Once this period has passed the site plan shall be considered null and void unless vested rights have been established in accordance with this Ordinance. In these instances, a new review shall be obtained.

#### 4.1.3 Right of Appeal

If any site plan has been denied by the Administrator or Development Review Board the applicant has 30 days to appeal the action of the Administrator or Development Review Board to the Board of Adjustment. Beyond the decision of the Board of Adjustment, recourse shall be to the courts as provided by law.

#### 4.1.4 Site Plan Requirements

In order for a site plan to be considered complete, the applicant shall submit a site plan according to the table below. A professional survey drawn site plan shall be required for all multifamily residential, and neighborhood, community, and regional site plans. A survey drawn site plan shall be required for minor site plans if located in the Highway Corridor or Military Overlay Zoning District, or within the Airport Height Control, Water Supply Watershed, or Flood Plain regulations, or if the development is located on a nonconforming lot of record or structural nonconformity.

	SINGLE-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MINOR SITE PLAN	NEIGHBORHOOD SITE PLAN	COMMUNITY SITE PLAN	REGIONAL SITE PLAN
<b>TITLE BLOCK INFORMATION</b>						
Name of Project & Date (Including all Revision Dates)	X	X	X	X	X	X
Applicant/Owner(s) Contact Information (Name, Address, & Phone)	X	X	X	X	X	X
Surveyor/Engineer Contact Information (Name, Address, & Phone)	X*	X		X	X	X
Parcel ID Number/Tax ID of Tract(s)		X	X	X	X	X
Deed Reference of Tract(s)	X	X	X	X	X	X
Zoning Classification of Tract(s)	X	X	X	X	X	X
Overlay Zoning Classification & Required Notation (If Applicable)		X		X	X	X
Airport Zone Notification (If Applicable)		X	X	X	X	X
Location (Including Township, County, & State)		X	X	X	X	X
Flood Plain Depicted & Noted (Zone, Map Number, & Effective Date)	X	X	X	X	X	X
Watershed District Noted & Extent of Coverage Depicted	X	X	X	X	X	X
Land Use Classification of Tract(s)				X	X	X
<b>GENERAL REQUIREMENTS</b>						
Map Size 18" X 24" & Scale 1"=200' or Larger		X		X	X	X
Scale 1" = 40' or Larger	X		X			
North Point, Graphic Scale, & Vicinity Map		X	X	X	X	X

	SINGLE-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MINOR SITE PLAN	NEIGHBORHOOD SITE PLAN	COMMUNITY SITE PLAN	REGIONAL SITE PLAN
Name(s) & Location(s) of Adjacent Property Owner(s) & Use(s)		X	X	X	X	X
Existing Boundaries of Tract(s) Showing Bearings & Distances	X	X	X	X	X	X
Gross Acreage of Development	X	X	X	X	X	X
Building Envelope & Required Setbacks	X	X	X	X	X	X
Name(s) & Right(s)-of-way of Streets & State Road Number(s), Including Notation of Public or Private	X	X	X	X	X	X
Name, Location, Width, & Acreage of All Additional Easement(s) & Right(s)-of-way Within or Adjacent to Site With Explanation of Purpose & Maintenance Responsibility	X	X	X	X	X	X
Right-of-Way Notation in compliance with CTP		X		X	X	X
Existing Structure(s) Located on Site	X	X	X	X	X	X
Existing & Proposed Utilities		X		X	X	X
Signage Location, Easement, Type, & Size		X	X	X	X	X
Conceptual Plan		X		X	X	X
Driveways, Sidewalks, & Other Permanent Ground Cover	X					
Water Features Depicted, as Found on USGS Quadrangles & Harnett County Soil Survey		X		X	X	X
Required Stream Buffers/Setbacks Around Each Water Feature		X		X	X	X
Predevelopment Meeting		X		X	X	X
Additional Information Required by the Administrator	X	X	X	X	X	X
<b>BUFFERING REQUIREMENTS</b>						
Buffering Regulations		X	X	X	X	X
Streetscape Buffer (Width, Landscaping Type, & Maintenance Responsibility)		X		X	X	X
<b>STORMWATER MANAGEMENT</b>						
Drainage Easement(s) & Maintenance Responsibility		X		X	X	X
Stormwater Management Permit and Plan Submitted		X		X	X	X
Permanent Stormwater BMP Measures Shown		X		X	X	X
Stormwater Management Plan Calculations Noted		X		X	X	X
Erosion Control Plan Submitted		X		X	X	X
Stormwater Management Statement		X		X	X	X
Copy of Erosion Control Plan, if Required		X		X	X	X
Copy of Approved DENR & Stormwater Plan (If Applicable)		X		X	X	X
<b>NATURAL &amp; ENVIRONMENTAL</b>						
Topography (Max Contour Levels of 5')		X		X	X	X
Impervious Surface (% Coverage of Lot) if Applicable		X		X	X	X
Name(s) & Location(s) of Property or Buildings on the National Register of Historic Places or Locally Designated Historic Property		X		X	X	X
Wetlands Delineated		X		X	X	X
Natural Feature(s) Located on Site		X		X	X	X
Soils Report Provided		X		X	X	X

	SINGLE-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MINOR SITE PLAN	NEIGHBORHOOD SITE PLAN	COMMUNITY SITE PLAN	REGIONAL SITE PLAN
Open Space Calculations & Totals Noted		X				
<b>DEVELOPMENT REQUIREMENTS</b>						
Parking Lot Material & Space Typical		X		X	X	X
Curb & Gutter Shown & Noted		X		X	X	X
Parking Plan						X
Cul-De-Sac Diameter		X		X	X	X
All Parking Areas on Site (Based on Type of Business and/or Sq. Ft.)		X		X	X	X
Existing & Proposed Fencing, Screening, Gate(s) and/or Dock(s)		X		X	X	X
Existing & Proposed Mechanical Areas		X		X	X	X
Existing & Proposed Utility Areas		X		X	X	X
Existing & Proposed Trash Containment Areas		X		X	X	X
Fire Hydrant(s) & Light(s) Noted & Depicted		X		X	X	X
Hours & Days of Operation			X	X	X	X
Hazardous Materials to be Stored on Site (If Applicable)			X	X	X	X
Spillage & Pollution Prevention & Response Methods (If Applicable)			X	X	X	X
Traffic Impact Analysis						X
Detailed Description of Recreational Facilities if Provided		X				
All Required Amenities Shown, Including Typicals		X		X	X	X
HOA Documents Reference All Improvements to be Maintained		X				
Homeowners Association Bylaws & Covenants to be Imposed		X				
Foundation & Setback Verification Survey Requirement Noted (If Applicable)	X					
Structure Type Noted			X	X	X	X
Building Elevations (If Applicable)			X	X	X	X
<b>CERTIFICATIONS</b>						
Ownership, Dedication, & Jurisdiction	X	X	X	X	X	X
Professional North Carolina Land Surveyor or Engineer		X		X	X	X
NCDOT (Driveway Permit Approval)		X		X	X	X
Harnett County Development Review Board (If Applicable)		X		X	X	X
<b>FEES</b>						
All Review Fees Paid	X	X	X	X	X	X
Verification of Street Sign Purchase (If Applicable)		X		X	X	X
<b>REQUIRED INSPECTION</b>						
Streets Installed in Accordance with DOT Standards		X		X	X	X
Parking Area and Drive Isle Installed as Required		X	X	X	X	X
Amenities Installed as Required (EX-Street Trees, Sidewalks, Etc.)		X	X	X	X	X
Drainage Easements are Stabilized Without Possible Erosion		X		X	X	X
Lighting Installed as Required		X	X	X	X	X
Fire Hydrants Installed where 6" Public Water Lines Exist		X		X	X	X
Necessary Buffering &/or Landscaping in Place or Security Guaranteed		X	X	X	X	X

## 4.2 Single Family Residential Site Plans

Single family residential site plans shall be approved by the Administrator and may be required to provide professionally drawn site plans, in accordance with this Section or as determined by the Administrator.

### 4.2.1 Required Site Plan

The Administrator shall assume no responsibility for any errors or absent information on the required site plan.

A. A professionally drawn site plan shall be required in cases if any of the following conditions apply:

1. The proposed lot is less than 15,000 square feet; or
2. The proposed lot is located within an identified watershed with impervious surface limitations; or
3. The Floodplain Administrator is unable to determine whether or not the proposed structure is located within a floodplain; and/or
4. The proposed structure is within 10 percent (10%) of the required setback.

All features for the lot to be developed that are identified on the recorded plat for such lot shall be identified on the required site plan, including but not limited to easements, wetlands, and building setbacks.

B. In no case shall the Administrator assume responsibility for drawing or assisting in creating a site plan, drawn to engineer's scale, if any of the following conditions apply:

1. The applicant is a licensed, general contractor; or
2. The proposed lot contains a recorded easement, other than for ingress/egress.

C. Accessory Structures & Additions

A site plan, meeting the requirements of this Section, shall be required for all accessory structures and additions and shall meet the regulations listed above.

### 4.2.2 Required Submittal Materials

A deed or offer to purchase on the site of the proposed development shall be submitted with the required site plan.

## 4.3 Multifamily Residential Site Plans

All proposed multifamily developments, unless expressly exempted herein, shall be subject to site plan review by the Development Review Board. No building permits shall be issued until site plan approval has been granted.

## 4.4 Nonresidential Site Plans

All proposed nonresidential developments, unless expressly exempted herein, shall be subject to site plan review by the Administrator or Development Review Board. No building permits shall be issued until site plan approval has been granted. Construction plan/drawing review for nonresidential site plans shall take place at the building plan review, unless otherwise required.

### 4.4.1 Minor Site Plan

Minor site plans shall be reviewed by the Administrator.

#### *4.4.2 Neighborhood Site Plan*

Neighborhood site plans shall be reviewed by the Development Review Board.

#### *4.4.3 Community Site Plan*

Community site plans shall be reviewed by the Development Review Board.

#### *4.4.4 Regional Site Plan*

Regional site plans shall be reviewed by the Development Review Board.

### **SECTION 5.0 MANUFACTURED HOME PARK SITE PLAN REVIEW REQUIREMENTS**

Prior to submitting an application to the Harnett County Board of Adjustment and Development Review Board, the developer(s) shall submit an application for a land use & zoning permit, accompanied by a preliminary site plan, and other requirements and fees as applicable, to the Administrator for review. The Administrator shall perform said review as a courtesy to advise the owner(s) of any changes or additions that may be necessary to bring the proposal into compliance with this Ordinance. Following, or in conjunction with, the Administrator review, the owner(s) may request an onsite consult with the Administrator.

#### **5.1 Approval & Denial of Manufactured Home Park Site Plan & Application**

##### *5.1.1 Approved Plan*

After receiving approval of the manufactured home park plan, from the Harnett County Board of Adjustment, Development Review Board, and other relevant agencies, the Planning Department shall issue the land use & zoning permit.

##### *5.1.2 Denied Plan*

If the park plan fails to receive approval, the reasons for such action and the recommended changes shall be provided in writing to the developer(s) or his agent.

#### **5.2 Extension & Expiration of Approval**

At a minimum, 10 percent (10%) of the total cost of construction of the manufactured home park shall have begun within one (1) year of issuance of the land use & zoning permit. If less than 10 percent (10%) of the total cost of construction has not begun within 12 months from the issued date of the land use & zoning permit, the Board of Adjustment may grant an extension of the permit if it concludes that the permit has not yet expired, and if the applicant shows reasonable cause for delay, or that conditions have not changed so substantially as to warrant a new application, not to exceed two (2) years. However, the Board of Adjustment has the authority to require the proposed park to resubmit their plan.

If, after some physical alteration to land or structures begin to take place, such work is discontinued for a period of 12 months, then the permit shall immediately expire.

#### **5.3 Manufactured Home Park Site Plan Requirements**

In order for a site plan to be considered complete, the applicant shall submit a site plan according to the table below. A professional survey drawn site plan shall be required for all manufactured

home park site plans.

	<b>BOARD OF ADJUSTMENT SITE PLAN</b>	<b>DEVELOPMENT REVIEW BOARD SITE PLAN</b>	<b>PARK ALTERATION SITE PLAN</b>	<b>EXISTING, UNPERMITTED PARK SITE PLAN</b>
<b>TITLE BLOCK INFORMATION</b>				
Name & Address of Manufactured Home Park & Date (Including All Revision Dates)	X	X	X	X
Applicant/Owner(s) Contact Information (Name, Address, & Phone)	X	X	X	X
Professional Surveyor/Engineer Contact Information (Name, Address, & Phone)	X	X	X	
Parcel ID Number/Tax ID of Tract(s)	X	X	X	X
Deed Reference of Tract(s)	X	X	X	X
Zoning Classification of Tract(s)	X	X	X	X
Overlay Zoning Classification & Required Notation (If Applicable)	X	X	X	
Airport Zone Notification (If Applicable)	X	X	X	X
Location (Including Township, County, & State)	X	X	X	X
Flood Plain Depicted & Noted (Zone, Map Number, & Effective Date)	X	X	X	X
Watershed District Noted & Extent of Coverage Depicted	X	X	X	X
Stormwater Calculations Noted		X		
<b>GENERAL REQUIREMENTS</b>				
Map Size 18" X 24" & Scale 1"=200' or Larger	X	X	X	
North Point, Graphic Scale, & Vicinity Map	X	X	X	
Name(s) & Location(s) of Adjacent Property Owner(s) & Use(s)	X	X	X	X
Existing Boundaries of Tract(s) Showing Bearings & Distances	X	X	X	X
Gross Acreage of Development	X	X	X	X
Name(s) & Right(s)-of-way of Adjacent Streets & State Road Number(s), Including Notation of Public or Private	X	X	X	X
Name, Location, Width, & Acreage of Additional Easement(s) & Right(s)-of-way Within or Adjacent to Site	X	X	X	X
Right-of-Way Notation in compliance with CTP	X	X	X	
Building Envelope & Required Setbacks	X	X	X	
Existing & Proposed Utilities (Including Water Supply & Sewage Disposal Facilities)		X	X	X
Signage Location, Easement, Type, & Size		X	X	X
Existing Structure(s) Located on Site	X	X	X	X
All Structures to be Located on the Park Site	X	X	X	X
Easements, Open Space, & Areas Other Than for Residential Use with Explanation of Purpose & Maintenance Responsibility	X	X	X	X
Predevelopment Meeting	X		X	
Additional Information Required by the Administrator	X	X	X	X
<b>BUFFERING REQUIREMENTS</b>				
Buffer (Location, Width, and Type of Screening Option Utilized)	X	X	X	X
Street Trees	IF APPLICABLE	IF APPLICABLE	IF APPLICABLE	IF APPLICABLE
<b>STORMWATER MANAGEMENT</b>				
Drainage Easement(s) & Maintenance Responsibility		X	X	
Permanent Storm Water BMP Measures Shown		X	X	

	BOARD OF ADJUSTMENT SITE PLAN	DEVELOPMENT REVIEW BOARD SITE PLAN	PARK ALTERATION SITE PLAN	EXISTING, UNPERMITTED PARK SITE PLAN
Storm Water Management Plan Calculations Noted		X	X	
<b>DEVELOPMENT REQUIREMENTS</b>				
Total Number of Lots Proposed	X	X	X	X
Individual Lot Dimensions		X	X	
Net Acreage for Each Lot	X	X		
Address and/or Lot Number for Each Lot (As Approved by Harnett County GIS)	X	X	X	X
Lot & Block Numbers in Consecutive Order	X	X	X	X
Phase Plan (If Applicable)		X	X	
Fire Hydrant(s) & Light(s) Noted & Depicted		X		
Topography (Max Contour Levels of Ten Feet (10'))		X		
Impervious Surface (% Coverage of Lot)		X	X	
Street(s) (Including Name, Location, Width, Linear Feet, and Note Either Public or Private)	X	X	X	X
Cul-De-Sac Diameter	X	X	X	
Traffic Circulation (Including Arrows Indicating Any One (1) Way Streets)	X	X	X	
Sidewalks (Including Location, Width, Thickness, & Slope)		X	X	
Detailed Description of Recreational Facilities if Provided	X	X	X	
Natural Feature(s) Located on Site (Including Wooded Areas, Wetlands, and Bodies of Water)	X	X	X	X
Traffic Impact Analysis, If Completed	X	X		
Off Street Parking Pads (Including Material & Typical)	X	X	X	
Existing & Proposed Trash Containment Areas (If Applicable)	X	X	X	X
<b>CERTIFICATIONS</b>				
Harnett County Development Review Board (If Applicable)		X	X	X
Ownership, Dedication, & Jurisdiction		X	X	X
Professional North Carolina Land Surveyor or Engineer		X	X	

#### 5.4 New Manufactured Home Park Site Plan

In addition to the requirements listed in “Manufactured Home Park Site Plan Requirements”, above, and applicable fees, the following items shall be submitted with all new manufactured home park requests:

##### 5.4.1 Board of Adjustment Submittal Requirements

All materials required for a Special Use permit shall be submitted, along with the following:

- A. Solid waste disposal plan
- B. Street name approval letter, provided to owner(s) by Harnett County GIS.
- C. Preliminary soils report

##### 5.4.2 Development Review Board Submittal Requirements

- A. Approved driveway permit required by the North Carolina Department of Transportation

(NCDOT)

- B. Engineered Storm Water Drainage Plan
- C. Certification of approval of water supply system and sewage collection systems by local, State, and Federal agencies as appropriate.
- D. Final soils report
- E. Any conditions that the Board of Adjustment attached to the project shall be indicated as appropriate.

### **5.5 Manufactured Home Park Alteration Site Plan**

The Administrator may waive one (1) or more of the site plan requirements listed for manufactured home park alterations in cases of manufactured home park reductions or conversions from manufactured home lots to recreational vehicle (RV) lots.

- A. Reduction shall be via the most appropriate method available, according to the size and type of the same, and shall be as follows:

- 1. Administrative Review

- Park owner(s) may reduce the number of lots within the manufactured home park via administrative approval. Said reduction shall not result in a decrease in the total acreage of the park.

- 2. Development Review Board Review

- Owner(s) may apply for Development Review Board approval of a reduction in the total acreage, in addition to the reduction of the number of lots, of a manufactured home park. Such application shall be made in accordance with established application requirements and deadline and shall, at a minimum, meet the following requirements:

- a. Revised site plan shall be submitted for review and approval by Development Review Board, indicating lots and acreage to be terminated from use in said park.
      - b. Every effort shall be made for uniform reduction in size of the manufactured home park. If such effort is not made, the recommendation made by the Development Review Board regarding the application may be to forward the request to the Board of Adjustment for a final decision.

- 3. Approval of Reduction

- All lots to be removed from said park shall be vacated prior to issuance of an amended certificate of zoning compliance.

### **SECTION 6.0 SIGN SITE PLAN REVIEW REQUIREMENTS**

A sign site plan shall be required, as outlined in Section “Sign Requirements” of Article VII “Development Design Guidelines” or elsewhere in this Ordinance. The sign site plan shall be submitted in accordance with the procedures listed herein and shall meet the requirements of this Section.

#### **6.1 Sign Site Plan Requirements**

In order for a site plan to be considered complete, the applicant shall submit a site plan according to the table below:

	BUSINESS SIGN SITE PLAN	BILLBOARD REPAIR SITE PLAN	NEW BILLBOARD SITE PLAN
<b>TITLE BLOCK INFORMATION</b>			
Name of Project & Date (Including all Revision Dates)	X	X	X
Applicant/Owner(s) Contact Information (Name, Address, & Phone)	X	X	X
Surveyor/Engineer Contact Information (Name, Address, & Phone)	X	X	X
Parcel ID Number/Tax ID of Tract(s)	X	X	X
Deed Reference of Tract(s)	X	X	X
Zoning Classification of Tract(s)	X	X	X
Location (Including Township, County, & State)	X	X	X
Flood Plain Depicted & Noted (Zone, Map Number, & Effective Date)	X	X	X
Watershed District Noted & Extent of Coverage Depicted	X	X	X
Land Use Classification of Tract(s)			
<b>GENERAL REQUIREMENTS</b>			
Map Size 18" X 24" & Scale 1"=200' or Larger		X	X
North Point, Graphic Scale, & Vicinity Map		X	X
Name(s) & Location(s) of Adjacent Property Owner(s) & Use(s)	X	X	X
Existing Boundaries of Tract(s) Showing Bearings & Distances		X	X
Gross Acreage of Development	X	X	X
Name(s) & Right(s)-of-way of Streets & State Road Number(s), Including Notation of Public or Private	X	X	X
Name, Location, Width, & Acreage of Additional Easement(s) & Right(s)-of-way Within or Adjacent to Site	X	X	X
Building Envelope & Required Setbacks	X	X	X
Existing & Proposed Utilities			
Signage Location, Easement, Type, & Size	X	X	X
Existing Structure(s) Located on Site	X	X	X
Wetlands Delineated			
Easements, Open Space, & Areas Other Than for Residential Use with Explanation of Purpose & Maintenance Responsibility	X	X	X
Additional Information Required by the Zoning Administrator	X	X	X
<b>DEVELOPMENT REQUIREMENTS</b>			
Minimum Lot Size & Width			
Lot Lines & Building Lines Showing Bearings & Distances			
Topography (Max Contour Levels of 5')			
Name(s) & Location(s) of Property or Buildings on the National Register of Historic Places or Locally Designated Historic Property			
Natural Feature(s) Located on Site			
All Required Amenities Shown; Including Typical			
<b>CERTIFICATIONS</b>			
Ownership, Dedication, & Jurisdiction	X	X	X

	BUSINESS SIGN SITE PLAN	BILLBOARD REPAIR SITE PLAN	NEW BILLBOARD SITE PLAN
Professional North Carolina Land Surveyor or Engineer	X	X	X
<b>FEES</b>			
All Review Fees Paid	X	X	X
<b>REQUIRED INSPECTION</b>			
Lighting Installed as Required			
Amenities Installed as Required			
<b>SITE PLAN ONLY</b>			
Conformity status noted	X	X	
Explanation of Need for Repair (Which, if Any, Components are Salvageable) and % of Damage to Total Area		X	
Structural drawings of proposed repairs noting existing and proposed material (Chief Building Inspector may require Professional Engineer Stamp)		X	
Illumination Method, if any	X	X	X
Size, Character, General Layout, and Design for Proposed Displays	X	X	X
Structural Drawings of Proposed Sign, Certified by a Professional Engineer	X	X	X
Type/Material of Proposed Sign (EX-Mono, Wood, Steel, Etc.)	X	X	X

**SECTION 7.0 PLANNED UNIT DEVELOPMENT & OFFICE & INSTITUTIONAL DEVELOPMENT PLAN REVIEW REQUIREMENTS**

**7.1 Development Plan Requirements**

In order for a site plan to be considered complete, the applicant shall submit a development plan according to the table below. The criteria listed below may be provided in either narrative or illustrative form, or both as applicable.

	PUD DEVELOPMENT PLAN	O&I DEVELOPMENT PLAN
<b>TITLE BLOCK INFORMATION</b>		
Name of Project & Date (Including all Revision Dates)	X	X
Applicant/Owner(s) Contact Information (Name, Address, & Phone)	X	X
Surveyor/Engineer Contact Information (Name, Address, & Phone)	X	X
Parcel ID Number/Tax ID of Tract(s)	X	X
Deed Reference of Tract(s)	X	X
Zoning Classification of Tract(s)	X	X
Overlay Zoning Classification & Required Notation (If Applicable)		X
Airport Zone Notification (If Applicable)	X	X
Location (Including Township, County, & State)	X	X
Flood Plain Depicted & Noted (Zone, Map Number, & Effective Date)	X	X
Watershed District Noted & Extent of Coverage Depicted	X	X
Land Use Classification of Tract(s)	X	X

	<b>PUD DEVELOPMENT PLAN</b>	<b>O&amp;I DEVELOPMENT PLAN</b>
<b>GENERAL REQUIREMENTS</b>		
Name(s) & Location(s) of Adjacent Property Owner(s) & Use(s)	X	X
Gross Acreage of Development	X	X
Name(s) & Right(s)-of-way of Existing Streets & State Road Number(s), Including Notation of Public or Private	X	X
Right-of-Way Notation in compliance with CTP	X	X
Existing & Proposed Utilities & Impact on Such, Including Capacity Availability	X	X
Existing Structure(s) Located on Site	X	X
Wetlands Delineated	X	X
Predevelopment Meeting	X	X
Additional Information Required by the Administrator	X	X
<b>BUFFERING REQUIREMENTS</b>		
Buffering Regulations	X	X
<b>STORMWATER MANAGEMENT</b>		
Permanent Storm Water BMP Measures Shown		X
<b>DEVELOPMENT REQUIREMENTS</b>		
Total Number of Lots Proposed	X	X
Minimum Lot Size & Width		X
Typical Lot Size & Width		X
Proposed Land Uses	X	X
Total Acreage per Land Use	X	X
Phase Plan (If Applicable)		X
Total Square Footage per Nonresidential Building, if Applicable		X
Topography (Max Contour Levels of 5')		X
Impervious Surface (% Coverage of Lot)		X
Name(s) & Location(s) of Property or Buildings on the National Register of Historic Places or Locally Designated Historic Property	X	X
Natural Feature(s) Located on Site	X	X
Proposed Lighting & Analysis		X
Traffic Circulation & Patterns, Including Vehicular Travel, Parking, Bicycle, & Pedestrian Access Management	X	X
Proposed Ownership of Street Right(s)-of-Way & Responsibility for Maintenance Thereof	X	X
Traffic Impact Analysis, If Completed	X	X
Open Space Calculations & Totals Noted	X	X
Means of Dedication & Organization Arrangement for Ownership & Maintenance of Open Space		X
<b>CERTIFICATIONS</b>		
Professional North Carolina Land Surveyor or Engineer	X	X
<b>FEES</b>		
All Review Fees Paid	X	X

## **7.2 Planned Unit Development**

The following submittal and review procedures shall be followed for proposed planned unit developments. Additional application submittal requirements, design standards, and review and approval criteria for planned unit developments can be found in Subsection “Planned Unit Development” of Article V “Use Regulations” of this Ordinance.

### *7.2.1 Submittal Procedure*

The procedure for approval of a planned unit development shall combine the Special Use permit review process and the subdivision plat and site plan review processes, as outlined by this Ordinance. All applications for Special Use permits for PUDs shall be submitted a minimum of 60 days prior to the Board of Adjustment meeting. An outline development plan for the entire development, described below, shall be prepared and submitted along with a Special Use permit application and all other required documentation.

### *7.2.2 Staff Review*

Upon receipt of a complete application, Planning Staff will conduct a review of the outline development plan and other required materials. The outline development plan and required documents may also be review and commented on by other County Departments, as applicable.

### *7.2.3 Final PUD Document Submittal*

Following approval of a planned unit development application, revised and final documentation shall be submitted to the Planning Department. Said submittal shall be made within 30 business days of approval by the Board of Adjustment and shall include the documents listed below, including all revisions required as part of the review and approval process.

- A. Cover Letter
- B. Outline Development Plan
- C. Site Plan

## **7.3 Office & Institutional Development Plan**

### *7.3.1 Application Submittal Requirements*

- A. Specific descriptions of proposed development with building locations, building sizes, parking arrangements, and description of building heights with consideration of impact on adjacent areas. See “Development Plan Requirements” below.
- B. Analysis of impacts resulting from proposed development, along with options to mitigate impacts relating to:
  - 1. Transportation management (traffic, parking, bikes, pedestrians)
  - 2. Stormwater management analysis (quantity and quality)
  - 3. Watershed requirements (impervious surface)
  - 4. Lighting analysis
  - 5. Perimeter buffering and landscaping
  - 6. Water and sewer impacts
- C. Preliminary timetable and sequencing schedule for building construction and for related mitigation measures.

### 7.3.2 *Design Standards*

#### A. District Dimensional Requirements

##### 1. Minimum Area

Shall have a minimum of five (5) acres in a single lot or multiple contiguous lots that total acreage equals or exceeds five (5) acres.

##### 2. Minimum Required Setbacks

All structures shall be setback a minimum of 35 feet from all State maintained right(s)-of-way and all property lines that adjoin the perimeter transition area.

#### B. Parking & Off-Street Loading Requirements

1. The number of parking spaces required for Office & Institutional developments shall be tied to the development's documentation of adequate parking availability that is approved by the Planning Board.

2. All parking and off-street loading areas shall meet the applicable development standards of "Parking & Off-Street Loading Requirements" Section of this Ordinance.

#### C. Environment

Development proposed in the development plan shall minimize impacts on natural site features, and be accompanied by measures to mitigate those impacts.

#### D. Transportation

Development proposed in the development plan shall be accompanied by measures to mitigate transportation impacts that are caused by the development.

#### E. Stormwater Management

Development proposed in the development plan shall be accompanied by measures to mitigate stormwater impacts (quantity and quality) that are caused by the development and shall comply with all regulations related to stormwater management of this Ordinance.

#### F. Public Utilities

There shall be a general demonstration that water, sewer, and other needed utilities can be made available to accommodate development proposed in the development plan. A certification letter from the Harnett County Public Utilities shall be submitted along with the development plan.

#### G. Perimeter Buffering & Landscaping

Areas located within the perimeter transition areas shall provide a detailed analysis of all proposed screening techniques according to the standards set forth below.

#### H. Sidewalks & Pedestrian Ways

Shall be required from building to building and along the development perimeter to insure that pedestrian traffic moves safely and orderly from point to point. Such routes shall be submitted and approved by the Planning Board as part of the development plan.

#### I. Watershed Requirements

Where applicable all proposed developments shall take into consideration watershed requirements. Therefore a detailed analysis of the current and proposed impact on the watershed along with certification that the proposed development will meet all watershed regulations especially in regards to impervious surface calculations shall be approved with the development plan.

## J. Perimeter Transition Areas & Design Standards

A development plan shall designate a 35 foot wide area at the boundaries of the O&I District. This area shall be referred to as the perimeter transition area which will establish appropriate standards at the borders of the development plan, necessary to minimize impacts of development proposed in the development plan on adjacent property, to be approved by the Planning Board as part of the development plan. Standards shall address:

### 1. Screening of Mechanical Equipment & Trash Containment Areas

All screening mechanical equipment and trash containment areas located within the perimeter transition area or visible from the public right(s)-of-way shall be screened from view using one (1) of the techniques listed in Subsection “Utility & Mechanical Screening”, Section “Buffers & Landscaping” of Article VII “Development Design Guidelines” of this Ordinance.

### 2. Exterior lighting shall be installed as to protect the streets and neighboring properties from direct glare or hazardous interference of any kind.

### 3. Buffering

Structures built within the perimeter transition area that adjoin residentially zoned or used property or adjoin a public right-of-way shall be buffered using one (1) of the techniques given for a “Type A Buffer” as defined in the “Buffers & Landscaping” Section of this Ordinance; however the buffering shall only apply to the property line(s) that adjoin the residentially zoned or residentially used property. Further this buffering shall adequately cover enough area to ensure the maximum amount of buffer is given to the adjacent residential use or zoning.

### 4. Parking

Parking lots located within the perimeter transition area that adjoin public street right(s)-of-way or are adjacent to residentially zoned or used property shall be landscaped or otherwise screened using one of the techniques given in the “Parking & Off-Street Loading Requirements” Section of this Ordinance to minimize views of parking from the street and adjoining properties. Further these parking areas shall be set back a minimum of 10 feet from the right(s)-of-way or property line(s).

### 7.3.3 *Application Submittal Procedures*

- A. Applications for a development plan shall be filed with the Administrator. Subsequent required site specific development plans and permits shall be submitted in accordance with the requirements of this Ordinance.
- B. The Administrator shall prescribe the form(s) of applications as well as any other material he/she may reasonably require to determine compliance with this Section. Applications shall include information detailing compliances with regulations described in all subsections of this Part.

### 7.3.4 *Review Procedures*

- A. Applications for development plan approval shall be reviewed by the Planning Department and forwarded to the Planning Board for consideration at a public meeting.
- B. The applicant shall bear the burden of presenting evidence sufficient to establish persuasively that the proposed development will comply with the established regulations of the Office and Institutional District.
- C. A record of the proceedings of the meeting shall be made and shall include all documentary evidence presented at the hearing. Planning Board action on an application for development plan approval shall occur within 90 days of the date of submittal of a complete application.

### 7.3.5 *Actions after Decision of Planning Board*

- A. The development plan, including all conditions attached thereto, shall run with the land and shall be binding on the original applicant as well as all successors, assigns, and heirs.
- B. Individual Site Development Permits

If the development plan is approved, or approved with conditions, the Administrator may then accept applications for individual site development permits for specific buildings that are described in the development plan. No work on a building identified on the development plan may begin until a site development permit has been issued. The Administrator shall prescribe the form(s) of applications as well as any other material he/she may reasonably require to determine compliance with the development plan. If the Administrator finds that the application is consistent with the development plan, he/she shall approve the application and issue the site development permit within 30 calendar days of the submittal of a complete application. If the Administrator finds that the application is not consistent with the development plan he/she shall deny the application within 30 calendar days of the acceptance of the application and refer the applicant to the Special Use process described in this Ordinance. Alternatively, the applicant may apply for an amendment to the development plan.

### 7.3.6 *Expiration, Abandonment, or Revocation of Development Plan*

If an application for a site development permit pursuant to an approved development plan has not been submitted to the Administrator within two (2) years of the date of approval of the development plan, the approval shall automatically expire. On request by the holder of an approved development plan, the Planning Board shall approve the abandonment of the plan if it determines that no subsequent development approvals have been granted and no construction activity has taken place pursuant to the development plan. If material conditions of a development plan are violated, and remain in violation after giving the property owner a reasonable amount of time to correct such violation, the Planning Board may revoke the plan after notification to the property owner and opportunity for property owner response at a public meeting of the Planning Board.

### 7.3.7 *Development Plan Amendment Procedures*

- A. Before making a determination as to whether a proposed action is a minor change or a modification, the Administrator shall review the record of the proceedings on the original application for the development plan and any subsequent applications for modifications of the development plan, and shall use the following criteria in making a determination:
  - 1. A change in the boundaries of the development plan approved by the Planning Board shall constitute a modification;
  - 2. A substantial change in the lot size or number of parking spaces approved by the Planning Board shall constitute a modification. (General rule: more than a 5% increase in overall net new lot area or parking in a development plan approved by the Planning Board would be considered substantial.);
  - 3. Substantial changes in pedestrian or vehicular access or circulation approved by the Planning Board shall constitute a modification. (General rule: changes that would affect access or circulation beyond the boundaries of a development plan would be considered substantial.); and
  - 4. Substantial change in the amount or location of open areas approved by the Planning Board shall constitute a modification.
- B. The Administrator is authorized to approve minor changes and changes in the ordering of phases in an approved development plan, as long as such changes continue to be in compliance

with the approving action of the Planning Board and all other applicable requirements, and result in a configuration of buildings that is generally consistent with the approved development plan. The Administrator shall not have the authority to approve changes that constitute a modification of the development plan.

- C. If the proposed action is determined to be a modification, the Administrator shall require the filing of an application for approval of the modification, following procedures outlined in this section for initial approval of a development plan.

## **SECTION 8.0 SUBDIVISION REVIEW PROCEDURES**

### **8.1 Purpose**

- A. Pursuant to GS 160D-803 a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.
- B. Pursuant to GS 160D-804, no final plat of a subdivision within the jurisdiction of Harnett County shall be recorded by the Register of Deeds of Harnett County until it has been approved as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.
- C. To further the purpose of this Ordinance, the County encourages all divisions of land to meet the minimum subdivision and development standards contained herein. Divisions of land exempt from the requirements of this Ordinance that do not meet the minimum requirements contained herein shall be identified as such.

### **8.2 General Procedures**

#### *8.2.1 Review & Approval*

- A. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of immediate sale or building development and includes all division of land involving the dedication of a new street or a change in existing streets shall be required to meet the subdivision requirements of this Ordinance, unless otherwise stated.
- B. Court-ordered divisions shall include language specifically identifying how the parcel(s) are to be divided, including the acreage to be divided and exact parameters for how the division should occur.
- C. All subdivisions shall be considered major subdivisions except those defined as minor subdivisions by this Ordinance. Major subdivisions shall be reviewed in accordance with the procedures in “Major Subdivision Procedures” Section of this Ordinance. Minor subdivisions shall be reviewed in accordance with the provisions in “Minor Subdivision Procedures” Section of this Ordinance.
- D. If the applicant owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. The minor subdivision procedure may not be used a second time within three (3) years on any property less than 1,500 feet from the original property boundaries by any individual, corporation, partnership, or other entity who owned, leased, had an option on, or held any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. Additionally, any subsequent individual, corporation, partnership, or other entity that owns, leases, has an option on, or has any legal interest in the original tract of land that was subdivided at the time the subdivision received preliminary or final plat approval shall not be permitted to use the minor subdivision procedure a second time on the original tract of land within three (3) years from the last subdivision. For the purposes of this section, any

corporation, partnership, or other entity in which an owner, partner, officer, director, or majority shareholder of such entity is/was an owner, partner, officer, director, or majority shareholder in the corporation, partnership, or other entity that owned, leased, held an option on, or held any legal or equitable interest in the original tract of land that was subdivided shall not be permitted to use the minor subdivision procedure a second time within three (3) years on any property within 1,500 feet from the original property boundaries.

The three (3) year waiting period shall not apply to an individual subdividing a parcel of land for an immediate family member within 3 years of the initial minor subdivision of the original tract of land. For the purposes of this section, "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or grandchild. In no case shall the number of new lots created, combined with the number of lots created by the initial minor subdivision, exceed the maximum number of lots permitted by the minor subdivision process. All other requirements set forth by the minor subdivision process shall apply. To qualify for this exemption, the parcel to be subdivided must be owned in the individual's name and the individual shall submit a plat including the name and relation of the immediate family member on the lot and state the lot is being conveyed to that family member. The individual subdividing the land shall certify the following on the plat:

I hereby certify the lot shown is created for the purpose of family ownership and is in no way intended to circumvent the minor subdivision provisions of the Harnett County Unified Development Ordinance.

---

Property Owner Signature

Date

1. For all other requests for exemptions to this three (3) year waiting period, the Planning Director or Designee may at any time refer the application to the Harnett County Planning Board for consideration to allow a second minor subdivision to occur within the allotted three (3) years if deemed necessary and appropriate. Subsequent to Planning Board approval, the application shall then be reviewed in accordance with the major subdivision review and approval process by the Development Review Board.
  2. In no case shall utilization of this process allow for the number of new lots created, combined with the number of lots created by the initial minor subdivision exceed the maximum number of lots permitted by the minor subdivision process. No other requirements set forth by the minor subdivision process shall be circumvented.
  3. The minor subdivision process may be utilized for the division of lots located within a nonresidential zoning district when no easement or right(s)-of-way dedication is required.
- E. Any change in a map of an approved preliminary subdivision or recorded minor or major subdivision plat/plan or any map or plat/plan legally recorded prior to the adoptions of any regulations controlling subdivisions that materially affects any of the following shall obtain a new subdivision approval in compliance and following the procedures of this Ordinance.
1. Right(s)-of-way layout; or
  2. Any area reserved thereon for public use; and/or
  3. Any lot line (including the addition of lot lines).

In cases where a subdivision is considered a minor subdivision, that is the review process that shall be utilized. In cases where a subdivision is considered a major subdivision, or the proposed change would necessitate a major subdivision review process, that is the process that shall be utilized.

- F. A preliminary subdivision plat for a commercial or residential subdivision shall include a stormwater management statement, for the purpose of assisting the developer in assessing stormwater management needs and downstream impacts. Where a preliminary plat is not required (i.e. minor subdivision) the stormwater management statement shall be submitted with the minor subdivision plat. The stormwater management statement shall be submitted as part of the conceptual plan, if required by this Ordinance.

*8.2.2 Expiration of Plat Approval*

- A. Any preliminary major subdivision plat consisting of a single phase which has failed to receive final plat approval from the Development Review Board (DRB) within two (2) years from the date of preliminary plat approval by the DRB shall be null and void.
- B. Major subdivisions consisting of multiple phases shall have received final plat approval from the Development Review Board for at least one (1) phase within two (2) years from the date of preliminary plat approval or the approval shall be null and void. Each subsequent phase shall be recorded within a period of three (3) years, or as approved by this Ordinance; otherwise the preliminary plat approval shall be null and void.
- C. Any conditional approval or hold decision for a major subdivision made by the DRB shall be valid for a period of 90 days from the date on which the decision was made. It shall be the applicant’s responsibility to obtain full approval during said period. After such date, the review shall be null and void. In no case shall a conditional approval or hold decision be considered a vested right until a full approval has been granted.
- D. Any review completed by the Planning Department of a minor subdivision or exempt plat shall be valid for 30 days from the date such review comments are provided by the Planning Department Staff. After such date, the review shall be null and void.

*8.2.3 Subdivision Plat/Plan Requirements*

In order for a subdivision plat/plan, exempt map, or master sketch plan to be considered complete, the applicant shall submit a site plan according to the table below:

	EXEMPT PLAT	MINOR SUBDIVISION	PRELIMINARY SUBDIVISION	FINAL SUBDIVISION	MASTER SKETCH PLAN
<b>TITLE BLOCK INFORMATION</b>					
Name of Project & Date (Including all Revision Dates)	X	X	X	X	X
Applicant/Owner(s) Contact Information (Name, Address, & Phone)	X	X	X	X	X
Surveyor/Engineer Contact Information (Name, Address, & Phone)	X	X	X	X	X
Parcel ID Number/Tax ID of Tract(s)	X	X	X	X	X
Deed Reference of Tract(s)	X	X	X	X	X
Zoning Classification of Tract(s)	X	X	X	X	X
Overlay Zoning Classification & Required Notation (If Applicable)		X	X	X	
Airport Zone Notification (If Applicable)		X	X	X	
Location (Including Township, County, & State)	X	X	X	X	X
Flood Plain Depicted & Noted (Zone, Map Number, & Effective Date)	X	X	X	X	X
Watershed District Noted & Extent of Coverage Depicted	X	X	X	X	X
Land Use Classification of Tract(s)		X	X	X	X
<b>GENERAL REQUIREMENTS</b>					
Map Size 18" X 24" & Scale 1"=200' or Larger	X	X	X	X	X

	EXEMPT PLAT	MINOR SUBDIVISION	PRELIMINARY SUBDIVISION	FINAL SUBDIVISION	MASTER SKETCH PLAN
North Point, Graphic Scale, & Vicinity Map	X	X	X	X	X
Name(s) & Location(s) of Adjacent Property Owner(s) & Use(s)	X	X	X	X	
Existing Boundaries of Tract(s) Showing Bearings & Distances	X	X	X	X	
Gross Acreage of Development	X	X	X	X	X
Name(s) & Right(s)-of-way of Streets & State Road Number(s), Including Notation of Public or Private	X	X	X	X	X
Linear Feet Per Street			X	X	X
Name, Location, Width, & Acreage of Additional Easement(s) & Right(s)-of-way Within or Adjacent to Site	X	X	X	X	
Right-of-Way Notation in compliance with CTP		X	X	X	X
Building Envelope & Required Setbacks	X	X	X	X	
Existing & Proposed Utilities		X	X	X	X
Signage Location, Easement, Type, & Size			X	X	
Conceptual Plan			X		
Existing Structure(s) Located on Site	X	X	X	X	
Water Features Depicted, as Found on USGS Quadrangles & Harnett County Soil Survey		X	X	X	X
Required Stream Buffers/Setbacks Around Each Water Feature		X	X	X	X
Wetlands Delineated			X	X	
Easements, Open Space, & Areas Other Than for Residential Use with Explanation of Purpose & Maintenance Responsibility		X	X	X	
Existing Streets & Right(s)-of-Way on Adjacent Properties			X	X	X
Predevelopment Meeting			X		X
Additional Information Required by the Administrator	X	X	X	X	X
<b>BUFFERING REQUIREMENTS</b>					
Buffering Regulations (Per Harnett County Ordinance)			X	X	X
Prime Views and Vistas Buffer (Width, Landscaping Type, and Maintenance Responsibility)			X	X	
Streetscape Buffer (Width, Landscaping Type, and Maintenance Responsibility)			X	X	
<b>STORMWATER MANAGEMENT</b>					
Drainage Easement(s) & Maintenance Responsibility			X	X	
Stormwater Management Permit and Plan Submitted				X	
Permanent Stormwater BMP Measures Shown & Temporary Measures Noted				X	
Stormwater Management Plan Calculations Noted				X	
Stormwater Management Statement, if Required		X	X	X	X
Copy of Erosion Control Plan, if Required		X	X	X	X
Copy of Stormwater Plan, if Required		X	X	X	X
<b>DEVELOPMENT REQUIREMENTS</b>					
Total Number of Lots Proposed		X	X	X	X

	EXEMPT PLAT	MINOR SUBDIVISION	PRELIMINARY SUBDIVISION	FINAL SUBDIVISION	MASTER SKETCH PLAN
Individual Lot Dimensions	X	X	X	X	
Net Acreage for Each Lot	X	X	X	X	
Proposed Block Numbers, Approx. Dimensions, & Phase Lines (If applicable)			X	X	X
Lot & Block Numbers in Consecutive Order		X	X	X	
Minimum Lot Size & Width	X	X	X	X	X
Lot Lines & Building Lines Showing Bearings & Distances	X	X	X	X	
Fire Hydrant(s) & Light(s) Depicted & Noted			X	X	
Topography (Max Contour Levels of 5')		X	X		X
Impervious Surface (% Coverage of Lot)		X	X	X	
Proposed Streets, Including Right(s)-of-Way, Location, Dimensions, & Pavement Width			X	X	
Cul-De-Sac Diameter		X	X	X	
Typical Street Cross Section(s) (If Applicable)			X	X	
Detailed Description of Recreational Facilities if Provided			X	X	
Linear Feet per Street (Note Either Public or Private)		X	X	X	
Name(s) & Location(s) of Property or Buildings on the National Register of Historic Places or Locally Designated Historic Property	X	X	X	X	X
Natural Feature(s) Located on Site		X	X	X	X
Preliminary Soils Report Provided, If Applicable	X	X	X		X
Final Soils Report Provided				X	
Traffic Impact Analysis, if Completed			X		
Open Space Calculations & Totals Noted			X	X	X
All Required Amenities Shown; Including Typicals			X	X	
Foundation & Setback Verification Survey Requirement Noted		X	X	X	
HOA Documents Reference All Improvements to be Maintained				X	
Homeowners Association Bylaws & Covenants to be Imposed				X	
Voluntary Agricultural District (VAD) Notification (If Applicable)	X	X	X	X	
<b>CERTIFICATIONS</b>					
Harnett County Development Review Board, (if Applicable)			X	X	X
Harnett County Subdivision Administrator	X	X			
Harnett County Register of Deeds	X	X	X	X	
Harnett County Review Officer	X	X	X	X	
Ownership, Dedication, & Jurisdiction	X	X	X	X	
Professional North Carolina Land Surveyor or Engineer	X	X	X	X	X
NCDOT (Driveway Permit Approval)		X	X	X	
<b>REQUIRED INSPECTION</b>					
Drainage Easements are Stabilized Without Possible Erosion		X		X	
Fire Hydrants Installed where 6" Public Water Lines Exist		X		X	

	EXEMPT PLAT	MINOR SUBDIVISION	PRELIMINARY SUBDIVISION	FINAL SUBDIVISION	MASTER SKETCH PLAN
Improvements Installed in Accordance with Final Plat & Stormwater Management Plan		X		X	
Necessary Buffering &/or Landscaping is in Place or Security has Been Guaranteed				X	
Lighting Installed as Required				X	
Streets Installed in Accordance with Minor Subdivision Standards		X			
Streets Installed in Accordance with DOT Standards				X	
Stop Signs Installed in Compliance with NCDOT Standards				X	
Amenities Installed as Required (EX-Street Trees, Sidewalks, Etc.)				X	
<b>FEES</b>					
All Review Fees Paid	X	X	X	X	
Verification of Purchase of Street Signs (If Applicable)	X	X		X	

### 8.3 Subdivision Exemptions & Procedures

#### 8.3.1 Subdivision Exemptions

The following is not included within the definition of a subdivision and is not subject to the subdivision regulations enacted pursuant to the Ordinance. All other requirements of this Ordinance shall be met, including but not limited to submittal and review of plat/plan for those items listed herein to verify compliance with other regulations.

- A. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Harnett County as shown in these subdivision regulations;
- B. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for widening or opening streets; and/or
- D. The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
- E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

#### 8.3.2 Exempt Plat/Plan Procedures

Exempt plats/plans, although exempt from the subdivision regulations of this Ordinance, shall meet all other requirements of this Ordinance, as well as other local, State, and Federal regulations, as applicable.

##### A. Combination & Recombination Plat/Plans

Combination and/or recombination of previously subdivision and recorded lots shall conform to the following regulations:

1. A soils evaluation shall be submitted, performed by a professional licensed to do such work, on all lots meeting the above criteria with existing septic systems to verify that the entire system and repair area are contained within the proposed new lot lines. Such evaluation

shall include statements regarding the functionality of the existing system, conformity to setback requirements of the Harnett County Department of Public Health, adequate repair area, and all other items necessary for staff to evaluate whether conformity to 15A NCAC 18A.900 is met. Permits for existing septic systems may be used as verification for this purpose.

B. All Other Exempt Plat/Plans

1. In cases where a soils evaluation is not required by this Ordinance, the plat/plan shall note that an evaluation has not been done.

## 8.4 Minor Subdivision Procedures

### 8.4.1 Review for Minor Subdivisions

- A. The Planning Department shall establish standard regulations for plan submittal and review including but not limited to the number of copies requested and the information to be included on the plan. The Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submittal of the final plat.
- B. The Administrator shall submit copies of the plan and any accompanying material to other officials and agencies concerned with new development including, but not limited to:
  1. Harnett County Health Department
  2. Harnett County Regional Water
  3. Harnett County Fire Code Official
  4. Harnett County GIS Department
  5. North Carolina Department of Transportation
  6. North Carolina Department of Environmental Quality
- C. The Administrator shall review the plan for general compliance with the requirements of this Ordinance.
- D. One (1) copy of the plan shall be returned to the subdivider or his authorized agent.
- E. A soils evaluation shall be submitted, completed by a professional licensed to perform such work. The soils evaluation shall address all newly proposed lots and verify that sufficient usable soil is present for initial and repair areas, as required by 15A NCAC 18 E. For lots with existing septic systems, the evaluation shall verify that the existing system meets all required setbacks to the new property lines and sufficient septic repair area exists, as required by 15A NCAC 18E.

### 8.4.2 Plat Submittal for Minor Subdivisions

- A. Upon review of the plan by the Administrator, the subdivider may proceed with the preparation of the plat in accordance with the requirements of this Ordinance. For the purposes of this Section, the “plan” and “plat” are referenced separately; the plan for reviewing and the plat for recordation.
- B. The subdivider shall submit the plat so marked, to the Administrator.
- C. The plat shall be prepared by a Professional North Carolina Land Surveyor or Engineer currently licensed and registered in the state of North Carolina by the North Carolina Board of Examiners for Engineers and Surveyors. The plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in the North Carolina General Statutes, as applicable.
- D. Three (3) copies of the plat shall be submitted, one (1) of these shall be on reproducible material. Material and drawing medium for the original shall be in accordance with the North Carolina

General Statutes, where applicable, and the requirements of the Harnett County Register of Deeds.

- E. The plat shall be of a size suitable for recording with the Harnett County Register of Deeds and shall be at a scale of not less than one (1) inch equals 200 feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
- F. Submittal of the plat shall be accompanied by a filing fee and if applicable, a street sign fee as adopted and periodically revised by the Harnett County Board of Commissioners.
- G. The plat shall contain the same information as required in Subsection “Subdivision Plat/Plan Requirements” and a copy of a recorded ingress and egress easement maintenance agreement or reference number on the map as required in Subsection “Subdivision Street Disclosure Statement” of this Ordinance.
- H. The certificates, as applicable, listed in Article “Definitions & Certifications” of this Ordinance shall appear on all required copies of the plat.

#### *8.4.3 Actions Subsequent to Review*

- C. If the plat is disapproved by the Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Administrator as part of the records; one (1) copy of the reasons and one (1) print of the plat shall be transmitted to the subdivider. If the plat is disapproved, the subdivider may make such changes as will bring the plat into compliance and resubmit same for reconsideration by the Administrator.
- D. If the plat is approved by the Administrator, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) print shall be retained by the Administrator for the records.
- E. The subdivider shall file the approved plat with the Register of Deeds of Harnett County within 30 days of the approval; otherwise, such approval shall be null and void.

### **8.5 Major Subdivision Procedures**

#### *4.1.1 Pre-Development Review for Major Subdivisions*

- A. Prior to the preliminary plat submittal, the subdivider may meet with Staff regarding and/or submit to the Administrator, a sketch plan of the proposed subdivision for review and comment.
- B. The Administrator shall review, in a reasonable time frame, the sketch plan for general compliance with the requirements of this Ordinance; the Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submittal of the preliminary and final plats. Review of the sketch plan shall in no way constitute a full review, approval, or vested rights of a proposed plan.

#### *4.1.2 Public Outreach*

A minimum extent of public outreach shall be done by the developer(s) prior to, or in conjunction with, application of the proposed plan in compliance with this Section for all developments of 500 or more units in order to facilitate an informed development process. The same public outreach is encouraged for developments of less than 500 units. Such notification shall include a map of the development area, a description of the proposed development, and contact information for the developer(s) and/or a representative(s). Owner(s) of properties located within the proposed development area and all adjacent

parcels of the proposed development area shall be notified by the developer(s) of the intent for development of the site. It shall be the responsibility of the developer(s) to furnish the cost of postage and all required documentation to the Planning Department for distribution.

In such cases where a public outreach meeting is held, notification shall be mailed so that notice is given a minimum of 10 business days prior to the meeting. The results of the public outreach meeting shall be summarized and submitted to Planning Staff within five (5) business days following the meeting. The summary shall include: the date, time, and location of the meeting; number of participants, including a copy of the sign-in sheet; a list of issues that arose during the meeting; and a plan to resolve those issues, if possible.

#### *4.1.3 Preliminary, Construction, & Final Plat Submittal Procedure*

##### A. General Procedures

1. For every subdivision within the territorial jurisdiction of this Ordinance, which does not qualify for the minor subdivision procedure, the subdivider shall submit a preliminary major subdivision plat which shall be approved by the Development Review Board before any construction or installation of improvements may begin. Submittal of construction plan/drawing and final plat shall be submitted and approved following the same procedures. Submittal of the subdivision plat shall be accompanied by a filing fee as adopted and periodically revised by the Harnett County Board of Commissioners.
2. A complete application shall be submitted to the Planning Department by the established deadline. Incomplete applications will not be reviewed and will not be placed on the Development Review Board agenda. The Harnett County Planning Department shall establish criteria for a complete application. Any change in submittal requirements shall be posted in the Planning Department office no less than 30 days prior to enforcement. This information shall be made available to the public and shall be posted in the Planning Department Office.
3. Subdivision plats shall meet the specifications in Subsection "Subdivision Plat/Plan Requirements". A master sketch plan may be substituted for a preliminary plat in cases where the information included within the master sketch plan meets the requirements for a preliminary subdivision in the Subsection referenced herein.

##### B. Construction Plan/Drawing Review

Following approval of the preliminary major subdivision plat and prior to construction and improvements to the development, construction plan/drawing shall be submitted to the Planning Department by the established deadline, and approved by the County. Construction plans/drawings may also be required elsewhere by this Ordinance. In such cases, such materials shall be submitted in accordance with this section, unless otherwise stated. Review of such materials shall be via administrative review and will not follow the typical DRB review process. The following shall apply to all construction plan/drawing submittals:

1. All required submittal materials shall be sealed.
2. Such drawings shall meet the requirements of Article X "Natural Resources," Section "Stormwater Management," Subsection "Construction Plan/Drawing".
3. All requirements of Harnett County Department of Public Utilities, Fire Code Official, and County Engineer shall be met.
4. A copy of materials approved by NCDENR shall be included as part of the construction plan submittal.
5. A flow acceptance letter for sewer capacity from Harnett County Department of Public Utilities shall be submitted with the DRB application.

C. Phased Developments

1. Developments to be constructed in phases shall submit a master sketch plan. In such cases, the master sketch plan shall be included with the preliminary plat at the time of such submittal. In no case shall approval of the master sketch plan as part of the approval of the first phase of development constitute vested rights for additional phases of development of the site, unless each subsequent phase depicted in the master plan meets the provisions of this Ordinance for a major subdivision preliminary plat.
2. Phased developments shall be submitted in compliance with Subsection “Expiration of Plat Review” of this Section.

*4.1.4 Development Review Board Review Procedures*

The following shall apply to major subdivision preliminary and final plat review procedures. Major subdivision construction plan/drawing submittals shall be reviewed by a subcommittee of the Development Review Board (DRB). Said subcommittee shall consist of the Harnett County Department of Public Utilities, Fire Code Official, and County Engineer.

- a. The petitioner shall be prepared to make a very brief presentation to the Development Review Board (DRB) membership and answer any questions when the application is reviewed. Each Development Review Board general member shall have completed review of the application prior to the regularly scheduled meeting in which the application is being reviewed. Comments on the application shall be provided, in brief, to the petitioner at the regularly scheduled meeting. If the nature of the comments is too complicated for a brief presentation, it shall be the responsibility of the petitioner to contact the member’s agency with comments for a full explanation.
- b. The Development Review Board shall, in writing, recommend approval; conditional approval (with a list of the conditions to bring the plat into compliance); hold (with a list of the conditions to bring the plat into compliance and prepare for further DRB review); or disapproval (with reasons) only after all concerns or comments of the Board general membership have been received. The applicant will receive a copy of the draft DRB decision at the meeting and will receive a final DRB decision within 10 business days.
- c. Once the Development Review Board approves the subdivision plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Administrator and one (1) copy shall be returned to the subdivider.
- d. If the subdivision plat is disapproved, the subdivider may make the recommended changes and submit a revised plat to the Administrator following the procedure for submission of a plat placed on hold.
- e. For final plat approval, the subdivider shall file the approved final plat with the Register of Deeds of Harnett County within 30 days of approval; otherwise such approval shall be null and void.

*4.1.5 Preparation of Final Plat & Installation of Improvements*

- A. Upon approval of the preliminary plat by the Development Review Board, the petitioner may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance.
- B. Prior to approval of a final plat, the petitioner shall have installed the improvements provided herein. No final plat, which contains private streets will be accepted for review by the Administrator unless accompanied by written notice prepared by a Professional North Carolina Engineer acknowledging installation of such streets meet the applicable NCDOT standards for the same type of streets and compliance with the Section “Improvement Guarantees” of this

Ordinance.

- C. The final plat shall constitute only that portion of the preliminary plat which the petitioner proposes to record and develop at that time; such portion shall conform to all requirements of this Ordinance.

### **SECTION 9.0 STREET, ALLEY, & WALKWAY CLOSINGS**

All petitions for closing of Department of Transportation maintained streets, alleys, or walkways shall be made to the appropriate DOT District Engineer. The Harnett County Planning Department shall be copied on all communications for such.

### **SECTION 10.0 VESTED RIGHTS**

#### **10.1 Purpose**

The purpose of this Section is to implement the provisions of GS 160D-102 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan or a phased development plan. Nothing in this section shall be construed to require the County to adopt an ordinance providing for vesting of rights upon approval of a phased development plan. **Establishment of a Zoning Vested Right**

- A. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the appropriate approving body, as applicable, of a site specific development plan or phased development plan, following notice and public hearing, if applicable. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan or phased development plan including any amendments thereto.
- B. The approving authority may approve a site specific development plan or phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
- C. Notwithstanding subsections (A) and (B), approval of a site specific development plan or phased development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- D. A site specific development plan or phased development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.
- E. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan or phased development plan upon the expiration or terminations of the vested right in accordance with this Ordinance.
- F. A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan or phased development plan, all successors to the original landowner(s) shall be entitled to exercise such right while applicable.

#### **10.2 Approval Procedures & Authority**

- A. Except as otherwise provided in this Section, an application for site specific development plan or phased development plan approval shall be processed in accordance with the procedures established by this Ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

- B. Notwithstanding the provisions of subsection (A), if the authority to issue a particular zoning or land use permit or approval has been delegated by this Ordinance to a board, committee, or administrative official other than the Board of County Commissioners, Board of Adjustment, or other planning agency, in order to obtain a zoning vested right, the landowner or applicant shall request in writing at the time of application that the application be considered and acted on by the Board of County Commissioners, as applicable, following notice and public hearing as provided in GS 160D-601.
- C. In order for a zoning vested right to be established upon approval of a site specific development plan or phased development plan, the applicant shall indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought.
- D. Each map, plat, site plan, or other document evidencing a site specific development plan or phased development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under GS 160D-601".
- E. Following approval or conditional approval of a site specific development plan or phased development plan, nothing in this ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- F. Nothing in this ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this Ordinance.
- G. Nothing in this Section shall preclude judicial determination, based on common-law principals or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided by the North Carolina General Statutes and this Section, nothing in this Section shall be construed to alter the existing common-law.

### **10.3 Duration**

- A. A zoning right that has been vested as provided in this Ordinance shall remain vested for a period of two (2) years unless specifically and unambiguously provided otherwise pursuant to subsection (B). This vesting shall not be extended by any amendments or modifications to a site specific development plan or phased development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.
- B. Notwithstanding the provisions of subsection (A), the Board of Commissioners may provide that rights shall be vested for a period exceeding two (2) years but not exceeding five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the Board of Commissioners at the time the site specific development plan or phased development plan is approved.
- C. Upon issuance of a building permit, the expiration provisions of GS 160D-403 and the revocation provisions of GS 160D-403 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding.

### **10.4 Termination**

A zoning right that has been vested as provided in this Ordinance shall terminate:

- A. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
- B. With the written consent of the affected owner(s);
- C. Upon findings by the Board of County Commissioners, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if

uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

- D. Upon payment to the affected owner(s) of compensation for all costs, expenses, and other losses incurred by the owner(s), including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the County, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
- E. Upon findings by the Board of County Commissioners, by ordinance after notice and a hearing, that the owner(s) or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the size specific development plan or phased development plan; or
- F. Upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan or phased development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

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## **ARTICLE IV. ZONING & OVERLAY DISTRICTS**

### **SECTION 1.0 ESTABLISHMENT OF DISTRICTS**

In order to implement the intent of this Ordinance, the following conventional, conditional, and overlay zoning districts are hereby created:

<b>Zoning Districts</b>	
<b><u>Conventional Districts</u></b>	
IND	Industrial District
LI	Light Industrial
COMM	Commercial/ Business District
O&I	Office and Institutional District
RA-20M	Residential/Agricultural District
RA-20R	Residential/Agricultural District
RA-30	Residential/Agricultural District
RA-40	Residential/Agricultural District
CONS	Conservation District
<b><u>Conditional Districts</u></b>	
CZ-IND	Conditional Zoning Industrial
CZ-LI	Conditional Zoning Light Industrial
CZ-COMM	Conditional Zoning Commercial
CZ-O&I	Conditional Zoning Office & Institutional
CZ-RA-20M	Conditional Zoning Residential/Agricultural District
CZ-RA-20R	Conditional Zoning Residential/Agricultural District
CZ-RA-30	Conditional Zoning Residential/Agricultural District
CZ-RA-40	Conditional Zoning Residential/Agricultural District
CZ-CONS	Conditional Zoning Conservation District
<b><u>Overlay Districts</u></b>	
HCO	Highway Corridor Overlay District
MCO	Military Corridor Overlay District

The boundaries of these districts are hereby established as shown on the "Official Zoning Map".

### **SECTION 2.0 ZONING MAP**

The map herein referred to, which is identified by the title, Official Zoning Map of Harnett County, North Carolina, shall be known as the zoning map and may only be amended in accordance with the provisions of this UDO. A current version of the zoning map shall be maintained in a digital format by the County Department of GIS and made publicly available on the GIS Department website. The County Clerk may, upon validation by the Planning Director, or designee, certify a paper copy of the Official Zoning Map, or portions of the map, as a true and accurate copy of the Official Zoning Map, or a portion thereof, under the authority of GS § 153A-50.

#### **2.1 Interpretation of District Boundaries**

When uncertainty exists with respect to the boundaries of any district as shown on the Official Zoning

Map, the following rules shall apply:

- A. Boundaries along street, highway, or alley center lines or right-of-way lines shall be construed as following such lines.
- B. Boundaries along railroad tracks shall be construed as being midway between the main railroad tracks.
- C. Boundaries along plotted property lines and municipal boundary lines shall be construed as following such lines.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in event of change in the shoreline, shall be construed as moving with the actual shoreline.
- E. In the absence of established features, or lines, or specified distances on the zoning map, district Boundary locations shall be determined by scaling the distance on the map.
- F. Where physical conditions existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered herein, the Board of Adjustment shall interpret district boundary locations.
- G. Where a district zoning boundary divides a lot, the Board of Adjustment may, as a special exception, permit the extension of either district into portions of the lot not to exceed 50 feet beyond the district boundary line.

### **SECTION 3.0 CONVENTIONAL ZONING DISTRICTS**

The purpose of conventional zoning districts are to provide comprehensive land use regulations throughout Harnett County. There are nine conventional use zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. These districts shall comply with all the requirements of this Ordinance.

#### **3.1 Industrial District – IND**

The purpose of this district, Industrial (IND), is to promote and protect both existing industrial activities and potential sites which are considered suitable for industrial use, to prohibit uses of land which would substantially interfere with the continuation of uses permitted in the district, and to promote the operation of well-planned and maintained industrial facilities.

#### **3.2 Light Industrial District – LI**

The purpose of the Light Industrial District (LI) is to function as a transitional use between the more intense general manufacturing and industrial uses and other less intense uses.

#### **3.3 Commercial District – COMM**

It is the purpose of the Commercial/Business District (COMM) to accommodate the widest variety of commercial, wholesale, and retail businesses in areas that are best located and suited for such uses.

#### **3.4 Office & Institutional District – O&I**

The purpose and intent of the Office/Institutional District (O&I) is to establish procedural and substantive standards for the Planning Board's review and approval of development on large tracts of land where the predominant use is to be college, university, hospital, clinics, public cultural facilities, offices for business and professional use, light manufacturing, and related functions.

The objective of this Section and the O&I District is to allow for growth and development while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development. A key feature of this district is the preparation of a development plan that would allow the

property owner, immediate neighbors, and the larger community to understand specifically what levels of development are being proposed, and what impacts would likely accompany the development, so that mitigation measures can be designed and implemented.

- A. Procedures in this zoning district are designed to facilitate:
  - 1. Articulation of development plans that involve multiple buildings in multiple locations over an extended time period on a given tract of land, as defined in a development plan; and
  - 2. Identification of total infrastructure needs for such proposed development as specified in a development plan and cumulative impacts resulting from full development as specified in a development plan.
- B. To this end, owners of property zoned O&I are required to prepare a development plan, as described in Section “Development Review Requirements” of Article III “Development & Subdivision Review, Permitting, & Approval Requirements”, for review and approval by the Planning Board. For buildings that are included in an approved development plan, site development permits for individual buildings are to be issued by the Administrator, following a determination by the Administrator that such individual building plans are generally consistent with the Planning Board approved development plan.
- C. For development proposed within an O&I Zoning District that is not included in a Planning Board approved development plan, but is a minor change according to the provisions of this Section, the Administrator may approve a change to the development plan and issue a site development permit.
- D. For development proposed within an O&I Zoning District that is not included in a Planning Board approved development plan and that cannot be considered a minor change to the plan according to the provisions of this “O&I” Section, in such development situations the applicant shall apply to the Planning Board for an amendment to the development plan.

### **3.5 Residential/Agricultural District – RA-20M**

The RA-20M Residential/Agricultural District (RA-20M) is established primarily to support agricultural and residential development. Inclusive in such higher density residential developments may consist of single family dwellings, multifamily dwellings, duplexes, and manufactured home parks.

### **3.6 Residential/Agricultural District – RA-20R**

The RA-20R Residential/Agricultural District (RA-20R) is established primarily to support agricultural and residential development. Inclusive in such higher density residential developments may consist of single family dwellings, multifamily dwellings, and duplexes.

### **3.7 Residential/Agricultural District – RA-30**

The RA-30 Residential/Agricultural District (RA-30) is established as primarily a single family residential and agricultural district, but includes occasional two-family and multifamily structures.

### **3.8 Residential/Agricultural District – RA-40**

The RA-40 Residential/Agricultural District (RA-40) is established exclusively as a single-family residential and agricultural district.

### **3.9 Conservation – CONS**

The purpose of the Conservation District is to encourage the preservation of and continued use of the land for conservation purposes in its natural state, and to prohibit intrusive development of the land in areas with alluvial soils, perennial streams, or that are subject to flooding or considered wetlands.

A. District Dimensions

<b>WATER BODY:</b>	<b>DISTRICT SHALL BE MEASURED ON EACH SIDE FROM:</b>
Cape Fear River	500 ft. from water's edge at normal flow
Black River	300 ft. from center of river, north of intersection with SR 1552
Black River	200 ft. from center of river, south of intersection with SR 1552
Other Major Creeks	200 ft. from each side of main channel

- B. Lots in subdivisions established prior to the date of adoption of zoning at the same location (July 18, 1988, June 5, 2000, June 18, 2007, or June 15, 2009) will be exempt from the no building requirements of the Conservation District, but shall adhere to the use and setback requirements of the RA-30 Zoning District, and all provisions of this Zoning Ordinance applicable to said District.

**SECTION 4.0 CONDITIONAL ZONING DISTRICTS**

**4.1 Purpose and Intent**

- A. The purpose and intent of this section is to establish a uniform procedure for amending the Official Zoning Map to establish Conditional Zoning Districts in accordance with N.C.G.S. § 160D-703.
- B. Conditional rezoning establishes a zoning district that is equivalent to the corresponding conventional zoning district, with additional conditions mutually agreed upon by the applicant and the County to ensure consistency with adopted plans and to address anticipated development impacts.
- C. Property may be placed in a conditional zoning district for any of the following purposes:
  - 1. To promote development that supports the policies, goals, and strategies of the adopted Comprehensive Land Use Plan and enhances compatibility with the future land use designation(s).
  - 2. To allow innovative planning or design ideas for development.
  - 3. To afford flexibility or otherwise modify the development standards and land use provisions of the Conventional Zoning Districts or other provisions of this Ordinance.
  - 4. To impose special limitations or conditions on the use of the property.

**4.2 Limitations**

- A. Property may be placed in a conditional district only upon a request signed by all owners of the property or their authorized agent(s), pursuant to N.C.G.S. § 160D-703(b).
- B. Specific conditions applicable to these districts may be proposed by the County or the applicant, but only those conditions mutually approved by the County and the applicant may be incorporated into the Conditional Zoning District pursuant to N.C.G.S. § 160D-703(b).
- C. All development standards or land use provisions that apply to the corresponding Conventional Zoning District which are not modified as part of the Conditional Zoning District shall also apply to the Conditional Zoning District.
- D. It is intended that property shall be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward a report to the Board of Commissioners, which may reclassify the property back to the original underlying Conventional district.
- E. Conditional Zoning Districts shall not allow uses which are not expressly permitted outright or permitted with a Special Use Permit in the underlying Conventional Zoning District.

- F. Conditional Zoning Districts are not intended to relieve hardships that would otherwise be handled using a variance procedure.
- G. Conditional rezoning applications may not establish bifurcated zoning classifications where only a portion of a lot or site is subject to a particular Conditional Zoning District classification.
- H. A use that would require a Special Use Permit shall be exempt from the Special Use Permit process if the use is part of the Conditional Zoning District request. However, all applicable use regulations required in this Ordinance shall apply unless otherwise approved by the Board.

**4.3 Procedures**

Conditional Zoning petitions shall follow the same review and approval process as Official Zoning Map amendments set forth in Article XII. “Amendments, Hearing Procedures, Appeals, & Variances”, Section 2.0, “Amendments”, Subsections 2.1.2, “Action by Planning Department Staff”, 2.1.3, “Action by the Planning Board”; and 2.1.4, “Action by the Board of Commissioners”, of this Ordinance, and the additional review procedures as described in this section and subsections.

<b>Step</b>	<b>Action</b>
1	Pre-Submittal Meeting
2	Application Submittal
3	Public Outreach Meeting (if applicable)
4	Staff Review - Development Review Board
5	Planning Board
6	Board of Commissioners

*4.3.1 Pre-Submittal Meeting*

The purpose of a pre-submittal meeting is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to an amendment of the Official Zoning Map of Harnett County before any formal submittal of a Conditional Zoning application. Additionally, a pre-submittal meeting provides an opportunity for Planning Staff to become familiar with and offer preliminary comments about the scope, features, and impacts of the proposed zoning map amendment as it relates to the standards in this Ordinance. Planning Staff will explain the application review process and special issues or concerns regarding the subject proposal. During the pre-submittal meeting, it may be determined that a pre-development meeting is required prior to submission of the petition for the Conditional Zoning District. A pre-submittal meeting between the applicant and a member of the Planning Staff is required before the submittal of any Conditional Zoning application.

*4.3.2 Application Submittal Procedure*

All Conditional Rezoning applications shall be submitted a minimum of 60 days prior to the Planning Board meeting. Incomplete applications may be returned to the applicant(s) and/or delayed in review by staff due to insufficiencies. Upon receipt of a completed application, Planning Staff will review and analyze the application using the best available information and data, then evaluate the appropriateness of the requested amendment. Planning Staff will then make a recommendation on the amendment request, included as part of a staff report, which will be presented to the applicable Boards.

*A. Site Plan Requirements*

A site plan is required unless the manager of Planning Services, or their authorized designee, determines it is unnecessary due to the type and scope of the application. The site plan shall include the information required in Article III. "Development & Subdivision Review, Permitting, & Approval Requirements" of this ordinance for the appropriate type of proposed development. Site plan requirements for each development type can be found in the following sections:

1. *Section 4.1.4, Site Plan requirements*
  - a. Minor Site Plan
  - b. Neighborhood Site Plan
  - c. Community Site Plan
  - d. Regional Site Plan
  - e. Multi-Family Residential
2. *Section 5.3, Manufactured Home Park Site Plan Requirements*
  - a. Manufactured Home Park Site Plan Requirements (Board of Adjustment Site Plan Requirements)
3. *Section 7.1, Development Plan Requirements*
  - a. O&I Development
4. *Section 8.2.3, Subdivision Plat/Plan Requirements*
  - a. Minor Subdivision
  - b. Preliminary Subdivision

4.3.3 *Public Outreach Meeting*

- A. The purpose of the public outreach meeting is to inform landowners and occupants of nearby lands about an application that is going to be reviewed under this Ordinance, and to provide the applicant with the opportunity to hear comments and concerns about the development proposal prior to the public hearing process. The public outreach meeting is a means of resolving potential conflicts and outstanding issues with nearby landowners, where possible, in a more informal context. The public outreach meeting shall be conducted prior to or concurrently with the staff review phase of the application process.
- B. An in-person public outreach meeting shall be organized and conducted by the applicant(s) prior to the scheduled Planning Board meeting for the following types of applications:
  1. Residential rezoning applications for a development with 250 dwelling units or more; and/or
  2. Nonresidential rezoning applications with a total project size of five (5) or more acres.
- C. The applicant shall provide notification of the public outreach meeting via first-class mail to owner(s) of parcels within 500 feet of the subject property(s) at least ten (10) business days prior to the public outreach meeting. The notification shall include:
  1. A concept plan of the development;

2. A description of the proposed development and conditions;
  3. Time, date, and location of the meeting; and,
  4. Contact information for the applicant(s) and/or their representative(s)
- D. The public outreach meeting shall be audio and/or video recorded in its entirety. A complete copy of the recording, together with a written summary of the meeting, shall be submitted to the Planning Staff no less than fifteen (15) business days prior to the Planning Board meeting.

The written summary shall, at a minimum, include the following information:

1. The date, time, and physical location of the meeting;
  2. The first and last names of all individuals in attendance, including the applicant's representatives and members of the public.
  3. A detailed account of the issues and concerns raised during the meeting; and,
  4. Any conditions or mitigation measures proposed by the applicant or its representatives in response to the issues discussed.
- E. The public outreach meeting shall be a private meeting organized by the applicant, their agents, and the affected property owners. County Staff shall not be required to facilitate, moderate, or attend the public outreach meeting.
- F. Completion of the public outreach meeting and submission of all requested documentation to Planning Staff shall be required prior to the Planning Board meeting.

#### 4.3.4 *Staff Review*

Upon receipt of a complete application, Planning Staff will conduct a review of the application, site-specific development plan, proposed conditions, and other required materials. The site-specific development plan and required documents shall also be subject to review and comment from other county departments and state agencies, as applicable.

#### 4.3.5 *Planning Board*

- A. The Planning Board may recommend revisions to the conditions or to the site-specific development plan.
- B. The Planning Board is authorized to remand the conditional zoning case to staff for further review, investigation, or modification as the Board deems appropriate.

#### 4.3.6 *Board of Commissioners*

- A. The Board of Commissioners may recommend revisions to the conditions or to the site-specific development plan.
- B. The Board of Commissioners is authorized to remand the conditional zoning case to the Planning Board or Department Staff for further review, investigation, or modification as deemed appropriate by the Board.

### 4.4 Modifications

A design modification may be requested for an approved conditional zoning district. Any modification to an approved Conditional Zoning District shall be reviewed and processed in accordance with the same procedures required for the establishment of a new Conditional Zoning District, unless the Manager of Planning Services determines that the proposed modification constitutes a minor modification.

#### 4.4.1 *Minor Modifications*

Minor modifications may be approved administratively by the Manager of Planning Services, or their authorized designee, and the Development Review Board, as applicable, for compliance with the Unified Development Ordinance, adopted County plans, and other applicable development regulations. The Manager of Planning Services, or their designee, may, at their discretion, require that multiple or cumulative minor modification requests be reviewed and processed in accordance with the same procedures required for the establishment of a new Conditional Zoning District. All of the following criteria shall be met in order for the modifications to be considered a minor modification:

- A. The modification shall not exceed ten percent (10%) of any specification shown or stated on the approved site plan, including but not limited to building footprint, building height, façade, setback dimensions, designated open space, landscape buffers, tree preservation areas, parking and vehicle use areas, sidewalks, or multiuse paths.
- B. The proposed modification shall not impact vehicular access points to an existing or proposed public or private street as depicted on the approved site plan.
- C. The proposed modification shall not result in an increase in the approved density of development per N.C.G.S. § 160D-703.
- D. The proposed modification shall not expand or otherwise alter the range of permitted or approved uses.
- E. The modification shall not conflict with or violate any condition of approval associated with the rezoning.
- F. In no case shall a modification be made to the property boundary lines.

### **SECTION 5.0 HIGHWAY CORRIDOR OVERLAY DISTRICTS –HCO**

#### **5.1 Highway Corridor Overlay Districts**

##### A. Purpose & Intent

It is the intent of the Highway Corridor Overlay Districts (HCO) to provide enhanced & contextual building design, uniform landscaping, specific development standards and vehicular access control measures for development within these corridors only. Development standards for the Highway Corridor Overlay District apply to all parcels within 600 feet of the right-of-way on both sides of the street as shown on the official zoning map. For parcels that are partially located within the Highway Corridor Overlay District, only the area within the boundary of the HCO District shall meet the standards of this Section. The boundaries of the Highway Corridor Overlay Districts (HCO) District and the Sub-Areas are shown on the County's Officially Adopted Zoning Map.

##### 5.1.1 Highway 87 Highway Corridor Overlay District

The purpose of the Highway 87 Corridor Overlay District is to create an attractive gateway that supports safe traffic patterns along NC 87 in Harnett County. The district is subject to enhanced development regulations applicable to all non-residential development in the Harnett County Zoning Jurisdiction.

##### 5.1.2 “Ed-Med” Highway Corridor Overlay District

The purpose of the “Ed-Med” Highway Corridor Overlay District (EM-HCO) is to provide specific development standards that are applicable only to certain areas along US Highway 421 in Harnett County’s Jurisdiction. The EM-HCO District shall apply to all parcels located on either side of US Highway 421 from the Town of Lillington’s planning & development regulation jurisdiction (west) to the Town of Erwin’s planning and development regulation jurisdiction (east).

Within the EM-HCO District are the following Sub-Areas:

A. Campus Sub-Area

The purpose and intent of the Campus Sub-Area is to recognize the unique character and interrelated development in proximity to Campbell University. The standards of this district are to assure orderly, coordinated, contextual development by establishing uniform standards that recognize the university’s unique impact in this area.

B. Airport Sub-Area

The Airport Sub-Area is established in the vicinity of the Harnett County Regional Jetport. The purpose of this area is to provide protection from *encroachment of incompatible development characteristics and place additional* height restrictions on buildings, structures, and trees. Basic design standards are created in this area to encourage uniform office, commercial, research and industrial site development.

## 5.2 Permitted & Special Uses

The permitted uses shall be the same as those in the underlying zoning districts. The Special Uses shall be the same as those in the underlying zoning districts.

## 5.3 General HCO Architectural Standards

### 5.3.1 *Applicability*

- A. All of the following regulations shall apply to all new non-residential structures and development site plan submittals located within all Highway Corridor Overlay Zoning Districts. In some cases, there are also specific requirements for the Highway 421 Highway Corridor Overlay District (EM-HCO).
- B. Expansions
  - 1. Expansions shall comply with these regulations at such time that the expansion totals 50 percent (50%) or more of the existing building size. The total percentage of building expansions shall be combined over a five (5) year period. At such time that the percentage of building expansions reaches 50 percent (50%) or more of the original building size, these regulations shall be met, for that part of the structure included in the expansion.
  - 2. In cases where an expansion is equal to or greater than the total square footage of the existing building, both the expansion and the existing building shall also be brought into compliance with these regulations. The total shall be combined over a five (5) year period.
- C. Conversions of structures formerly used for residential purposes and changes of uses shall comply with the regulations included herein.

### 5.3.2 *Building Materials & Colors*

- A. Front facades and exterior walls visible from the public right(s)-of-way shall be composed

of at least 50 percent (50%) approved primary materials, listed below. Secondary materials may be used on building walls not visible from a public right(s)-of-way.

1. Primary Building Materials

The following materials shall be permitted as primary building materials.

- a. Brick
- b. Stone
- c. Fiber Cement Siding
- d. Architectural Concrete

Said material shall be permitted if the surface is constructed to simulate brick or stone and only as approved by the Administrator.

2. Secondary Building Materials

The following materials shall be prohibited as primary building materials but shall be allowed as secondary material along with the approved primary building materials or as primary elements on walls not required to meet these requirements. Secondary materials are not required. When used, no more than 30 percent (30%) of front façades and exterior walls visible from the public right(s)-of-way shall be composed of the materials listed herein.

- a. Stucco
- b. Exterior Insulation Finishing System (EIFS)
- c. Painted or Stained Concrete
- d. Metal
- e. Split-Face Block

3. Supplemental Building Materials

The following materials shall be allowed as supplemental materials along with primary and secondary materials. Supplementary building materials are not required. When used, no more than 10 percent (10%) of exterior walls shall be composed of the materials listed herein.

- a. Vinyl Siding
- b. Cast Concrete
- c. Smooth-Faced Concrete

4. Accessory Structures

Building materials and colors on accessory structures shall be compatible with that approved for the primary structure. For example, canopies permitted as part of a gas station may use a combination of brick columns and a metal canopy that is similar in color to the primary structure.

- B. For purposes of this Ordinance, the term “visible from the public right(s)-of-way” shall mean visible from any existing public right(s)-of-way or any right(s)-of-way intended for future dedication for public use. Additionally, for purposes of this Section, only those public

right(s)-of-way located within the Highway Corridor Overlay Zoning Districts shall be considered for compliance with these regulations.

- C. Two (2) or more materials shall be combined on one (1) façade; with the heavier material(s) being installed nearer to the ground or below other materials.
- D. Building Color

The number of colors used shall be limited to no more than three (3) discernable colors or ranges of complementary hues. The dominate color shall constitute a minimum of 60 percent (60%) of the façade, excluding windows, doors, and the like. Façade colors shall be of low reflectance earth tone, muted, subtle, and/or neutral colors. Building trim may feature brighter colors, but neon tubing is not allowed as an accent material. The use of high intensity, metallic, fluorescent, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entryways, architectural features, and public amenities so as to give greater recognition to these features.

### *5.3.3 Building Design, Façades, & Massing*

- A. Façades shall include changes in wall plane, incorporating at least one (1) change in wall plane, such as recesses and projections, along at least 20 percent (20%) of the length of the façade at a depth of at least three percent (3%) of the entire length of the building.
  - 1. Buildings of 10,000 square feet or less shall include a change in wall plane for every 50 feet of length.
  - 2. Buildings greater than 10,000 square feet shall include a change in wall plane for every 100 feet of length.
- B. Rooflines shall vary in height, material, treatment, direction, etc. and shall not extend in a continuous plane for more than 50 feet to reduce the scale of structures and to increase visual interest. Roof shape, such as flat, hip, mansard, or gable, and material shall be architecturally compatible with the façade elements of the rest of the building.
- C. Buildings with flat roofs or with roof pitches of 3:12 or less shall maintain a parapet wall along all walls visible from the public right(s)-of-way. Parapet walls shall have decorative cornices or caps.
- D. If roof cornices or caps have been removed or damaged on an existing building, renovations of such building shall include retaining, repairing, and replacing the roof cornices or caps, unless justification can be made to the Administrator as to why that is not feasible.

### *5.3.4 Architectural Standard Design Alternatives*

Alternative design plans, building materials, landscaping, and/or construction techniques may be used when unreasonable or impractical situations would result from the strict application of architectural standards of this Section. Such situations may result from unique site conditions, innovative design applications, and/or unified development design. The review and approval of Architectural Standard Design Alternatives shall be reviewed and decided by the Planning Board. The following criteria shall be used in determining whether an architectural standard design alternative can be accepted by the Planning Board in lieu of meeting the requirements of this Section.

- A. The proposal includes a clear and concise explanation of the specific standards that cannot be met and how the alternative methods proposed will achieve the intent of this Section;

- B. The proposal represents the use of alternative methods and/or materials (including but not limited to: building materials, massing, materials, and scale; orientation in relation to the public right(s)-of-way; façade treatment; landscaping; lighting; and open space) which will result in a development pattern which is equivalent to or greater than that required by this Ordinance;
- C. The proposed use and design alternative is compatible with adjacent land uses;
- D. The proposal is compatible with and will enhance the use or value of adjacent and area properties;
- E. The proposal is consistent with the intent of adopted County plans; and
- F. The proposed development standards are, in all other aspects, consistent with the intent and purpose of this Ordinance.

All findings specified above for the granting of such a request with the Architectural Standard Design Alternatives shall be provided in writing and signed by the Administrator. One (1) copy shall be provided to the applicant and another shall be retained as a part of the permanent record of the determination of the Planning Board.

## **5.4 General HCO Parking and Landscaping Requirements**

### *5.4.1 General HCO Landscaping and Parking*

- A. Parking lots, loading areas, and other vehicle use areas shall be planted with one (1) tree and two (2) shrubs for every 10 parking spaces required.
- B. At least 65 percent (65%) of the required parking lot trees shall be large shade trees.
- C. Trees and shrubs shall be planted within 15 feet of the vehicle use areas.
- D. Developments containing 30 or more parking spaces, 50 percent (50%) of the trees and shrubs required shall be planted in islands or medians located within the parking lot.
- E. A consecutive strip of parking spaces shall include landscape islands every 20 spaces apart and at the ends of all parking rows.
- F. Landscape islands shall be grassed and mowed, covered with organic material (for example, pine mulch), or a combination of the two (2).
- G. In calculating the number of trees and shrubs, standard rounding procedures shall be followed. (For example, one and a half (1.5) or greater will become two (2))
- H. Per Article VII Section 3 – Parking & Off-Street Loading Requirement of this Ordinance, the number of parking spaces shall not exceed one hundred and ten percent (110%) of the minimum number of spaces required for the approved land use, except for residentially classified uses. Pervious pavers, with installation certified by a Geotechnical Engineer, utilized for parking spaces shall not be counted toward the total number of allowable parking spaces.

### *5.4.2 Highway 421- EM-HCO Parking and Landscaping Requirements*

- A. All parking areas and driveways shall be paved with concrete, asphalt or alternate, hard-surface materials of similar quality.
- B. Off-Street parking shall be a minimum of twenty (20) feet from the US Highway 421 right-

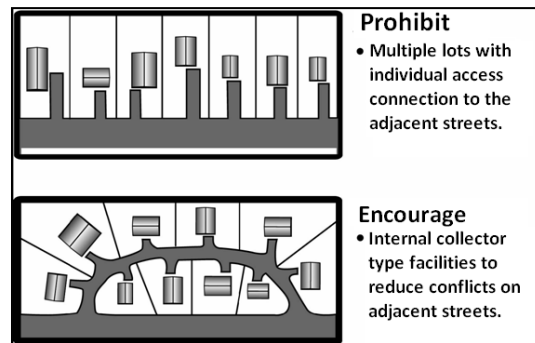
of-way line.

- C. Parking in the front of the building shall be limited to no more than two (2) rows of parking parallel to the front façade of the principal building.
- D. Parking areas with thirty (30) spaces or more shall be located to the side or behind buildings and screened per Section 9 – Buffer & Landscaping of this ordinance. In addition, a continuous linear planting strip minimum of 8’ in width shall be provided for every two (2) parking bays. This planting strip shall contain evergreen shrubs planted at two (2) shrubs for every ten (10) feet and one (1) large maturing tree planted at every twenty (20) feet.
- E. Loading areas shall be located on the side or rear of the principal building.
- F. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.

## 5.5 Additional Development Standards

### 5.5.1 General HCO Vehicular Access and Driveway Requirements

Driveways serving a new development parcel shall be permitted in accordance with the standards of the NCDOT; however, the Harnett County Planning Board and Board of Commissioners may require more strict standards as conditions of approval during the site plan review, if it is determined that the additional conditions may improve traffic movement and safety. Developers of nonresidential uses are required to share parking areas and driveways with adjoining developments. If the adjoining parcel is undeveloped, stub-outs are required for future connections. Stub-outs shall be fully constructed to the adjacent property line and located in locations that will allow for reasonable and feasible extension into adjacent properties. Also, no landscaping or structures shall be allowed near the intersections of driveways and streets that would impede safe vision of traffic. Subdivision of land with multiple smaller parcels having frontage on the roadway along the corridor will not be allowed. NCDOT and the County prohibit this type of development within the corridor. Development will be required to have shared access to the roadway as approved by the NCDOT and the County.



### 5.5.2 Highway 421- EM-HCO Vehicular Access & Driveways Requirements

1. Access
  - a. Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of twenty (20) feet, or through two one-way aisles, each with a minimum width of ten feet.
  - b. Where provided, a cross-access easement shall be recorded at the Harnett County

Register of Deeds by the owner/developer prior to issuance of a Certificate of Occupancy and be considered a development standard required as part of this ordinance.

- c. The Administrator may modify this requirement when site conditions relative to topography, avoiding utility infrastructure, or other clearly identifiable safety conditions are present. When cross-access is waived in accordance with this Article/Section, bicycle and pedestrian connections shall be provided between adjacent developments or uses, unless the provision is deemed unreasonable or impracticable.

2. Private Roads & Driveways:

- a. One combined entrance and exit shall be permitted for each lot with frontage on US Highway 421 as permitted by the County & NCDOT.
- b. For lots with five-hundred (500) feet or more of frontage along US Highway 421, two (2) combined entrances and exits shall be permitted in coordination with NCDOT.
- c. For projects requiring a Traffic Impact Analysis (TIA), the maximum number of driveways shall be determined through the TIA requirements as well as County and NCDOT approvals.
- d. Private roads shall have a maximum block length of one thousand (1,000) feet.
- e. Private roads shall be lined with large maturing trees or understory trees of uniform species planted at a minimum of thirty (30) feet on center.

*5.5.3 Outdoor Storage*

Outdoor storage, when permitted, shall be screened from view so that it is not visible from a right(s)-of-way or adjacent property(s). Any accessory outdoor storage area shall comply with the requirements set forth in Subsection "Outdoor Storage Area Screening", Section "Buffers & Landscaping" of Article VII "Development Design Guidelines."

*5.5.4 General HCO Signs Requirements*

A. Business & Other Signs

1. General Sign Regulations

All business and other signs located within the Highway Corridor Overlay Zoning District shall comply with the regulations of this Section, as well as with all other sign requirements of this Ordinance.

2. Sign Landscaping

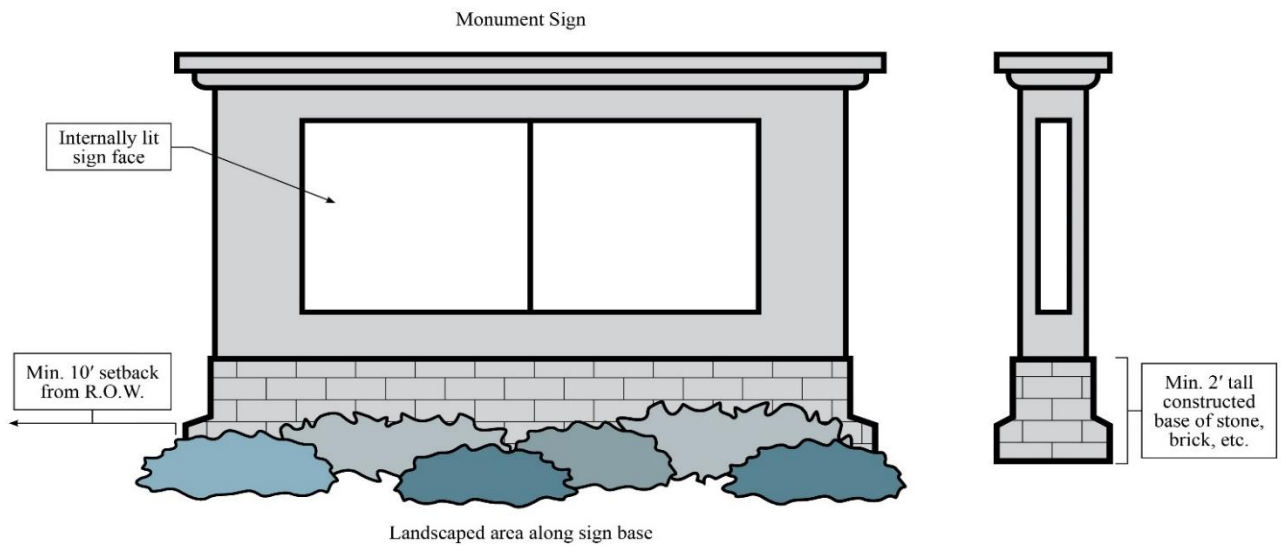
A minimum of one (1) large and two (2) small trees per detached sign on the property shall be planted, if not existing, within the perimeter planting strip.

B. Outdoor Advertising Signs

No outdoor advertising signs shall be allowed within the Highway Corridor Overlay District or on any property(s) that are partially located within the Highway Corridor Overlay District, except in compliance with Section "Nonconforming Signs" of Article II "Nonconformities".

5.5.5 Highway 421- EM-HCO Sign Requirements

- A. New off-premises signs or billboards are expressly prohibited within this overlay district.
- B. In addition to the requirements of Article VII Section 10 – Sign Regulations, all ground signs must meet the following standards:
  - 1. Be placed a minimum of ten (10) feet from a public right-of-way and located along, or facing, US Highway 421 or the road from which direct or principal vehicular access to the premises is obtained.
  - 2. All monument signs shall be provided with a landscaped area at least equal to the sign surface area of the sign. Such landscaping may include any size or variety of annuals, perennials, ornamental grasses, or shrubs.
- C. The provisions of Article VII Section 10 – Sign Requirements shall govern all other signage standards within this corridor.
- D. The following image represent an example of ground signage permitted in this district:



5.5.6 General HCO Trash Containment Areas

Outside dumpster/recycle, etc., sites shall be located in the side or rear yard and effectively screened with materials which are compatible with the architectural design and materials of the primary structure (see example image below).



## 5.6 “Ed-Med” Highway Corridor Overlay District (EM-HCO)

### 5.6.1 Exemptions

The following development types are exempt from the standards in this Article/Section:

- A. Master development plans approved under the Office & Institutional Zoning District.
- B. Developments proposed for single-family residential subdivisions.
- C. Buildings which are primarily utilized for agricultural purposes.
- D. Existing single-family lots and single-family subdivisions.

### 5.6.2 Expansion & Changes of Use

Expansions shall comply with these regulations at such time that the expansion totals 50 percent (50%) or more of the existing building size. The total percentage of building expansions shall be combined over a five (5) year period. At such time that the percentage of building expansions reaches fifty percent (50%) or more of the original building size, these regulations shall be met, for that part of the structure included in the expansion.

In cases where an expansion is equal to or greater than the total square footage of the existing building, both the expansion and the existing building shall also be brought into compliance with these regulations. The total shall be combined over a five (5) year period.

### 5.6.3 Modifications

The Administrator, in reviewing a development application, may adjust specific EM-HCO requirements for yards adjacent to the corridor or intersecting streets provided the average depth of a required yard or setback for the entire parcel is maintained. In permitting site-specific variations the Administrator shall find that the modification requested:

- A. Is consistent with the overall purpose and intent of these requirements;
- B. Is necessitated by the configuration and/or topography of the land, which makes it impractical to comply with the yard and setback requirements of this Article/Section for specific areas of the parcel;
- C. Does not reduce the required yard or setback by more than fifty percent (50%).

### 5.6.4 Required Development Standards

A. Building Location Standards

Building setbacks shall be the same as for the underlying zoning district provided, however, buildings shall be oriented to “front” on US Highway 421 and be placed no farther than one hundred (100) feet from the US Highway 421 right-of-way line.

B. Building Height Standards

With the exception of the Campus Sub-Area, the height of any building within this corridor shall be limited to thirty-five feet above the centerline elevation of US Highway 421 measured from the front of the nearest building.

*5.6.5 Sidewalks & Pedestrian Paths*

A. A ten (10) foot wide paved pedestrian path shall be required to be constructed along the entire frontage of US Highway 421 where the development is occurring.

B. Five (5) feet paved sidewalks shall be provided along all other street frontages.

C. Sidewalks and pedestrian paths shall be constructed to optimize pedestrian movement between parcels and connect with existing pedestrian sidewalks and trails. Sidewalks and pedestrian paths along street frontages must be located a minimum of five (5) feet from parking areas

D. Safe and convenient pedestrian crossings shall be provided across access drives and internal travel-ways.

E. Crosswalks and pedestrian areas shall be signed and/ or accented and defined.

F. The following images represent an example of this standard:



*5.6.6 Streetscape Trees*

A. In addition to the landscaping and screening requirements in Section 9 – Buffer & Landscaping, it is the intent of this Article/Section that the frontage along US Highway 421 have an enhanced and uniform streetscape.

B. A staggered double row of loblolly pines not less than four inches in DBH (Diameter at Breast Height) shall be planted along the frontage of US Highway 421 for every forty (40) linear feet of property fronting US Highway 421 and one understory tree such as redbud, crepe myrtle or dogwood for every twenty (20) linear feet of property fronting US Highway 421. The planting of loblolly pines shall not be required within the Airport Sub-Area of this district.

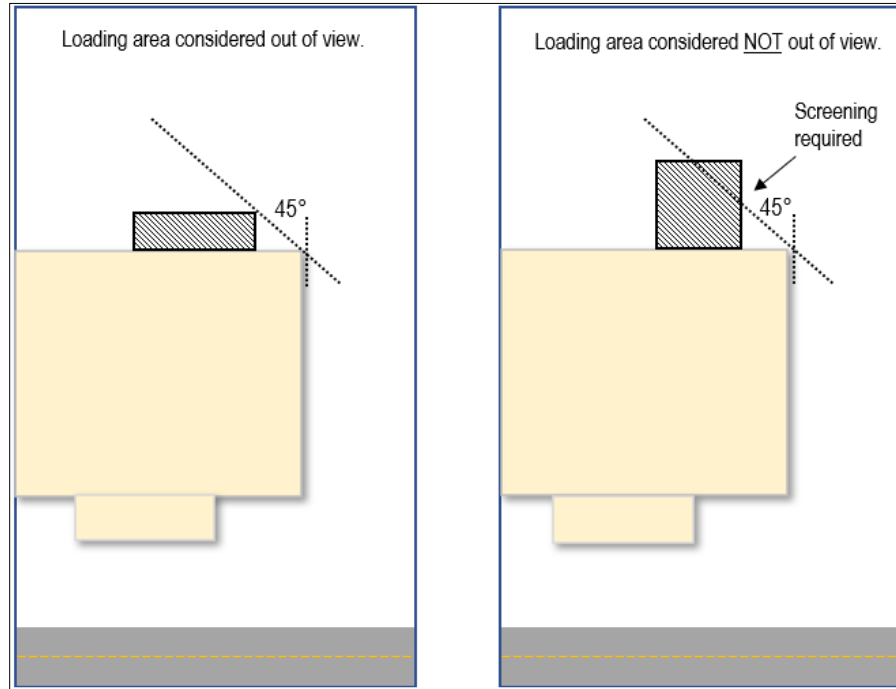
1. Streetscape trees shall be placed in a planting strip on private property and not within the public right-of-way unless permitted by NCDOT.
  2. No streetscape tree can be planted farther than twenty (20) feet from the edge of the right-of-way to count towards this requirement.
  3. The planting area must be covered with grass, shrubs, or mulched areas so that no soil is exposed.
  4. Sidewalks, pedestrian paths and greenway trails may encroach into the planting strip.
- C. Existing vegetation may be used to satisfy the requirement for streetscape trees if the vegetation meets the requirements of this Article/Section.
- D. All wetpond and drypond retention systems visible from US Highway 421 or from adjacent residential development areas shall be effectively screened or designed as a landscaped feature.
- E. During the development review process, the Administrator may permit minor modifications in the placement of trees in order to avoid conflict with utility structures and utility lines.
- F. The following images represent examples this standard:



#### 5.6.7 Building Design

- A. Building design standards for buildings in this district shall follow Sections 12.3.2 [Building Materials & Color] through 12.3.4 [Architectural Standards Design Alternatives] of this ordinance.
- B. The Campus Sub-Area & Airport Sub-Area are subject to separate building design standards, but the following shall apply to the entire (EM-HCO):
1. A contextual approach should be considered when designing buildings within this corridor to respond to prevalent architectural features of the surrounding area, especially in areas where patterns are valued and well established by recurring & existing architectural features.
  2. Loading docks, overhead doors, and loading and service areas (not to include doors sized primarily for pedestrian access) shall be effectively screened or “out-of-view” from US Highway 421. Such areas shall be considered “out-of-view” if it is within the 45-

degree angles projected from the building edge as illustrated below:

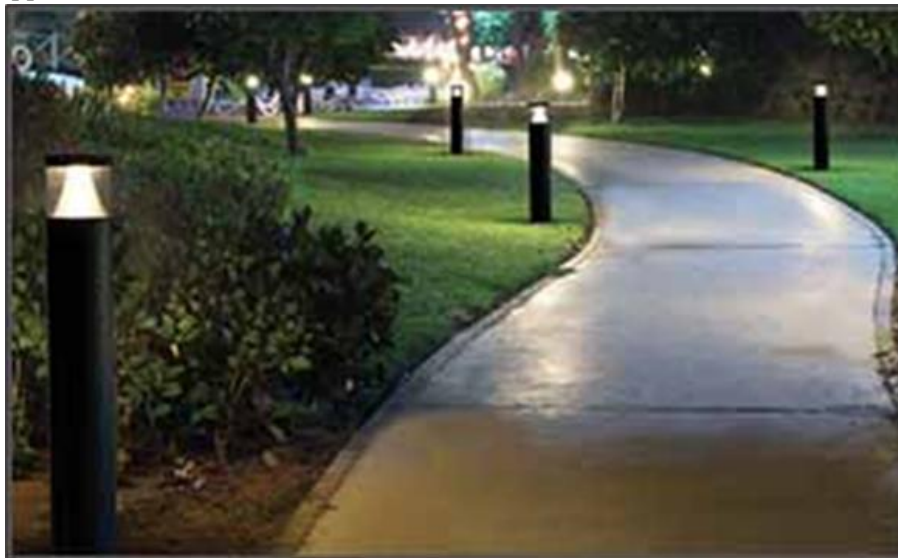
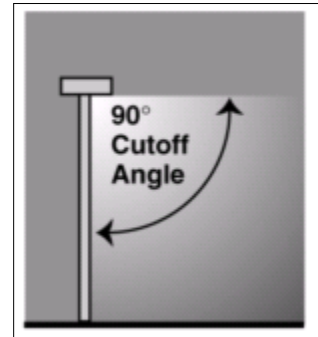


3. When screening is used, it shall consist of evergreen shrubs, fencing, wall or berm.
4. Barb-wire fencing shall only be permitted in areas not visible from the US Highway 421 right-of-way.
5. Chain link fences may be used when they are black vinyl coated, a maximum of eight (8) feet in height and evergreen shrubbery is provided along the entire area visible from the US Highway 421 right-of-way.
6. The building frontage should be designed to include sidewalk/plaza connections to the main pedestrian plan and sidewalk that includes landscaping, borders and bicycle parking amenities.
7. Foundation planting consisting of evergreen shrubs shall be installed along the entire front foundation wall of the building. Plant installation shall be a minimum of two feet in height planted at three- to four-foot intervals.
8. A building canopy, awning, or similar weather protection shall be provided for entrances facing US Highway 421 and should project a minimum of five (5) feet from the front building façade.

#### 5.6.8 Lighting

In addition to the standards of Section 7 – Lighting Standards and Article IX – Airport Height Control of this ordinance, these additional requirements shall apply in this district:

- A. Light fixtures that are not attached to a building shall be affixed to a pole, which may be of metal, fiberglass or concrete.
- B. All fixtures must be 90-degree cutoff angle fixtures only. This means a luminaire or light fixture that by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree, horizontal plane from the base of the fixture.
- C. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
- D. The maximum height of the light source, detached from a building, is 20 feet.
- E. Lighting shall be functionally and architecturally integrated with site and building design.
- F. Light sources shall only be incandescent, LED, fluorescent, metal halide, or induction lighting may be used.
- G. Pedestrian scale light fixtures (pole or bollard) shall be provided along sidewalks and pedestrian paths no taller than 16 feet and spaced a max of 60 feet (see example below).
- H. All light fixtures are encouraged to be International Dark-Sky Association (IDA) approved.



*5.6.9 Utilities, Mechanical Equipment & Stormwater Facilities*

- A. All utilities under the control of the property owner or developer shall be placed underground. Utilities such as water, sewer, natural gas, telephone, cable, etc., shall only be located in the portion of the required streetscape that does not have existing trees that can be protected or will not have newly planted trees.
- B. Mechanical equipment placed on a roof shall be shielded from public view behind a roof parapet or with architectural enclosure complementary to the building façade.
- C. Mechanical equipment on the ground such as electric and gas meters, electrical panels, junction boxes, transformers, etc. shall be shielded from public view using landscaping, enclosure, or located away from public view to the extent practical given the topography

of the site and other physical limitations and designed to be perceived as an integral part of the building.

- D. All wet pond and dry pond retention systems shall be located a minimum of 50 feet from the US Highway 421 right-of-way and be effectively screened or designed as a landscaped feature.

5.6.10 *Individual Use Standards*

A. Telecommunication Towers.

All telecommunication towers located on private property shall be located a minimum of 100' from the US Highway 421 right-of-way and shall not be located in the Airport Sub-Area of this district.

B. Convenience Stores with Gasoline Stations.

- 1. No fueling pumps or other vehicular areas shall be located between the primary structure and US Highway 421 right-of-way (see example below).



- 2. Gasoline canopies must be located at least fifty (50) feet from any interior side or rear property line that adjoins residentially developed property.
- 3. Gasoline canopies must use brick columns that are similar in color to the primary structure.
- 4. A conforming principal building is required and shall be a minimum of one-thousand (1,000) square feet.
- 5. No outdoor storage shall be allowed.

C. Drive-thru Facilities.

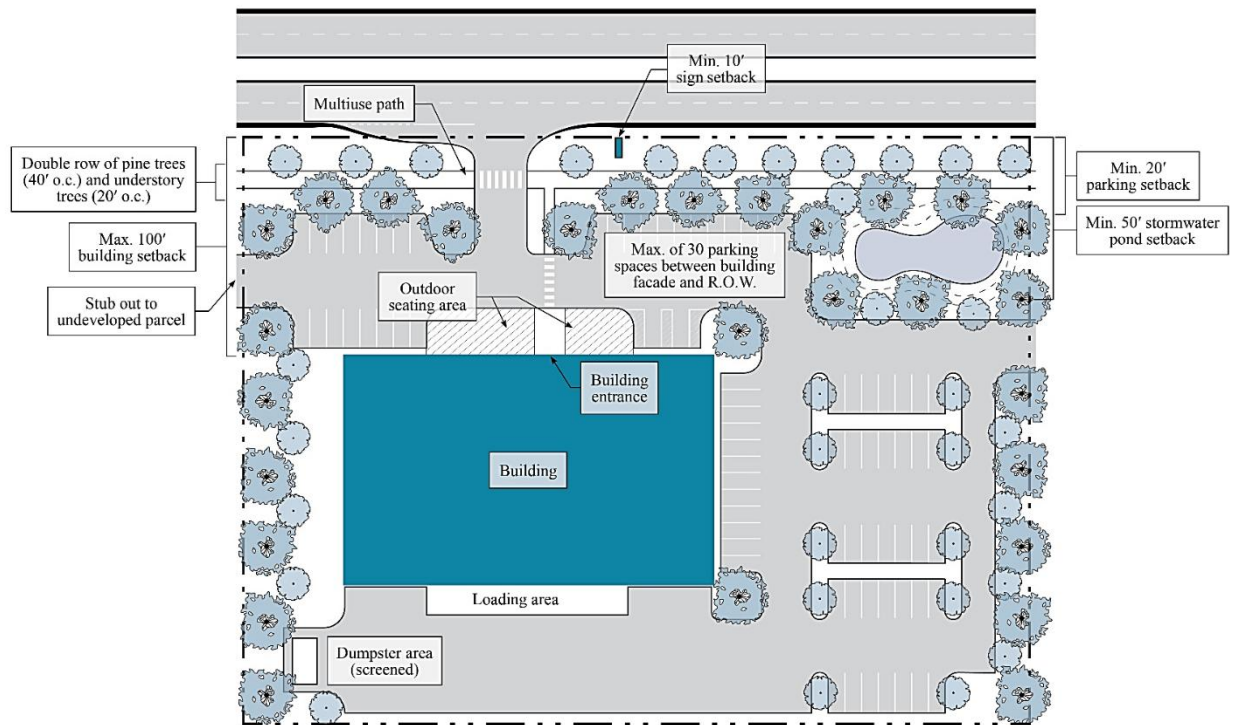
- 1. No drive-through lanes shall be located between the primary structure and the US Highway 421 right-of-way.
- 2. Drive-through facilities shall be limited to two (2) lanes.
- 3. Drive-through lanes or loading spaces shall not be located any closer than fifty (50) feet to a residential zoning district.
- 4. Stacking Lane Requirements:
  - a. The minimum number of stacking spaces shall be eight (8) spaces or sixteen (16) if double lanes are provided.

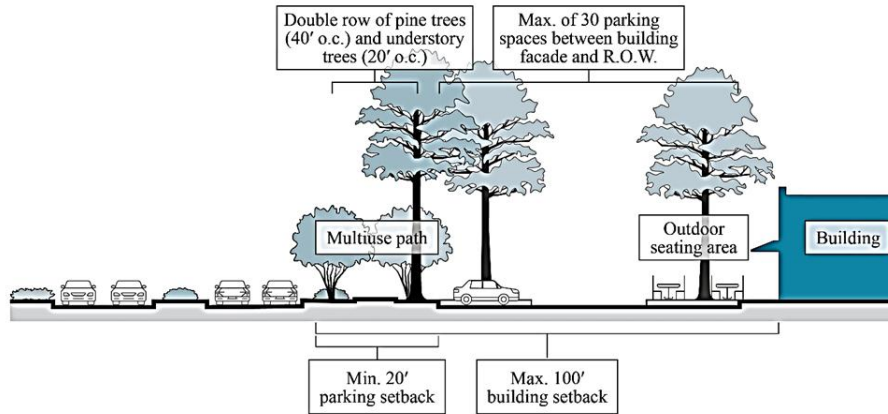
- b. Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long per lane.
- c. Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.
- d. Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the County or NCDOT for traffic movement and safety.

D. Outdoor Storage

All outdoor storage shall be located in the rear yard and be screened from view through buildings or an opaque fence or a combination of an opaque fence and evergreen landscaping from the view US Highway 421 right-of-way as well as any other right-of-way or adjacent property.

*The images below represent a graphical depiction of a typical site development under these regulations.*





### 5.6.11 Campus Sub-Area District Standards

- A. In addition to the general standards listed in the sections above, the following additional building standards shall apply to structures within the Campus Sub-Area of this overlay district
1. Architecture Buildings shall be designed to substantially resemble the architectural styles of existing buildings on the Campbell University campus.
  2. Buildings shall include similar architectural styles that are contextual in nature.
  3. Large areas of uninterrupted brickwork shall be broken up through the use of windows, archways or other patterns.
  4. Blank walls shall not occupy more than fifty percent (50%) of a street facing frontage of US Highway 421 and shall not exceed an average of twenty (20) linear feet without interruption by a window or entry.
  5. Window areas may extend down to within two (2) feet the floor line or across the entire frontage of a building's façade.
  6. All buildings shall have a front entrance to US Highway 421 and shall be a distinct and prominent element of the architectural design incorporating lighting, change in mass, surface or finish to provide emphasis.
  7. Buildings shall have the appearance of a two-story building (at minimum) with a maximum height of four-stories or eighty-five (85) feet. A story is considered to be a building level of no more than fourteen (14) feet in height from the finished floor to finished ceiling (see examples below for two-story building appearances).
  8. Roof types shall be modified gabled or hip style only.
- B. Building Materials
1. A minimum of seventy-five percent (75%) of the frontage of buildings along US Highway 421 or side streets within the overlay district shall be of materials such as brick, stone or architectural concrete. The remainder may be of cement fiber board, exposed heavy timber or stucco.
  2. Any percentage of materials are permitted in the rear of the buildings.

3. A minimum of fifty percent (50%) of the side of buildings shall be of materials such as brick, stone, or architectural concrete. The remainder may be of cement fiber board, exposed heavy timber or stucco.

C. Building Colors

1. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, day glow, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.
2. The images to the right represent examples these standards.

D. Outdoor Spaces

1. Larger retail centers (over 25,000 square feet) shall provide at least one outdoor space, or site amenity, to beautify the site in addition to the minimum landscaping requirements of this ordinance.
2. The outdoor space or site amenity is intended to enhance the vehicular and pedestrian entryways to the site and the buildings on the site. An “outdoor space” or “site amenity” may include, but is not limited to, the following:
  - a. A public plaza or courtyard on the site;
  - b. A landscaped median for the driveway(s) leading into the site and landscaped pedestrian areas; or
  - c. A public square or park on the site, or on adjacent land.
3. The outdoor space or site amenity shall be improved with features which may include, but are not limited to:
  - a. Landscaping
  - b. Seating walls
  - c. Outdoor dining areas
  - d. Benches
  - e. Fountains

*5.6.12 Airport Sub-Area District Standards*

In addition to the general standards listed in the sections above and in Article IX – Airport Height Control of this ordinance, the following standards shall apply to buildings in the Airport Sub-Area of this overlay district.

A. Architecture

1. Buildings in this sub-area may be of an industrial design in nature.
2. Blank walls shall not occupy more than sixty percent (60%) of a street facing frontage of US Highway 421 and shall not exceed twenty (20) linear feet without interruption by a window or entry.
3. All buildings shall have a front entrance to US Highway 421.
4. Sections or bays shall be provided every twenty (20) feet to visually subdivide the front façade. Features with different materials such as columns, projections, windows, awnings or an equivalent element that visually subdivides the wall shall be used.
5. Roof types shall be modified gable, hip, Dutch or mansard in style.



**B. Building Materials**

1. A minimum of fifty percent (50%) of the frontage of buildings along US Highway 421 shall be of materials such as brick, stone or architectural concrete. The remainder may be architectural metal siding.
2. A minimum of twenty-five percent (25%) of the side of buildings shall be of materials such as brick, stone or architectural concrete. The remainder may be architectural metal siding.
3. Any percentage of materials are permitted in the rear of the buildings.

**C. Building Colors**

1. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, day glow, or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.

**SECTION 6.0 MILITARY CORRIDOR OVERLAY DISTRICT – MCO**

**6.1 Purpose**

The main purpose of this district is to ensure the compatibility between air and exercise operations associated with local military installations occurring at varying hours and land uses on properties nearby, in terms of potential interference with safe aircraft operations, potential threats from falling aircraft,

potential impacts of noise, and potential adverse impacts of other military operations and practices, such as small arms and artillery training and exercises, and prescribed or controlled burning of forested land.

Compatibility of land uses is encouraged within the five (5) mile area surrounding the local military installation to further the purpose of the installation, as well as to preserve the quality of life of surrounding property owners. Compatibility of surrounding land uses may encourage wildlife preservation and reduce potential interference of light pollution.

Prescribed or controlled burning typically takes place on managed lands as a method of reducing the risk of catastrophic fires on those and adjacent lands. Potential adverse effects of controlled burning includes risk to smoke-sensitive individuals as well as reduced visibility on public right(s)-of-way.

## **6.2 District Dimensions**

The Military Corridor Overlay Zone shall be identified as including those properties located either fully or partially within five (5) miles of the jurisdictional boundary of a military base.

## **6.3 Permitted & Special Uses**

The permitted uses shall be the same as those in the underlying zoning districts. The Special Uses shall be the same as those in the underlying zoning districts. Reasonable regulations within applicable aircraft noise zones, imaginary surfaces, and active airspace, are limited to the height of man-made structures, incompatible uses of land, and incompatible development activities.

In addition to the standards set forth in this Section, all uses and structures must comply with all other applicable local, State, and Federal regulations, including [Title 14, Part 77 CFR](#) [Code of Federal Regulations]. Further, state level coordination is required for, but may not be limited to:

1. Certain modifications to the zoning map or of permitted uses of land, if proposed within 5 miles of Fort Bragg (N.C.G.S. [§ 160D-601\(b\)](#));
2. Certain tall buildings and structures proposed within 5 miles of Fort Bragg (N.C.G.S. [§ 143-151.70 et seq.](#));
3. Proposed Wind Energy Facilities that require approval by the N.C. Department of Environmental Quality. (N.C.G.S. [§ 143-215.115, et seq.](#));

To the extent there is a conflict between the terms of the RLUAC Coordination Agreement or this Ordinance and state law, state law shall prevail.

## **6.4 Required Review**

To ensure compliance with GS 160D-601 (b), notification to the military installation, by way of the Regional Land Use Advisory Council (RULAC) coordination agreement, shall be made on any adoptions or modifications to this Ordinance that may change or affect the permitted uses of land located within five (5) miles of a military installation. In addition, notification shall be made to the military installation on any development projects, including but not limited to subdivisions, site plans, telecommunications towers, windmills, and Special Use Permits, located within the same distance. The military installation, via RULAC, shall be afforded the opportunity to provide comment or analysis on such adoptions, modifications, or developments regarding compatibility. Any comments provided prior to the public hearing or other applicable final review shall be considered by the Board of Commissioners or approving body in rendering a final determination.

## **6.5 Notification Procedures**

All plats for site plans and both residential and nonresidential subdivisions located within the Military Corridor Overlay Zoning District, including those for minor subdivisions and preliminary and final major subdivisions, shall include a statement indicating that such lots are located in the district. Further, the required statement shall indicate that homes within the overlay district may, from time to time, be subject

to potential adverse effects of operations on the military installation.

## **SECTION 7.0 DIMENSIONAL REQUIREMENTS**

### **7.1 General Requirements**

#### *7.1.1 Exemptions from Minimum Dimensional Requirements*

Lots for public utilities and private utilities for public purposes other than distribution lines, including but not limited to electric substations, telephone exchange buildings, and water towers, shall not be required to meet “Lot Requirements”, below, and Subsections “Nonresidential Zoning Minimum Dimensional Requirements” and “Residential Zoning Minimum Dimensional Requirements” of this Section. Applications for such shall include an accurate site specific plan using exempted requirements as development guidelines and shall note the purpose for which the lot is to be utilized.

#### *7.1.2 Lot Requirements*

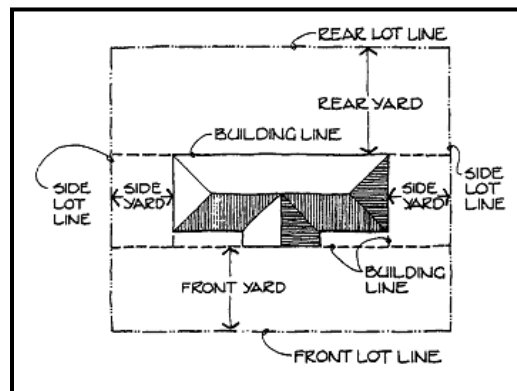
- A. Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Every lot shall front or abut a street for a distance of at least 80 feet except on the bulb of a cul-de-sac where 40 feet will be acceptable, unless specified otherwise in this Ordinance.
- B. Extending from the front property line to the rear property line, both side lot lines shall be substantially perpendicular to the street line.
- C. Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or nonresidential uses.

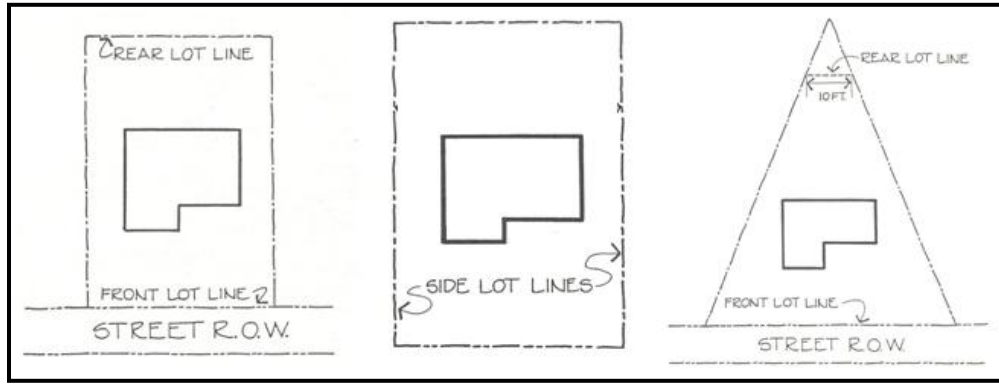
#### *7.1.3 Reduction of Lot & Yard Areas Prohibited*

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

#### *7.1.4 Lot Width & Yards*

Lot width shall be the length as measured at the front property line or right-of-way line except on the bulb of a cul-de-sac as specified herein. The diagrams below are provided to assist in interpreting definitions and regulations of lot width and lot yards.





**7.1.5 Front Yard Setback**

Length measured from the public right-of-way line to the structure (excluding steps). In cases where no public right-of-way exists, the measurement shall be from the access easement line; or, if no public right-of-way or access easement exists, the measurement shall be made from the property line.

Front yards shall be devoted for sidewalks, grass, landscaping, and driveways.

**7.1.6 Rear Yard Setback**

Length measured from the rear property line (excluding steps).

**7.1.7 Side Yard Setback**

Length measured from the side property lines.

**7.1.8 Side Yard Setback, Corner Lot**

Length measured from the public right-of-way located along the side yard. In cases where no public right-of-way exists, the measurement shall be from the easement line.

Accessory buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting that side street than the distance specified for front yards of lots fronting on such side street.

**7.1.9 Measuring Setbacks**

Required setback distances are generally based on rectangular lots. Nonrectangular lots, lots with three (3) sides or more than four (4) sides, and other irregularly shaped lots require special measurement techniques to ensure proper separation between structures and property lines. The following is provided to aid in determining the appropriate location for measuring building setbacks on irregular lots. The Administrator is authorized to establish the front, rear, and/or side setback and property lines in cases of uncertainty. See Article VII “Development Design Guidelines”, Section “Street & Transportation Guidelines”, Subsection “Comprehensive Transportation Plan” for additional information regarding measurement of setbacks on properties located along public right(s)-of-way identified on the Harnett County Comprehensive Transportation Plan.

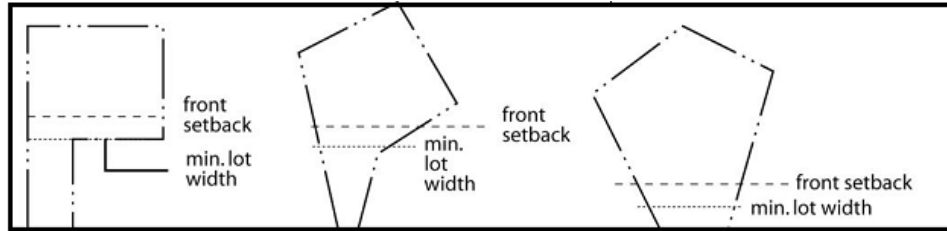
**A. Front Setback**

**1. New Lots**

New lots shall be developed so that the minimum required front setback shall be maintained for the same distance back into the property and perpendicular to the front line.

**2. Existing Lots**

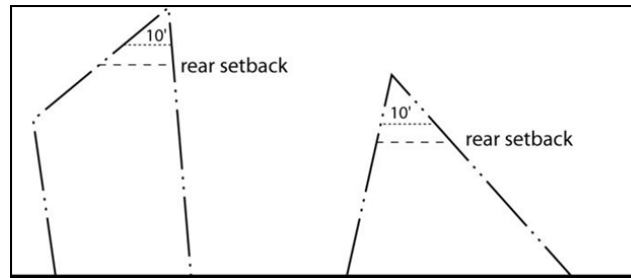
Front setbacks on existing lots shall be measured from the right-of-way, easement, or front property line (as required by this Ordinance) unless said line does not meet the minimum lot width requirement. In such cases, the front setback shall be measured from a point on the lot, nearest the front line, that complies with the minimum lot width requirements of the zoning district in which it is located.



**B. Rear Setback**

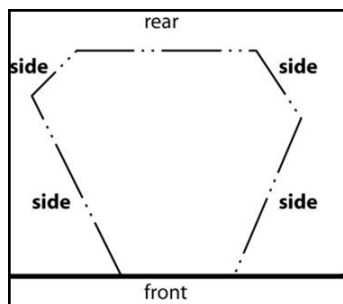
On irregularly shaped lots, the rear setback is measured from an imaginary line that:

1. Is within the lot;
2. Is drawn at a point most distant from the front property line where the lot is 10 feet in width;
3. Is parallel to the front property line; and
4. Extends across the entire width of the lot.



**C. Side Setback**

All property lines that are not front or rear property lines shall be considered side property lines for purposes of measuring setbacks.



**7.1.10 Building Height, Required**

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Buildings located within the Rural Center, Employment Mixed Use, or Compact Mixed Use Land Use Classifications are exempt from the district height requirement if they conform to the following:

- A. Highest point of the building shall not exceed 85 feet.
- B. Fire Code Official shall certify that the building is designed and equipped to provide adequate fire protection. All buildings that exceed maximum building height of 35 feet shall provide automatic sprinkler system in accordance with the North Carolina State Building Code.

**7.2 Residential Zoning Minimum Dimensional Requirements**

ZONING DISTRICT	RA-40	RA-30	RA-20M	RA-20R
Minimum Lot Area (square feet)	40,000	30,000	20,000	20,000
Connection to public water and/or sewer including any NCDOT right-of-way (square feet)	35,000	25,000	15,000	15,000
Minimum Lot Width	150 ft	100 ft	80 ft	80 ft
Minimum Front Yard Setback	35 ft	35 ft	35 ft	35 ft
Minimum Rear Yard Setback	25 ft	25 ft	25 ft	25 ft
Minimum Side Yard Setback	10 ft	10 ft	10 ft	10 ft
Maximum Building Height, Required	35 ft	35 ft	35 ft	35 ft
Minimum Side Yard Setback, Corner Lot	20 ft	20 ft	20 ft	20 ft
Minimum Side Yard Setback, Corner Lot on Major Thoroughfare	35 ft	35 ft	35 ft	35 ft

**7.3 Residential Minimum Dimensional & Amenity Requirements for Major Subdivisions**

*7.3.1 Compatibility Design Concept*

The Compatibility Design Concept has been established for the following purposes:

- A. To protect rural character and agricultural lands
- B. To encourage compatibility between existing land uses and new development
- C. To provide for growth near infrastructure
- D. To improve the quality of development through amenities

Compatibility Development requirements are made up of four (4) key components: zoning district, land use class, minimum lot size, and open space. The table below contains the regulations for this type of development. The subject property(s) for this use shall be compatible with the zoning district and land use class. The minimum lot size stated is only permitted if the required improvements indicated are met.

*7.3.2 Land Use Class*

The Land Use Classifications listed herein shall coincide with the Harnett County Land Use Plan. Definitions of said classifications and further information shall be found in the Harnett County Land Use Plan.

- A. PA: Protected Area
- B. ESA: Environmentally Sensitive Areas
- C. CDTA: Compatibility Development Target Areas
- D. MCB: Military Corridor Buffer
- E. ARR: Agricultural and Rural Residential
- F. LDR: Low Density Residential
- G. MDR: Medium Density Residential

- H. RC: Rural Centers
- I. CMU: Compact Mixed Use
- J. EMU: Employment Mixed Use

### 7.3.3 *Minimum Lot Size*

While all lots shall not all be of equal size, lots within the development shall be equal to or larger than the indicated minimum lot size.

### 7.3.4 *Amenities & Design Standards*

All of the criteria listed herein are subject to the regulations stated in the “Development Design Guidelines” Section of the Harnett County Unified Development Ordinance.

A. Amenities that shall be provided are indicated as such with a checkmark (✓) and amenities that should be provided, but are not required, are indicated as such with a dash (-).

B. Sidewalks

A checkmark and an asterisk (✓\*) indicates that sidewalks shall be constructed on both sides of the street.

C. Public Utilities

Connection shall be provided to at least one (1) public utility (either public water or public sewer) when indicated as such with a number one (1) and connection shall be provided to both public utilities (public water and sewer) when indicated as such with a number two (2).

D. Street Pavement Width

A minimum 50 foot right-of-way width shall be required, but it is recommended that a 60 foot right-of-way width be provided for all residential streets with curb & gutter and sidewalks.

E. Streetscape Buffers shall be required in all major subdivisions. Prime Views & Vistas shall be required for all subdivisions in which open space is provided. These requirements can be found in Article “Development Design Guidelines” Section “Buffers & Landscaping” of this Ordinance.

F. Perimeter Buffer

A perimeter buffer shall be required on all subdivisions with lots of 7,500 square feet or less, and shall be maintained as open space. In no case shall this required buffer area be counted toward the minimum square footage requirement for individual lots. Retaining existing vegetation is encouraged. A minimum of a “Type A Buffer”, as defined by this Ordinance, shall be required.

7.3.5 Compatibility Design Concept Table

	LOT WIDTH	FRONT YARD	REAR YARD	SIDE YARD	CORNER SIDE YARD	OPEN SPACE	STREET TREES	SIDEWALKS & CURB & GUTTER	PUBLIC UTILITIES	STREET PAVEMENT WIDTH	REQUIRED PERIMETER BUFFER
<b>RA-40 Zoning</b>											
<b>LAND USE CLASS: LD, MDR, RC, CMU, EMU, ARR, ESA, PA</b>											
≥40,000 sq. ft. minimum lots	150'	35'	25'	10'	20'	0%	-	-	-	-	-
≥35,000 sq. ft. minimum lots	150'	35'	25'	10'	20'	0%	-	-	1	-	-
≥28,000 sq. ft. minimum lots	100'	35'	25'	10'	20'	10%	✓	✓	1	-	-
<b>LAND USE CLASS: MDR, RC, CMU, EMU</b>											
≥21,000 sq. ft. minimum lots	100'	35'	25'	10'	20'	20%	✓	✓	1	-	-
≥17,500 sq. ft. minimum lots	80'	35'	20'	10'	10'	30%	✓	✓	2	29'	✓
<b>RA-30 Zoning</b>											
<b>LAND USE CLASS: LD, MDR, RC, CMU, EMU, ARR, ESA, PA</b>											
≥30,000 sq. ft. minimum lots	100'	35'	25'	10'	20'	0%	-	-	-	-	-
≥25,000 sq. ft. minimum lots	100'	35'	25'	10'	20'	0%	-	-	1	-	-
≥20,000 sq. ft. minimum lots	80'	35'	20'	10'	20'	10%	✓	✓	1	-	-
<b>LAND USE CLASS: MDR, RC, CMU, EMU</b>											
≥15,000 sq. ft. minimum lots	80'	30'	20'	10'	20'	20%	✓	✓	1	-	-
≥12,500 sq. ft. minimum lots	70'	25'	20'	10'	20'	30%	✓	✓	2	29'	✓
<b>RA-20R(M) Zoning</b>											
<b>LAND USE CLASS: LD, MDR, RC, CMU, EMU, ARR, ESA, PA</b>											
≥20,000 sq. ft. minimum lots	80'	35'	25'	10'	20'	0%	-	-	-	-	-
≥15,000 sq. ft. minimum lots	80'	30'	20'	10'	20'	0%	✓	✓	1	-	-
≥12,000 sq. ft. minimum lots	70'	25'	20'	10'	20'	20%	✓	✓	2	29'	-
<b>LAND USE CLASS: MDR, RC, CMU, EMU</b>											
≥10,000 sq. ft. minimum lots	70'	20'	15'	5'	15'	20%	✓	✓	2	29'	✓

- OPTIONAL                      ✓ REQUIRED                      1 PUBLIC WATER OR SEWER                      2 PUBLIC WATER AND SEWER

7.4 Nonresidential Zoning Minimum Dimensional Requirements

ZONING DISTRICT	IND	LI	COMM	O&I	CONS	HCO
Minimum Lot Area (square feet)	43,560	43,560	30,000	5 acres	30,000	UD
Minimum Lot Width	150 ft	150 ft	100 ft	DP	100 ft	UD
Minimum Front Yard Setback	50 ft	50 ft	35 ft	DP	35 ft <sup>3*</sup>	50 ft
Minimum Rear Yard Setback	25 ft <sup>1*</sup>	25 ft <sup>1*</sup>	25 ft	DP	25 ft <sup>3*</sup>	UD
Minimum Side Yard Setback	0 ft <sup>1*</sup>	0 ft <sup>1*</sup>	0 ft <sup>2*</sup>	DP	10 ft <sup>3*</sup>	UD
Maximum Building Height, Unless Otherwise Permitted	35 ft	35 ft	35 ft	35 ft	35 ft	UD
Minimum Side Yard Setback, Corner Lot	25 ft <sup>1*4*</sup>	25 ft <sup>1*4*</sup>	20 ft <sup>4*</sup>	DP	20 ft	UD

- A. 1\* shall mean the listed requirement stands unless adjacent property is zoned residential; then the setback shall be 50 feet.
- B. 2\* shall mean the listed requirement stands unless adjacent property is zoned residential; then the setback shall be 20 feet.
- C. 3\* shall mean that the listed requirement stands and applies to single family dwellings with exception that when the single family dwelling yard is located adjacent to said rivers or creeks (listed below) the yard requirement shall be as follows:
  - 1. Minimum Yard for Cape Fear: 250 ft.
  - 2. Minimum Yard for Black River: 150 ft.

- 3. Minimum Yard for other creeks: 100 ft.
- D. 4\* shall mean the listed requirement stands unless the lot is adjacent to an access easement and / or private street; then the setback shall be 15 feet.
- E. UD shall stand for “Underlying Zoning District” meaning that, where indicated, the regulations of the underlying zoning district shall prevail.
- F. DP shall stand for “Development Plan” meaning that, where indicated, the regulations for the specified item shall be stated in the required Development Plan.

**7.5 Nonresidential Minimum Dimensional & Amenity Requirements for Major Subdivisions**

Nonresidential major subdivision shall meet the requirements of this Ordinance for residential major subdivisions, except in the following cases:

- A. All lots shall meet the standard minimum lot size of the zoning district in which they are located.
- B. Concrete curb & gutter shall be required.
- C. Sidewalks

Sidewalks shall be required on all lots. The final subdivision plat shall include a notation regarding maintenance of sidewalks.

- D. At least one (1) public utility, either water or sewer, shall be available.
- E. Perimeter Buffer

When located adjacent to a residential zoning district, a perimeter buffer shall be required, as required by this Ordinance. Said buffer shall be installed prior to approval of the final subdivision plat. Specific uses may require additional buffering or screening at the time of site plan review.

# ARTICLE V. USE REGULATIONS

## SECTION 1.0 USE TYPES & REGULATIONS

### 1.1 General Applicability

A. Any use not specifically designated as either a permitted or Special Use in a zoning or the use appears to fit into two or more categories, the proposed use may be classified the same as the most similar use listed. In utilizing this type of classification method, the Zoning Administrator shall utilize the following factors: types of activities that will occur, types of equipment, and processes that will be used; density; intensity of development; building and site arrangement; environmental effects; anticipated traffic amount, parking demands; noise; light; vibration; odor; hours of operation; frequency, number, and existence of residents, customers, or employees; and impacts on adjacent structures, uses, or lands created by the proposed use. Uses not listed or classified as a similar use may be included by following the amendment process described elsewhere in this Ordinance. The following uses shall be expressly prohibited:

1. Abandoned Manufactured Homes

- a. Unless otherwise provided, manufactured homes that are considered to be abandoned according to the definition for abandoned manufactured homes shall be prohibited in all zoning districts within Harnett County. Once a determination has been made by the Administrator or his authorized agent that a manufactured home is abandoned then the Administrator shall take action to abate the violation using any of the enforcement procedures in Article “Enforcement & Penalties” of this Ordinance.
- b. Harnett County may require the removal of junked or abandoned manufactured homes from public grounds, including but not limited to public or private street right(s)-of-way or private property upon finding that such removal is necessary and desirable to promote or enhance community, neighborhood, or area appearance or to abate public health or safety nuisances.

B. Existing nonresidential development applying for permits to expand shall follow the requirements indicated in the “Table of Use Types & Regulations”.

### 1.2 Table of Use Types & Regulations

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
<b>RESIDENTIAL USES</b>												
<b>Traditional Household Residential</b>												
Single Family Dwellings (including modular homes)					P*	P	P	P	P	2 per dwelling unit	1	R-3
Manufactured Homes (on individual parcel)							S*	P*	P*	2 per dwelling unit	1	R-3
Multi-Section Manufactured Homes (on individual parcel)							P* C*	P*	P*	2 per dwelling unit	1	R-3
<b>Multifamily Residential</b>												
Duplex Development							S*	S*	P* S*	1.5 per bdrm + 1 per bdrm over 2	2	R-3
Condominium Development				P*			S*	S*	P* S*	1.5 per bedroom	2	R-2
Live/Work Development			S*	S*						As required by proposed uses	3	

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
Multifamily Dwelling (three (3) or more dwelling units on individual parcel)				P*			S*	S*	P* S*	1.5 per bdrm + 1 per bdrm over 2	2	R-2
Townhome Development				P*			S*	S*	P* S*	1.5 per bdrm + 1 per bdrm over 2	2	R-3
Two-Family Dwelling (duplex on individual parcel)							P*	P*	P*	1.5 per bdrm + 1 per bdrm over 2	1	R-3
<b>Group Residential</b>												
Family Care Facility						P*	P*	P*	P*	1 per 5 beds	2	R-3
Group Care Facility			S*			S*	S*	S*	S*	1 per 5 beds	2	
<b>ACCESSORY USES &amp; STRUCTURES</b>												
Customary Home Occupations						P*	P*	P*	P*		1	
Education: Typically Related Accessory Uses (ie- dormitories, modular units, stadiums, auditoriums, museums etc...)	P	P		P		P	P	P	P	see O&I District Regulations		
Junk Motor Vehicles (on private property)						P*	P*	P*	P*			
Kennel, Private Accessory						P*	P*	P*	P*		1	
Religious Structures Related Accessory Uses (ie- Rectories, Parsonages, Manses, Parish Houses, Cemeteries, Mausoleums)	S	S	P	P		P	P	P	P		2	
Solar Energy System	P*	P*	P*	P*		P*	P*	P*	P*			
Swimming Pools	P*	P*	P*	P*		P*	P*	P*	P*		1	
Wind Energy System	P*	P*	P*	P*		P*	P*	P*	P*			
<b>AGRICULTURE &amp; FORESTRY USES</b>												
Bona Fide Farm & Agritourism	P	P	P		P	P	P	P	P		1	
Nursery					P*	P*	P*	P*	P*	1 per 500 sq. ft.	2	M
Preserves (Nature, Wildlife, or Forest)	P	P	P	P	P	P	P	P	P		1	
<b>EDUCATIONAL &amp; INSTITUTIONAL USES</b>												
Continuing Care Retirement Community /Nursing Home	P	P	P	P		S	S	S	S	1 per employee (largest shift) + ½ per resident	2	
Crematorium	P	S	S			S	S	S	S	1 per employee		U
Cemetery or Mausoleum, Commercial Use			S*			S*	S*	S*	S*		2	
Cemetery or Mausoleum, Private Use						P	P	P	P		2	
Funeral Home or Mortuary			P			S	S	S	S	1 per 4 seats OR 1 per 200 sq. ft.	2	A-3
Religious Structures	S*	P*	P*	P*		P*	P*	P*	P*	1 per 4 sanctuary seats	2	A-3
<b>Daycare Facilities</b>												
Adult Daycare	S*	P*	P*	S*		S*	S*	S*	S*	1 per employee + 1 per 8 clients	2	
Childcare Facility	S*	P*	P*	S*		S*	S*	S*	S*	1 per employee + 1 per 8 clients	2	
In-Home Childcare						P*	P*	P*	P*	As required by underlying use	1	R-3
<b>Educational Services</b>												
Colleges & Universities	P	P	S	P		P	P	P	P	5 per classroom + 1 per office	2	B
Learning Center		S	P	P						1 per employee + 1 per 8 clients	2	B
Research Laboratory	P	P	S	P						1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	3	
School, Private: Elementary, Middle, & High	S	S	S			P	P	P	P	2 per classroom	2	E
School, Public: Elementary, Middle, & High	P	S	S			P	P	P	P	5 per classroom	2	E
Trade School	P	P	P			S	S	S	S	5 per classroom + 1 per office	2	B
Truck Driving School	P	S	S							5 per classroom + 1 per office	4	B
<b>Financial Services</b>												
Automated Teller Machine (ATM)	P*	P*	P*	P*		P*	P*	P*	P*	2 per machine	2	
Financial Institutions (Banks, Credit Agencies, Investment Companies, etc)	S	P	P	P						1 per 200 sq. ft.	3	B
<b>Health Services</b>												
Emergency Services (ie- Police, Fire, Rescue, Ambulance Service)	P	P	P	P		P	P	P	P	1 per 350 sq. ft.	2	

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
Health Care Services (ie- Medical & Dental Clinic & Lab, Blood Bank, etc)	S	P	P	P		S	S	S	S	1 per 300 sq. ft.	3	B
Hospitals	P	P	P	P		P	P	P	P	2 per bed	3	I-2
<b>Public Services</b>												
Parks		P	P	P	P	P	P	P	P		1	
Public Library	P	P	P	P		P	P	P	P	1 per 300 sq. ft.	2	A-3
<b>Social Institutions</b>												
Community & Civic Centers		P	P			P	P	P	P	1 per 200 sq. ft.	2	A-3
Social Halls, Lodges, Fraternal Organizations, Clubs, & Similar Activities		P	P			S	S	S	S	1 per 200 sq. ft.	2	A-3
<b>COMMERCIAL USES</b>												
Existing Commercial Uses Applying for Permits to Expand				P			S	S	S	As required by underlying use	3	
<b>Animal Services</b>												
Kennels, Boarding Stables, & Other Similar Regulated Land Uses	S	S	S			S	S	S	S	1 per employee + 1 per kennel or pen	3	B
Veterinarian Service, Indoor	S*	P*	P*	P*		S*	S*	S*	S*	1 per 300 sq. ft.	3	B
Veterinarian Service, with outdoor facilities	S*	P*	S*	S*		S*	S*	S*	S*	1 per 300 sq ft	3	B
Zoo & Petting Zoo			S*				S*	S*	S*	1 per 4 persons (at max capacity)	4	
<b>Eating &amp; Drinking Services</b>												
Bar, Tavern, & Entertainment Venue	P*	S*	P*							1 per 2 seats	3	A
Restaurant	P*	P*	P*	P*		S*	S*	S*	S*	1 per 4 seats + 1 per 2 employees	3	A
<b>Lodging Services</b>												
Bed & Breakfast						S*	S*	S*	S*	1 per room + 1 per employee	3	R
Boarding House			S*					S*	S*	1 per room + 1 per employee	3	R
Hotel or Motel	S	P	P	P						1 per room + 1 per 2 employees	3	R
Homeless Shelter	S*		S*				S*	S*	S*	1 per 400 sq. ft.	3	R
Recreational Campground			S*		S*	S*	S*	S*	S*	1 per site	3	
<b>Offices, General</b>												
Business Service Establishment	P	P	P	P						1 per 300 sq. ft.	3	B
Offices (Business or Professional)	P	P	P	P		S	S	S	S	1 per 200 sq. ft.	3	B
Offices (Governmental)	P	P	P	P		S	S	S	S	1 per 200 sq. ft.	3	B
<b>Personal Services</b>												
Laundry Mat	P	P	P	P		S	S	S	S	1 per 150 sq. ft.	3	
Massage & Bodywork Spa, or Therapy Practice, Licensed			P*	P*			S*	S*	S*	3 per licensed therapist	3	B
Massage & Bodywork Therapy Practice, Unlicensed	S*									1 per 300 sq. ft.	4	B
Personal Service Establishment	P	P	P			S	S	S	S	1 per 300 sq. ft.		B
<b>Recreational Facilities</b>												
Recreational Facility	S*	S*	S*	S*		S*	S*	S*	S*	1 per 4 persons (at max capacity)	3	A
Athletic Fields, Private			P*	P*		S*	P*	P*	P*	25 per field + 1 per 200 sq. ft.	3	A
Health & Training Center, Indoor	S	P	P	P						1 per 200 sq. ft.	2	A
Health & Training Center, Outdoor		S*	S*	S*						1 per 200 sq. ft.	2	A
Race Track	S*	S*	S*	S*		S*	S*	S*	S*	1 per participant + 1 per 3 seats	3	A
Recreation & Amusement Services		S	S							1 per 4 persons (at max capacity)	3	A
Recreational Day Camp		S*	S*			S*	S*	S*	S*	1 per employee + 1 per 8 clients	2	
Recreational Facility, Indoor		P	P	P		S	S	S	S	1 per 200 sq. ft.	2	A
Outdoor Entertainment Venue			S*	S*			S*	S*	S*	1 per 2 seats and/or 1 per 30 sq. feet of audience area	3	A
Firing Range, Indoor	P*	P*	P*	S*		S*	S*	S*	S*	1 per firing point	4	
Firing Range, Outdoor	S*	S*	S*	S*		S*	S*	S*	S*	1 per firing point	4	

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
<b>Retail Services</b>												
Convenience Stores & Convenience Type Business Establishments	P*	P*	P*	P*		S*	S*	S*	S*	1 per 150 sq. ft.	3	M
Grocery Store		S	P	P		S	S	S	S	1 per 200 sq. ft.	3	M
Flea Markets, Rummage, Second Hand Sales & Activities, Indoor & Outdoor			P*				S*	S*	S*	1 per 300 sq. ft.	3	M
Nursery, Retail		P	P			S	S	S	S	1 per 500 sq. ft.	3	M
Retail Sales (entirely within an enclosed building)	P*	P*	P*							1 per 300 sq. ft.	3	M
Retail Sales, Outdoor (primarily outside of an enclosed building)	P*	P*	P*							1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	3	M
Shopping Center		P*	P*							1 per 200 sq. ft.	3	
Sexually-Oriented Business (bookstore, motion picture, nightclub)	S*									1 per 300 sq. ft.	4	
<b>Vehicle Services</b>												
Automobile Repair Facility	P*	P*	P*	S*		S*	S*	S*	S*	3 per bay + 1 per employee	3	S
Car Wash	P*	P*	P*	S*		S*	S*	S*	S*	1 per employee + 1 per 200 sq. ft.	3	
Parking Lot	P	P	P	P					S		3	
Repossession Storage Facility (repat lot)	P*	S*	S*							1 per 200 sq. ft.	4	
Vehicle Sales, Leasing, & Rental	S*	S*	P*			S*	S*	S*	S*	1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	3	B
<b>INDUSTRIAL USES</b>												
Existing Industrial Uses Applying for Permits to Expand			S				S	S	S	As required by underlying use	4	
<b>Alternative Energy</b>												
Ethanol Diesel & Biofuel Production	S*	S*								1 per 2 employees (largest shift)	4	H
Solar Energy Facility	P*	P*				S*	S*	S*	S*	1 per 2 employees (largest shift)	4	
Wind Energy Facility	P*	P*				S*	S*	S*	S*	1 per 2 employees (largest shift)	4	
<b>Manufacturing</b>												
Manufacturing, Fertilizer	S*									1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	H
Manufacturing, General	P*	S*								1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	
Manufacturing, Light	P*	P* S*	P*	P*						1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	
Research Laboratory & Development	P	P	P	P						1 per 2 employees (largest shift) OR 1 per 500 sq. ft.		
<b>Warehousing &amp; Freight Handling</b>												
Assembling, Processing Industries, Wholesale, & Warehouse	P*	P*	S*	P*						1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	
Distribution Center	P*	S*	S*							1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	S
Storage, Personal Recreational Vehicle & Travel Trailer (private, individual use)						P*	P*	P*	P*	see Office, if applicable	3	
Storage, Self Mini-Warehouse/ Outdoor	P*	P*	P*				S*	S*	S*	see Office, if applicable	3	S
<b>Wholesale Trade</b>												
Wholesale Storage of Gasoline or Bulk Terminal Plants	S*									1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	H-3
<b>Waste Related</b>												
Recycling Collection Centers (unmanned)	P*	P*	P*	P*		P*	P*	P*	P*	1 per unit	1	
Recycling Collection Centers & Solid Waste Container Sites (manned)	P	P		S		S	S	S	S	1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	
Recycling Plant	P	S	S							1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	
Solid Waste Disposal	S*	S*	S*			S*	S*	S*	S*	1 per 2 employees (largest shift)	4	
<b>UTILITY USES</b>												

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
Privately Owned Public Utility Structures & Facilities	P* S*	P* S*	P* S*	P* S*	P* S*	S*	S*	S*	S*	1 per 2 employees, if applicable	3	U
Publicly Owned Utility Structures & Facilities	P*	P*	P*	P*	P*	P*	P*	P*	P*	1 per 2 employees, if applicable	3	U
<b>TEMPORARY USES</b>												
Modular Classroom	P*	P*	P*	P*		P*	P*	P*	P*			E
Nonresidential Building, Temporary	P*	P*	P*	P*	P*	P*	P*	P*	P*			
Portable Food Sales		P*	P*	P*								
Residence, Temporary						P*	P*	P*	P*	2 per dwelling unit	1	
Roadside Stands						P*	P*	P*	P*		1	
Season Sales			P*			P*	P*	P*	P*		1	
Temporary Events	P*	P*	P*	P*		P*	P*	P*	P*		1	
Turkey Shoot, Temporary/Seasonal	S*	S*	S*	S*		S*	S*	S*	S*	1 per firing point	1	
Yard Sale						P*	P*	P*	P*		1	
<b>OTHER USES</b>												
Airports & Related Uses	P* S*	S*	S*	S*						1 per 300 sq. ft.	4	U
Comm. Towers: Microwave, TV, Telephone, Radio, & Cellular	S*	S*	S*	S*		S*	S*	S*	S*		4	U
Firearm Certification Facilities	S*	S*	S*	S*		S*	S*	S*	S*	1 per participant & 1 per instructor	4	
Governmental Training Facilities	P	P	P	P		P	P	P	P	1 per 2 participants allowed by classroom occupancy	3	
Gunsmithing	S*	S*	S*	S*		S*	S*	S*	S*		1	
Junkyards	S*									1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	
Manufactured Home Parks									S*	2 per dwelling unit	3	
Mining Activities	S*	S*	S*			S*	S*	S*	S*	1 per 2 employees (largest shift) OR 1 per 500 sq. ft.	4	
Outdoor advertising signs			P									
Planned Unit Development	S*	S*	S*			S*	S*	S*	S*	As required by underlying use	3	

Note: P- Permitted by Right

S- Special Use Permit via the Board of Adjustment

For purposes of this Section, the column identified as “Building Code Class” is intended for reference purposes only and is subject to change without notice. “Building Code Class” is intended to provide the “Use & Occupancy Classification” as identified in the North Carolina State Building Code, which should be utilized for verification of the information included herein. Listings not specified shall follow the regulations of the applicable “Use & Occupancy Classification” once verified by the Building Code Administrator.

**SECTION 2.0 USE REGULATIONS**

Use regulations shall apply to those uses marked with an asterisk (\*) in the Table of Use Types & Regulations, above, and are applicable to each use, as listed. Compliance with use regulations is mandatory and required prior to issuance of a Certificate of Occupancy. Use regulations listed herein shall be listed in the same order as in the “Table of Use Types & Regulations.”

## **SECTION 3.0 RESIDENTIAL USES**

### **3.1 Traditional Household Residential**

#### ***3.1.1 Single Family Dwelling***

All single family dwellings located within the Conservation Zoning District shall be connected to public water and public sewer unless specified elsewhere within this Ordinance.

#### ***3.1.2 Manufactured Homes***

*RA-20M & RA-20R Zoning Districts*

All requirements or conditions shall be met before a final Certificate of Occupancy (CO) will be issued for the home.

- A. The structure shall be built to the HUD code for manufactured homes.
- B. The structure shall have an a-pitched roof that is covered with material commonly used in standard residential roofing construction. Said material shall be installed properly and be consistent in appearance.
- C. The structure shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home. Skirting shall be consistent in appearance, in good condition, continuous, permanent, and unpierced except for ventilation and access.
- D. The tongue or towing device shall be removed or landscaped.

*RA-30 Zoning District*

All requirements or conditions shall be met prior to issuance of a Certificate of Occupancy (CO) for the home.

- A. The structure shall be built to the HUD code for manufactured homes.
- B. The structure shall have an a-pitched roof that is covered with material commonly used in standard residential roofing construction. Said material shall be installed properly and be consistent in appearance.
- C. The structure shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home. Skirting shall be consistent in appearance, in good condition, continuous, permanent, and unpierced except for ventilation and access.
  1. In cases where the proposed home is located in Flood Zone AE, the home shall be located on a masonry foundation only, with approved flood vents or breakaway skirting. See “Flood Damage Prevention” Section of this Ordinance for more information.
- D. The exterior siding shall consist predominantly of vinyl, aluminum, wood or hardboard; and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction. Said exterior siding shall be in good condition, complete, and not damaged or loose.
- E. The tongue or towing device shall be removed or landscaped.

#### ***3.1.3 Multi-Section Manufactured Homes***

*RA-20M & RA-20R Zoning Districts*

All requirements or conditions shall be met before a final Certificate of Occupancy (CO) will be issued for the home.

- A. The structure shall be built to the HUD code for manufactured homes.
- B. The structure shall have an a-pitched roof that is covered with material commonly used in standard residential roofing construction. Said material shall be installed properly and be consistent in appearance.
- C. The structure shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home. Skirting shall be consistent in appearance, in good condition, continuous, permanent, and unpierced except for ventilation and access.
- D. The tongue or towing device shall be removed or landscaped.

*RA-30 Zoning District*

All requirements or conditions shall be met prior to issuance of a Certificate of Occupancy (CO) for the home. In cases where the requirements listed herein cannot be met, the applicant(s) may apply for a Special Use permit.

- A. The structure shall be built to the HUD code for manufactured homes.
- B. When located on the site, the longest axis of the unit shall be parallel to the lot frontage.
- C. The structure shall have an a-pitched roof that is covered with material commonly used in standard residential roofing construction. Said material shall be installed properly and be consistent in appearance.
- D. The structure shall have masonry underpinning that is continuous, permanent, and unpierced except for ventilation and access.
- E. The exterior siding shall consist predominantly of vinyl, aluminum, wood or hardboard; and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction. Said exterior siding shall be in good condition, complete, and not damaged or loose.
- F. The minimum lot size shall be one (1) acre excluding any street right-of-way and the minimum lot frontage shall be 150 feet as measured at the right-of-way line or along an easement whichever applies, except on the bulb of a cul-de-sac where a minimum of 40 feet is acceptable.
- G. The tongue or towing device shall be removed.

### **3.2 Multifamily Residential**

#### ***3.2.1 Multifamily Residential Development: General Regulations***

The following regulations shall apply to all Apartment Development, Condominium Development, Duplex Development, Multifamily Development (other), and Townhome Development.

- A. Multifamily residential development shall be permitted in Rural Center, Employment Mixed Use and Compact Mixed Use Land Use Classifications, and shall require a Special Use permit in all other Land Use Classifications.
- B. Residential density shall not exceed nine (9) dwelling units per acre unless otherwise allowed by this Ordinance.
- C. A minimum of 15 percent (15%) of the tract shall be set aside for recreational open space unless otherwise allowed by this Ordinance. Of the total set aside five percent (5%) of the area shall be developed for improved recreational open space. This area shall be installed and maintained by the developer until ownership of the recreational open space area is transferred to the Homeowners' Association, if applicable. In cases where no Homeowners' Association is created,

the developer shall be responsible for continued maintenance of recreational open space areas.

1. Improved recreational open space areas, such as golf courses, basketball courts, swings, etc., shall be clearly defined. Any equipment used for improved recreational open space areas shall be permanently affixed to the ground.
  2. All recreational open space areas shall be equipped and maintained by the appropriate body.
- D. A network of sidewalks and pedestrian trails, where applicable, shall be provided to connect all parking areas, driveways, residential structures, and amenities. Approval of such shall be based on connectivity.
1. Sidewalks shall be constructed along all streets, driveways, parking areas, and residential structures. Said construction shall be in accordance with the construction standards set forth in this Ordinance.
  2. Pedestrian trails may be provided in place of sidewalks between all separate accessory structures and amenities, including open space and recreational open space areas. Said pedestrian trails shall be a minimum of four (4) feet wide and three (3) inches thick.
- E. Developments larger than five (5) acres in size shall install street trees along both sides of all newly created public or private street(s). Said improvements shall be in accordance with the applicable requirements set forth in this Ordinance.
- F. Recordation of the declaration, if applicable, and plan shall be completed by the developer or his agent prior to issuance of the first Certificate of Occupancy (CO) on the project following approval by the Development Review Board (DRB) or such approval shall be null and void.
- G. In any multifamily development in which lots and/or units are individually sold, a Homeowners' Association (HOA) shall be required.
1. The required organizational documents and by-laws shall include, but are not limited to, the following:
    - a. The Homeowners' Association shall be established before any lots are sold.
    - b. Membership shall be mandatory for each buyer and any successive buyer.
    - c. The developer shall be responsible for all maintenance and other responsibilities of the Homeowners' Association until 60 percent (60%) of all units to be sold are sold. After 60 percent (60%) of all units are sold, the Homeowners' Association shall levy assessments and assume its responsibilities.
    - d. The Homeowners' Association shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the Homeowners' Association that remain unpaid shall become a lien on the individual property.
    - e. The declaration shall contain a statement addressing street maintenance and ownership, if applicable.
- H. Entrances
- A minimum of two (2) entrances shall be required on all multifamily developments of 100 or more units.
- I. Streets, driveways, and parking areas shall meet the following requirements:
1. All driveways, streets, and parking areas whether private or public, shall be paved and constructed to NCDOT standards. Once ownership of the private streets has been transferred to the Homeowners' Association, if applicable, the association shall assume maintenance of said streets.

2. When parking lots are located within the required front yard, the minimum front setback for each unit or the development as a whole, whichever is applicable, shall be increased by an additional 20 feet.
  3. Curb & gutter shall be installed in accordance with Subsection “Curb & Gutter”, Section “Street & Transportation Systems” of Article VII “Development Design Guidelines.”
- J. Individual lots shall meet the following minimum dimensional requirements as applicable. Minimum side yard requirements shall apply to perimeter boundaries only, except in cases of a duplex development, where the minimum side yard on one (1) side shall meet the requirements below.

MINIMUM REQUIREMENT:	WIDTH:
Lot Width	20 ft
Front Yard	35 ft
Front Yard (Parking within Front Yard)	55 ft
Rear Yard	25 ft
Side Yard	10 ft
Side Yard, Corner Lot	20 ft

### ***3.2.2 Multifamily Residential Development: Specific Regulations***

#### *Condominium Development*

A declaration establishing a condominium development shall be prepared which satisfies the requirements of the NC Unit Ownership Act (GS 47A). This declaration shall be filed with the plans for the development. The plans and declaration shall be submitted with the Special Use permit application, if applicable.

#### *Duplex Development*

The requirements set forth herein for a single duplex unit shall not be applicable to the duplex development.

#### *Live/Work Development*

- A. A declaration establishing a condominium development shall be prepared which satisfies the requirements of the NC Unit Ownership Act (GS 47A-1 et. Seq.). This declaration shall be submitted with the Special Use application and filed with the plans for the development, if more than one (1) residential unit is proposed.
- B. Permissible nonresidential uses shall include the following as listed in “Table of Use Types & Regulations” and shall be conducted wholly within the structure:
  1. Financial Services
  2. Offices, General
  3. Retail Services
- C. Live/work developments shall follow the setback regulations of the underlying zoning district; however the perimeter side yard setback shall be a minimum of five (5) feet.
- D. The use shall have direct access to a collector or higher classified road.
- E. No outside storage or display of items associated with the use shall be permitted.

### *Multifamily Development (other)*

All site plans shall be accompanied by a certification of sewage disposal, which states that the sewage system can handle its current load as well as the additional load from the apartments. The certification for private sewer systems shall come from the State of North Carolina, via the Harnett County Department of Public Health. The certification for public sewage disposal shall come from the Harnett County Department of Public Utilities.

### *Townhome Development*

- A. In a townhome development in which any facilities such as but not limited to streets, parking areas, recreational open space facilities and common open space are to be held and maintained in common ownership a Homeowners' Association shall be organized. Documents showing the association's organizational structure and by-laws for the property shall be filed with the Planning Department. For townhome developments, the aforementioned documents shall become part of the application for a Special Use permit.
- B. All townhome units shall be subject to the conveyance of a fee-simple lot.

## **3.3 Group Residential**

### ***3.3.1 Family Care Facility***

No Family Care Facility shall be located within a one-half (1/2) mile radius of an existing Family Care Facility. It shall be the responsibility of the applicant to supply such information.

### ***3.3.2 Group Care Facility***

No Group Care Facility shall be located within a one (1) mile radius of an existing Group Care Facility. It shall be the responsibility of the applicant to supply such information.

## **SECTION 4.0 ACCESSORY USES & STRUCTURES**

### **4.1 Customary Home Occupation**

- A. No more than one (1) assistant may be employed by home occupations.
- B. No mechanical equipment shall be installed or used except such that is used for domestic or professional purposes.
- C. Not over 50 percent (50%) of the total floor space of any structure is used for home occupations. In no case shall any accessory structure be used in conjunction with a Customary Home Occupation.
- D. Any modifications necessitated due to a customary home occupation shall meet the requirements of the North Carolina State Building Code. Twenty percent (20%) of all monies spent on improvements shall be dedicated toward ANSI compliance. Any manufactured home utilized for a customary home occupation shall include modifications, designed by a structural engineer licensed in the State.

### **4.2 Junk Motor Vehicles (on private property)**

Unless otherwise provided, junked motor vehicles in the RA-40, RA-30, RA-20R, and RA-20M Zoning Districts on private property not associated with a business, shall conform to the following requirements effective November 15, 2004.

- A. General Requirements
  - 1. The junked motor vehicles shall not be stored or located within 30 feet of any adjoining property line or side street or right-of-way and shall be situated so that no motor vehicle or parts are visible

from the adjoining properties. In no case shall junked motor vehicles be located in the front yard of the primary building of the lot.

2. The junked motor vehicles shall not be a health or safety nuisance, nor shall the area constitute a health or safety nuisance according to the Harnett County Department of Public Health.
3. The junked motor vehicles shall be entirely concealed during all seasons of the year from public view from the public right-of-way and from the adjoining properties. The vehicles may be concealed by an automobile cover or tarpaulin, with the cover adequately secured to prevent removal by wind. The automobile cover or tarpaulin shall remain in good repair and not allowed to deteriorate.
4. In no case shall there be more than three (3) junked motor vehicles located outside any enclosed building unless otherwise specified by this Ordinance. In situations where a person owns multiple tracts of land that are located within 500 feet of each other, the owner of such land shall be limited to three (3) junked motor vehicles located outside any enclosed building unless otherwise specified by this Ordinance for all lots located within the distance requirement.

B. Exceptions for Junked Motor Vehicles

The repair of no more than one (1) motor vehicle per household for personal use is exempt from the screening, concealment, and setback requirements of this Ordinance. However the vehicle shall be owned by a member of the household and all repairs shall take place within an enclosed building or in the rear yard of the dwelling and shall not constitute a health or safety nuisance and all repairs shall take no longer than 180 days to complete.

#### **4.3 Kennel, Private Accessory**

- A. All kennel structures and related areas shall be located in the rear yard.
- B. All kennel structures and related areas shall be a minimum of 10 feet from all property lines.
- C. A building permit shall be required for all kennel structures.

#### **4.4 Solar Energy System, Accessory**

- A. Roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
  1. Pitched roof-mounted systems shall include with the application proof of the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
  2. Flat roof-mounted systems shall include with the application a drawing showing the distance from the system components to the roof edge and any parapet walls on the building.
- B. Ground-mounted solar energy systems shall meet the minimum setback for the zoning district in which it is located or 25 feet, whichever is greater. The maximum height of the structure shall be 25 feet.
- C. Solar components of the system shall have a Underwriters Laboratories (UL) listing.
- D. Applications for all solar energy systems shall include a site plan and elevation drawings showing the location(s) of the system(s) on the building or property, including distance to property lines.
- E. All photovoltaic systems shall comply with the most current edition of the National Electrical Code.
- F. No grid-intertie photovoltaic system shall be installed until evidence has been provided to the Planning Department that the owner(s) has been approved by the appropriate utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- G. All solar structures shall be inspected by a Harnett County Building Inspector.

#### **4.5 Swimming Pools**

- A. Swimming pools shall comply with the latest and applicable version of the North Carolina State Building Code for residential or commercial swimming pools, whichever is applicable.
- B. Swimming pools as permitted uses shall be located only in side or rear yards at residences, and in recreations areas at apartment complexes and manufactured home parks.
- C. All swimming pools and surrounding deck areas shall be at least ten (10) feet from any property line, right-of-way, or easement, whichever is closest to the proposed swimming pool location.
- D. All buildings containing mechanical or chemical feeding equipment associated with the operation of a pool shall be at least five (5) feet from any side or rear property line and shall comply with any other setback requirements.
- E. Any lighting associated with a swimming pool shall be shielded or located in a manner which will not adversely affect adjoining property or impair visibility on adjacent streets, roads or highways.
- F. A water discharge plan for the swimming pool shall be submitted with the permit application showing property dimensions and other pertinent data; the water discharge plan shall show that the waste water shall be discharged in one (1) of the following ways:
  - 1. Waste water shall drain directly into the street storm drainage system, other public storm drainage system, or roadway ditch; or
  - 2. Waste water may be disposed of on the property without threat of discharge onto adjacent lots so long as such does not constitute a threat of discharge onto adjacent property streets or roadways.

#### **4.6 Wind Energy System, Accessory**

- A. Wind energy systems shall be setback from all property lines a distance equal to one (1) linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district in which it is located, whichever is greater.
- B. Wind turbines shall only be located in the rear yard and shall not be located on a corner lot.
- C. Wind energy systems shall not be permitted in any residential major subdivision.
- D. The maximum height of wind turbines is 80 feet.
- E. Attachment to a building of any kind shall be prohibited.
- F. The visual appearance of a wind energy system shall, at a minimum, meet the following:
  - 1. Wind energy systems shall be constructed of a corrosion resistant material that will not fade, show rust spots, or otherwise change in appearance as a result of exposure to the elements and shall be a non-obtrusive color such as white, off-white, or gray.
  - 2. No artificial light, except to the extent required by the FAA shall be permitted.
  - 3. No display advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer, facility owner(s), and operator.
- G. Installation and design of a wind energy system shall conform to applicable industry standards, including those of the American National Standards Institute.
- H. Any on-site transmission or power lines shall, to the maximum extent possible, be installed underground.
- I. Applications for wind energy systems shall include:
  - 1. The approximate generating capacity of the system;
  - 2. The representative type and height of the wind turbine(s) to be constructed, including its

- dimensions, manufacturer, and a description of any ancillary facilities;
3. A site plan showing the location of wind turbine(s), property lines, setback lines, access easements or right(s)-of-way, and the location of all structures on the property; and
  4. Evidence of compliance with applicable FAA regulations.
- J. No wind energy system shall be installed until evidence has been provided to the Planning Department that the owner(s) has been approved by the appropriate utility company to install an interconnected customer-owned generator. Such evidence shall be in the form of a written verification that the plans have been reviewed and, if built to plans, the system will be accepted by the utility company and shall be furnished along with the application.
- K. The noise emitted from such facility shall be in compliance with the applicable regulations of the Harnett County Sheriff's Department. Evidence of such shall be furnished with the application for a wind energy system.
- L. Any wind energy system that is not functional shall be repaired by the owner(s) within 90 days or be removed, including in cases where the system is decommissioned. In the event that the County becomes aware of a system that is not operated for a continuous period of 90 days, the County will notify the property owner(s) according to the regulations set forth in this Ordinance. Any written response from the owner(s) shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, the County shall notify the owner and shall give an additional 120 days to remove the system from the date the notice is received. Any disturbed area shall be graded and re-seeded once removal has taken place.

## **SECTION 5.0 AGRICULTURAL & FORESTRY USES**

### **5.1 Nursery**

- A. Nurseries shall not be required to install asphalt and/or concrete parking areas, except required handicapped parking. Graded and surfaced crushed stone, gravel, or other suitable material may be utilized provided a minimum of six (6) inches of said product is installed and that it is maintained in a dust free manner.
- B. Any units utilized for storage of materials shall be located in the required side or rear yard and shall be screened with evergreen landscaping material.

## **SECTION 6.0 EDUCATIONAL & INSTITUTIONAL USES**

### **6.1 Cemetery or Mausoleum, Commercial Use (as Primary Use)**

- A. All applicable requirements of the North Carolina General Statutes and Harnett County concerning interment of the dead shall be met.
- B. No interment shall take place within 100 feet of any property line(s) or public right(s)-of-way.
- C. Buildings for the maintenance, management, and/or sales of cemetery lots shall be located at least 100 feet from any lot line that adjoins a residential zoning district. Otherwise, said building(s) shall conform to the requirements of the principal use for the district in which it is located.
- D. Cemeteries existing prior to adoption of this Ordinance may be exempt from Subsections "Lot Requirements," "Nonresidential Zoning Minimum Dimensional Requirements," and "Residential Zoning Minimum Dimensional Requirements" of Section "Dimensional Requirements", Article IV "Zoning Districts" of this Ordinance.

### **6.2 Religious Structures**

- A. A minimum of 50 percent (50%) of the required parking for religious structures shall be surfaced with asphalt and/or concrete. All required handicapped amenities shall be located in permanently surfaced parking areas. The remaining parking may be grass, maintained in a dust free manner, except in cases where a daycare facility is provided onsite. In cases of existing religious structures where daycare facilities are added at a later date, any parking required for the daycare facility shall be surfaced with asphalt and/or concrete.

## 6.3 Daycare Facilities

### 6.3.1 Daycare Facilities: General Regulations

- A. Daycare facilities, including Adult Daycare, Childcare Facility, and In-Home Childcare, shall comply with all State and federal laws that pertain to the health, safety, and welfare of facility clients.

### 6.3.2 Daycare Facilities: Specific Regulations

#### A. Childcare Facility

Outdoor activity area(s) shall be enclosed by a security fence shall be located outside of the front building setback as established by this Ordinance.

1. The fence or wall shall be made of any suitable and durable material that is intended for a fence.
2. The fence or wall shall be designed so that a four inch (4") diameter sphere cannot pass through any opening.
3. All gates and doors opening through such fence or wall shall have self-closing and self-latching devices which keeps the gate or door closed at all times; however, the door of any dwelling which furnishes part of the enclosure need not be so equipped.
4. Parking areas shall not abut fenced play areas without provisions for ballasts or curbing.

#### B. Commercial Childcare Facility

Outdoor activity area(s) shall be enclosed by a security fence at least five (5) in height and shall be located outside of the front building setback as established by this Ordinance.

#### C. In-Home Childcare Facility

1. In no case shall any in-home childcare facility have more than that maximum number of children allowable. Of that number, the following requirements must be met:
  - a) No more than five (5) pre-school-age children shall be cared for.
  - b) No more than eight (8) school-age children shall be cared for.
2. Childcare provider must live in the residence full-time.
3. Required outdoor activity area(s):
  - a) Shall be enclosed by a security fence at least four (4) feet in height;
  - b) Shall be located outside of the front building setback as established by this Ordinance; and
  - c) Shall be the product of 75 square feet times 50% of the approved enrollment.

- D. In cases where manufactured homes are used for in-home childcare facilities, the structure shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home. Skirting shall be consistent in appearance, in good condition, continuous, permanent, and unpierced except for ventilation and access.

## 6.4 Financial Services

### ***6.4.1 Automated Teller Machine (ATM)***

- A. Shall be located so as not to interfere or conflict with sidewalks, pedestrian ways, parking areas, loading areas, driveways, interior access drives, perimeter landscaping, or plantings, if applicable.
- B. Side and rear setback requirement shall be five (5) feet. All other setbacks shall comply with underlying zoning district.

## **SECTION 7.0 COMMERCIAL USES**

### **7.1 Animal Services**

#### ***7.1.1 Veterinarian Services***

- A. Any outdoor yard areas shall be enclosed by a solid, opaque fence or masonry wall at least eight (8) feet in height.
- B. The animal hospital structure shall be soundproofed in order to minimize all loud and disturbing noises that might disturb those persons in adjoining structures or in the nearby vicinity. Further, the noise emitted from such facility shall be in compliance with the applicable regulations of the Harnett County Sheriff's Department.

#### ***7.1.2 Zoo & Petting Zoo***

- A. The owner(s) of the facility shall provide written evidence of application to the United States Department of Agriculture (USDA) for such a facility at the time of application for a Special Use permit. Further, the owner(s) shall provide written evidence of USDA Certification prior to issuance of a Certificate of Occupancy for the facility.
- B. In addition to those items required on the site plan elsewhere by this Ordinance, all areas to be used for purposes of a zoo or petting zoo, whether or not located within a structure, shall be identified.
- C. Any animals or areas deemed dangerous, or potentially dangerous, to the public shall be easily identified through signage and other necessary measures.
- D. The owner(s) shall ensure that the facility remains in compliance with local, State, and Federal regulations regarding permitting and containment of exotic animals. If at any time the facility is not in compliance, the facility shall not allow entrance by the public.
- E. The facility shall be subject to random inspections by the Harnett County Departments of Planning Services and Animal Control to ensure compliance with applicable local ordinances.

### **7.2 Eating & Drinking Services**

#### ***7.2.1 Bar, Tavern, & Entertainment Venues***

- A. Bars, taverns, and entertainment venues shall not be located within 500 feet of a residential structure or park, unless permitted as part of a live/work development.
- B. No such facility shall be located within 1,000 feet of an educational institution, school, or religious structure.
- C. Building(s) shall be located a minimum of 100 feet from any property line(s) that adjoins a residential zoning district. Otherwise, said building(s) shall conform to the requirements of the principal use for the district in which it is located.
- D. Additional temporary overflow parking of one (1) space per 200 square feet of building area shall be required for bars or taverns providing dancing and/or live entertainment.
- E. The noise emitted from such facility shall be in compliance with the applicable regulations of

the Harnett County Sheriff's Department.

- F. Any outdoor seating or area used as part of the establishment shall not obstruct the sidewalk and shall meet building setback requirements.

### **7.2.2 Restaurant**

- A. Restaurants with drive-through service shall have a minimum cueing lane length to accommodate eight (8) vehicles. Said cueing lane shall not interfere with any required drive aisles or parking access.
- B. Any outdoor seating or area used as part of the establishment shall not obstruct the sidewalk and shall meet building setback requirements.
- C. No amplified noise shall be permitted outdoors when located within 500 feet of a residential use. Further, the noise emitted from such facility shall be in compliance with the applicable regulations of the Harnett County Sheriff's Department.

## **7.3 Lodging Services**

### **7.3.1 Bed & Breakfast**

- A. The operator of the bed and breakfast residence may be the owner of the dwelling or a resident manager, but shall occupy the dwelling as a principal residence.
- B. Guest stays shall be limited to 14 consecutive days.
- C. Meals may be provided to overnight guests only, and no cooking facilities may be provided in guest rooms.
- D. Shall comply with all local and State regulations.

### **7.3.2 Boarding House**

- A. The operator of the boarding house shall occupy the dwelling as a primary residence.
- B. Meals may be provided only for boarders and/or occupants of the premises, and no cooking facilities may be provided in guest rooms.
- C. The quarters utilized by boarders and/or occupants of the premises shall be in the principal residential structure.

### **7.3.3 Homeless Shelter**

- A. No such facility shall be located within 2,000 feet of another homeless shelter.
- B. Staff shall be provided on-site 24 hours a day during periods of operation and/or occupancy.
- C. The use shall be owned and managed by a charitable or benevolent operation qualifying for tax exemption under Section 501 of the Internal Revenue Code or by a government entity.
- D. There shall be no compensation required for occupancy in the facility.
- E. There shall be a minimum of 50 square feet of sleeping space per person.

### **7.3.4 Recreational Campground**

#### **General Requirements**

In districts which permit such activities the following shall apply:

- A. There shall be no permanent structures erected within any area deemed "Flood Zone", "Wetland", or "Conservation Zone".

- B. Adequate restroom facilities must be provided for campers to maintain sanitary conditions in line with the requirements of the Harnett County Health Department.
- C. An emergency plan must be submitted and approved by the Harnett County Development Review Board along with the Commercial Site Plan.
- D. A campground shall not be utilized as permanent residence.
- E. The park owner shall keep all par owned facilities, spaces, improvements, equipment, open space, recreational open space, and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of material which would constitute a fire hazard or would cause insect or rodent breeding and harborage.
- F. Staff shall be on-site or available 24 hours a day to all campers. This contact information shall be posted on site.

**Recreational Vehicle Campground**

- A. Size of Recreational Vehicle Park

All parks shall have a gross land area of at least three (3) acres.

- B. Size of Individual Recreational Vehicle Space

Minimum Space Size	1,000 sq ft
Minimum Space Width	20 feet

- C. Separation of Recreational Vehicle Spaces

Recreational Vehicles shall be separated from each other and from other structures by at least 10 feet. No more than one (1) recreational vehicle may be parked on any one (1) space and shall not be permitted on lots other than those approved through these regulations.

- D. Recreational Open Space Area

A recreational open space area will be developed and maintained that shall be located for safe and convenient access to all campers and shall meet the following size requirements:

Gross Land Area (Acres)	Percentage of Recreational Open Space
3.00-6.00	7%
6.01-9.00	6%
> 9.01	5%

- E. Public Street Access

No recreational vehicle space within a park shall directly access a public right-of-way and such access shall be approved by the North Carolina Department of Transportation (NCDOT). Access to all campers and accessory structures within the campground shall be made using internal streets.

- F. Minimum Standards for Internal Streets

Internal streets shall have a minimum width of 15 feet and shall be compacted and layered with four (4) inches of aggregate base course. Cul-de-sacs in a recreational vehicle park shall be limited to a maximum length of 500 feet and shall be provided with a permanent turnaround not less than 60 feet in diameter. All entrances in a recreational vehicle park shall be paved a minimum of 20 feet or to NCDOT Standards, whichever is greater. Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground.

- G. Parking

Each recreational vehicle space shall have off-street parking for one (1) trailer and parking space

for at least one (1) car. Each space shall be sited so that the parking, loading, or maneuvering of a recreational vehicle shall not necessitate the use of any public right-of-way, sidewalk, or any private grounds not part of the park.

H. Utilities

Installation and provision for water and sewage disposal shall be according to the standards of the Harnett County Department of Public Utilities and the Harnett County Health Department.

I. Prohibited Uses within a Recreational Vehicle Park

1. Junk Motor Vehicles
2. Storage of recreational vehicles, cars, boats, lumber, or other construction materials.
3. No recreational vehicle site shall be used as a permanent residence, unless otherwise approved.

**Primitive Campground**

- A. Travel trailers, RV's or any other form of mobile shelters shall not be allowed in areas intended for primitive camping.
- B. An adequate all weather access road must be provided in line with the Harnett County Unified Development Ordinance.
- C. Receptacles for the disposal of trash must be provided and maintained in a manner that negates the attraction of vermin.
- D. No provision of utilities or "hookups" shall be constructed on site.

**7.4 Personal Services**

***7.4.1 Massage & Bodywork Therapy Practice, Licensed***

A copy of a license to perform massage and bodywork therapy, issued by the State, shall be submitted with the required site plan.

***7.4.2 Massage & Bodywork Therapy Practice, Unlicensed***

This use shall be located not less than 2,000 feet from any religious structure, educational institution, daycare facility, or sexually oriented business permitted by this Ordinance of Harnett County, dwelling unit, or any area zoned for residential use. The measurement is to be taken from the exterior walls of the building containing the so regulated use and shall meet the measurement requirements in the north, south, east, and west directions.

**7.5 Recreational Facilities & Uses**

***7.5.1 Recreational Facility***

- A. Adequate, handicap accessible restroom and parking facilities shall be provided.
- B. When outdoor fields are proposed with a Recreational Facility, the use regulations for "Athletic Fields" shall be applicable, unless otherwise approved by the Board of Adjustment.

***7.5.2 Athletic Fields, Private***

In cases where the requirements listed herein cannot be met, the applicant(s) may apply for a Special Use permit.

- A. Total project acreage shall not exceed 12 acres.

- B. Hours of operation are permitted as follows:
  - 1. Monday through Friday hours are limited to 3:00PM to dusk.
  - 2. Saturday hours are limited to 9:00AM to dusk.
  - 3. Facility shall not be in operation on Sunday.
- C. No intercom, loudspeaker, or other similar items shall be permitted.
- D. No lighting shall be permitted.
- E. Adequate parking shall be provided so as not to interfere with the surrounding properties.
  - 1. This shall hereby prohibit the use of public right(s)-of-way for overflow parking.
  - 2. Parking areas shall be graded and surfaced with crushed stone, gravel, or other suitable material with a minimum depth of six inches (6").
  - 3. All handicapped accessible parking shall be paved.
  - 4. No parking signs shall be posted along property line(s) adjacent to the public right(s)-of-way in accordance with NCDOT standards and shall be shown on the required site plan.
  - 5. Parking spaces shall be a minimum of 50 feet from all residential structures.
- F. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties and right(s)-of-way.
- G. No outdoor recreational facilities, including fields, shall be permitted in required setback.
- H. Adequate, handicap accessible restroom facilities shall be provided.

### ***7.5.3 Health & Training Center, Outdoor***

The requirements listed in this Section for "Athletic Fields, Private" shall be met, as applicable.

### ***7.5.4 Race Track***

- A. The noise emitted from such facility shall be in compliance with the applicable regulations of the Harnett County Sheriff's Department.
- B. Adequate parking shall be provided so as not to interfere with the surrounding properties.
  - 1. This shall hereby prohibit the use of public right(s)-of-way for overflow parking.
  - 2. No parking signs shall be posted along property line(s) adjacent to the public right(s)-of-way in accordance with NCDOT standards and shall be shown on the required site plan.
  - 3. Parking spaces shall be a minimum of 50 feet from all residential structures.
- C. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties and right(s)-of-way.
- D. Adequate measures shall be taken, and demonstrated on required site plan, to ensure spectator safety, including but not limited to safety fencing.
- E. Structures or facilities for use by the general public and/or participants shall be constructed to the North Carolina State Building Code.
- F. Structures or facilities shall be constructed a minimum of 50 feet from any residentially zoned or used lot.
- G. Adequate, handicap accessible restroom facilities shall be provided.

### ***7.5.5 Recreational Day Camp***

- A. Swimming facilities shall be protected by a fence in accordance with the County's regulations for Swimming Pools.
  - 1. Facilities adjacent to a residential zoning or use shall be screened from view using techniques in the "Buffers & Landscaping" Section of this Ordinance.
  - 2. Indoor facilities shall be separated and secured from the rest of the facility.
- B. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties and right(s)-of-way.
- C. Structures or facilities shall be constructed a minimum of 50 feet from any residentially zoned or used lot.
- D. Adequate, handicap accessible restroom facilities shall be provided.

### ***7.5.6 Outdoor Entertainment Venue***

- A. A minimum property size of twenty (20) acres shall be required for all Outdoor Entertainment Venues.
- B. If the property does not have direct access to a state-maintained road, a private easement may be utilized for property access, subject to the following street construction standards:
  - 1. The road surface shall be gravel, asphalt, or concrete. Gravel roads shall be constructed with six (6) inches of compacted aggregate base course gravel.
  - 2. The road shall be a minimum of 20 feet in width.
  - 3. The road shall be graded to encourage adequate drainage, including a crown in the road and ditches to convey water.
- C. No outdoor entertainment activities shall occur between 10 p.m. and 10 a.m. The Board of Adjustment may amend these hours.
- D. Any sale of alcohol shall be for on-site consumption and comply with all applicable state and local regulations.
- E. Designated display, presentation, and/or performance areas and audience areas shall be identified on the required site plan.
- F. The venue shall provide traffic control personnel to ensure adequate ingress and egress for all events
- G. Adequate restroom facilities shall be provided and identified on the required site plan. If no permanent restroom facilities are required by the North Carolina Building Code, sufficient temporary restroom facilities shall be provided on-site. An area for temporary restroom facilities shall be designated on the required site plan. Temporary restroom facilities shall be provided at a rate of 1 per 420 square feet of audience area.
- H. The use of fireworks and pyrotechnics shall comply with all local and state regulations.
- I. Adequate parking shall be provided so as not to interfere with the surrounding properties.
  - 1. This shall hereby prohibit the use of public right(s)-of-way for overflow parking.
  - 2. All parking areas shall be designated on the required site plan, and unpaved areas may be utilized for required parking. Unpaved parking areas shall be properly maintained to ensure the safety of pedestrians and motorists.
  - 3. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting

adjoining properties and right(s)-of-way.

4. No parking signs shall be posted along property line(s) adjacent to the public right(s)-of-way in accordance with NCDOT standards and shall be shown on the required site plan.
  5. Adequate directional signage shall be installed to direct motorists to entrances, exits, and designated parking areas.
  6. Parking areas shall be located a minimum of 100 feet from all adjacent properties.
  7. Adequate lighting shall be provided for parking areas in accordance with Article VII., Development Design Guidelines, Section 7.0, Lighting Standards, of this ordinance.
  8. ADA compliant parking shall be paved and provided in accordance with all applicable ADA regulations.
- J. No outdoor entertainment activities shall be permitted within the required setback or within 300 feet of a residence, unless the residence is owned by the applicant or property owner of the Outdoor Entertainment Venue.

### ***7.5.7 Firing Range (Indoor & Outdoor)***

All land use defined as a Firing Range in Article XIV, Section 2.0 of this Ordinance shall adhere to the requirements and regulations set forth in this section and any other applicable section of the Harnett County Unified Development Ordinance. These requirements and regulations are not mandated for the occasional target practice by an individual on property owned or leased by the individual or the individual's immediate family, nor is it mandated for private ranges utilized by public or private high schools, colleges or universities and government owned and operated training or practice facilities.

#### **A. Special Use / Compliance Requirements**

1. In no case shall a firing range, whether a primary or ancillary use, be exempted from obtaining the required Special Use permit.
2. When a firing range facility or use is changed, modified or expanded to include additional or new types of ranges, operations or activities not permitted or included in the most current Special Use approval or legal pre-existing status. The submittal of a site plan indicating the addition, modification or change in operation of the firing range facility is required to be reviewed and receive Board of Adjustment approval prior to commencement of the change, modification or expansion.
3. Facilities currently operating under the Sport Shooting Range Protection Act of 1997 shall comply with the current regulations and requirements of this Ordinance when the facility undergoes a change of use.
4. In addition to the County's typical notification process of Special Use permits for outdoor firing ranges, the applicant(s) shall make notification to all property owners within one (1) mile of the proposed facility. Such notification shall include the same information in the notification provided by the County. Proof of such notification shall be provided by the applicant(s), either by certified mail receipt, sworn statement, or evidence of publication of a one-half (1/2) page ad in a newspaper of local distribution. Request for Special Use approval of an indoor firing range shall follow the standard notification process conducted by the Harnett County Planning Department.

#### **B. Special Use Permit / Site Plan Requirements**

A completed Special Use application accompanied by a detailed site development plan must be submitted to the Harnett County Planning Department a minimum of thirty (30) days prior to the scheduled hearing date. All site plans are required to be submitted and sealed by a certified engineer with range design experience or an accredited individual certified in range design. A verifiable history of engineering or range design experience and performance in this area must be supplied and accompany the site plan at time of submittal. Applications may be subject to a third party review process and review fee as referenced in the Harnett County Fee Schedule. In order for the application and site plan to be considered complete, the site plan shall include all components necessary to comply with the Range Development Standards for firing ranges as well as following information:

1. Information regarding the type, action and the highest caliber of firearms, explosive ordinance and/or device proposed to be utilized at the facility.
2. Details regarding how the facility will be designed to facilitate the use of the highest caliber firearm proposed, including details regarding how the public will be protected from projectiles from such firearms, in accordance with recommendations from the current edition of the NRA Range Source Book or other accredited Range Design Publication.
3. Information detailing the style or type of targets that will be utilized at the facility. Information shall include target composition, stationary or mobile design, distance from firing line and range location. All targets shall be used in conjunction with the manufacturers' specifications for use.
4. Information regarding firing line type and construction design, firearm discharge positions and firing techniques that will be utilized at the facility.
5. Details regarding how the facility will provide containment of projectiles and debris caused by the type of ammunition, targets and activities to be utilized or occur on the site, entirely within the boundaries of such facility. The containment methods shall be in conjunction with recommendations for containment as referenced in the current edition of an accredited Range Design Publication.
6. A firing range safety plan, including at a minimum, the following information, written in accordance with an accredited Range Design and Operation Publication. This plan shall be utilized during the planning, construction and operation of the facility.
  - A) Firearm or other weapon(s) handling rules
  - B) General and specific firing range rules and regulations
  - C) Administrative rules and regulations
7. Proposed hours and days of operation, which may be amended by the Board of Adjustment in the special interest of community safety, compatibility and welfare.
8. Information regarding noise abatement design techniques that will ensure compliance with permissible noise level limitations specified in the Harnett County Noise Ordinance. The burden of proof that the proposed range facility meets and will not exceed the permissible noise level limitations of the Harnett County Noise Ordinance, shall rest with the applicant and/or property owner. All noise studies shall be performed by a

professional engineer registered in the State of North Carolina or by a person with a degree in a discipline related to acoustics.

9. Outdoor ranges that will discharge projectiles that contain lead, shall supply an Environmental Stewardship Plan prepared by a North Carolina Registered Engineer. The plan shall include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of the lead and is compliant with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges. Indoor ranges shall submit a similar plan that addresses the recovery and recycling of lead projectiles and the ventilation and other techniques utilized for hazardous material and contaminate removal.
10. Outdoor range site plans shall illustrate the location of all property lines, structures and facilities located on the proposed site as well as adjoining properties. Site plans shall also illustrate the location of all streams, ponds, lakes or other watercourses or wetlands located on the proposed site and adjoining properties. Noted illustrations shall include distances from the proposed firing lines as well as target lines and backstops.
11. Site plans may include information and illustrations regarding shot fall zones, safety zones, buffers, baffles and any other information or mitigation techniques that may address concerns over compatibility, property values or the general welfare of the adjoining properties and the community at large.

#### C. Range Development General Standards

All firing ranges shall meet the following performance and developmental standards:

1. Shot Containment  
All firing range facilities shall be designed and operated in a manner to contain all bullets, shot, arrows or other projectiles or any other debris on the range facility.
2. Exploding Targets  
The discharge of an explosive device shall only be utilized for the purpose of shot confirmation. This type of target system shall only be allowed when used in conjunction with manufacturers' specifications for use. Any misuse of this type of target system which results in the creation and /or propulsion of shrapnel is strictly prohibited.
3. Noise Mitigation  
Noise generated from firing range facilities shall not escape the facility property or boundary lines at levels greater than sixty (60) dBA when located adjacent to properties zoned or utilized for residential / agricultural use and seventy-five (75) dBA when adjacent to properties zoned or utilized for commercial or industrial use as specified by the Harnett County Noise Ordinance. It shall be the responsibility of the firing range owner to mitigate and verify escaping noise levels.
4. Range Orientation  
Ranges shall be designed so that the direction of fire shall be parallel to or perpendicular to and away from the public right(s)-of-way or dedicated access easements. All outdoor ranges shall be developed in a manner to ensure that streams, ponds, lakes, or other

watercourses or wetlands are not located between any firing line and target line with exception granted to skeet ranges utilizing steel shot ammunition.

5. Drainage and Erosion Control

The range and associated facilities shall be designed to keep storm runoff from the range site at a volume and velocity no greater than what existed prior to range development. Appropriate erosion control measures shall be designed and installed to maintain water quality and prevent contamination from storm water runoff.

6. Warning Signs

Warning signs meeting the National Rifle Association (NRA) guidelines for firing ranges shall be posted spaced not more than one hundred (100) feet apart along the property boundary lines of all outdoor ranges in which the facility is located. Signage shall announce the potential dangers and presence of an active range utilizing highly visible colors.

7. Parking

All required parking facilities shall be located to the rear of the firing line and shall adhere to the Parking & Off-Street Loading Requirements of this Ordinance.

8. Structures

All structures and facilities shall adhere to all Federal, State and Local regulations and code requirements.

9. Public Access

All range facilities shall have access to an approved private or public street. Internal access to the facility shall be secured and controlled with ingress and egress permitted only during the approved operating hours of the facility.

10. Safety Officer

All range facilities open to the general public that allow the discharge of firearms shall provide an NRA Certified Range Safety Officer or individual that possess the knowledge, skills, and attitude essential to organizing, conducting, and supervising safe shooting activities and range operations. This safety official shall be located at the firing line to aide in the proper discharge and safe handling of all weapons anytime live fire is being conducted.

11. Safety Plans / Range Rules

Safety plans for the operation of the range shall be kept in the area of the firing line and made available upon request by the public or an inspecting agency. Rules and regulations regarding the operation of the range shall be posted in a manner to be visible to all participants of the facility.

12. Setbacks

All structures, facilities and components of the firing range located on the range site, shall conform to a minimum fifty (50) feet setback from all property lines. This setback is intended as a developmental setback to assist in compatibility of adjacent land uses and not a designated safety boundary.

D. Final Site Plan Submittal

1. Upon Special Use approval from the Harnett County Board of Adjustment, the property owner shall provide a certified site plan to the Harnett County Planning Department for

compliance review. The site plan shall include a notation of all conditions that may have been placed on the development as approved by the Board of Adjustment as well as any other requirements found within this Ordinance.

2. Upon completion of the range facility, a certified final-as-built plan shall be submitted to the Harnett County Planning Department prior to the final zoning compliance inspection.

E. Annual Zoning Inspection

In order to ensure Special Use approval requirements and development standards are adhered to, the Harnett County Planning Department shall perform an annual zoning compliance inspection on all approved firing range facilities. Zoning compliance inspections shall be performed and verified utilizing the certified final-as-built plans for County approved firing range facilities. All approved facilities failing to comply with Special Use requirements or range development general standards, shall be held in violation of the Harnett County Unified Development Ordinance. All facilities found to be in violation shall be subject to enforcement actions specified within this Ordinance.

F. Existing and Nonconforming Firing Range Facilities

All existing and nonconforming firing range facilities shall be required to adhere to the following performance standards.

1. The facility shall be maintained in a manner that will contain all projectiles within the property boundary lines.
2. The facility shall not engage in any activity that causes an increase in the nonconformity of the nonconforming firing range.
3. The facility shall not increase the total amount of space devoted to the firing range facility.
4. Facilities shall not perform physical alteration of structures or placement of new structures that results in the increase of total area used in conjunction with the firing range facility and/or operations.
5. Minor repairs to and routine property maintenance shall be permitted for all existing structures, berms and safety devices.
6. Existing and/or nonconforming firing ranges shall not be allowed to detonate any explosive device with the exception of exploding targets utilized for target confirmation. The utilization of exploding targets shall adhere to the manufacturers' specification for use and shall not be placed or contained in an object which will result in the release of shrapnel.

## 7.6 Retail Services

### *7.6.1 Convenience Stores & Convenience Type Business Establishments*

- A. A maximum of 5,000 square feet of gross floor area shall be permitted
- B. Area dedicated to the preparation and distribution of food for on-site consumption shall be limited to 25 percent (25%) of the total floor space.

- C. Any canopy, including those for provided for fuel servicing, shall be a minimum of 20 feet from adjacent right(s)-of-way.

### **7.6.2 Flea Markets, Rummage, Second Hand Sales, & Activities, Indoor & Outdoor**

Indoor & Outdoor facilities shall be subject to the following requirements:

- A. Preparation and sale of perishable foods shall be regulated by NCGS 130A-247 and 130A-248, and T15A NCAC 18A.2600.
- B. Sale or trade of exotic, domestic, or farm animals shall be prohibited.
- C. Any outdoor display area shall comply with the regulations of Section “Display Area” of Article VII “Development Design Guidelines” of this Ordinance, as applicable, and in no case shall any items be left outdoors when the facility is not open for business.
- D. All buildings or structures shall be installed in accordance with the North Carolina State Building Code.
- E. All temporary articles of outdoor display, including but not limited to fold-up tables, racks, tents, tarps, shelters, coverings of any type, or vehicles used, shall be removed from dusk to dawn.
- F. All outdoor flea markets shall be located on a minimum of ten (10) acres of contiguous land.

### **7.6.3 Retail Sales**

Any accessory display area shall comply with the requirements set forth in Section “Display Area” of Article VII “Development Design Guidelines” as applicable.

### **7.6.4 Retail Sales, Outdoor**

- A. Any accessory display area shall comply with the requirements set forth in Section “Display Area” of Article VII “Development Design Guidelines” as applicable.
- B. Any accessory outdoor storage area shall comply with the requirements set forth in Subsection “Outdoor Storage Area Screening”, Section “Buffers & Landscaping” of Article VII “Development Design Guidelines.”

### **7.6.5 Shopping Center**

- A. All outparcels developed as part of a shopping center shall be accessed internally, via the permitted entrances for the shopping center itself.
- B. Provisions for delivery of goods shall be made so as not to interfere with customer access or parking.
- C. Sidewalks shall be a minimum of eight (8) feet in width and shall be provided in a continuous internal manner, connecting all stores entrances included as part of the primary building and shall be distinguished from driveways or other elements used for vehicular access.
- D. Any accessory display area shall comply with the requirements set forth in Section “Display Area” of Article VII “Development Design Guidelines” as applicable.
- E. Any accessory outdoor storage area shall comply with the requirements set forth in Subsection “Outdoor Storage Area Screening”, Section “Buffers & Landscaping” of Article VII “Development Design Guidelines.”

### **7.6.6 Sexually-Oriented Business (Adult Bookstore, Motion Picture Theater, Nightclub)**

This use shall be located not less than 2,000 feet from any religious structure, educational institution, school, or any other sexually oriented business permitted by this Ordinance of

Harnett County, dwelling unit, or any area zoned for residential use. The measurement is to be taken from the exterior walls of the building containing the so regulated use and shall meet the measurement requirements in the north, south, east, and west directions.

## **7.7 Vehicle Services**

### ***7.7.1 Automobile Repair Facility***

Wherever the provisions of other Sections of this Ordinance require a greater requirement (such as buffers, maintenance, setbacks, etc.) the provisions of such statute shall govern. The following standards shall be adhered to no later than November 15, 2005 by all property owners.

- A. Junked and inoperable motor vehicles and/or parts storage areas shall be screened from view from adjacent property and/or public or private right(s)-of-way. Said screening shall be a minimum of six (6) feet and height and shall consist of an opaque fence or continuous row of evergreen shrubs.
- B. Required fencing shall be designed to reasonably secure the area from unauthorized entry.
- C. All operations, equipment, inoperable motor vehicles, and/or junk shall be kept within required secure area at all times, unless in motion by transportation to and from the site.
- D. Maximum two (2) inoperable or junked vehicles outside of secured area or enclosed building, unless otherwise specified, shall be permitted.
- E. Vehicles shall be stored in such a manner that all fire apparatuses and equipment can access all areas of the site at all times and shall be in accordance with all local, State, and Federal regulations.
- F. Equipment, inoperable motor vehicles, parts, and/or junk shall not be located within the required front yard or buffer area.
- G. A minimum of 50 percent (50%) of the required parking for automobile repair facilities shall be surfaced with asphalt or concrete. All handicapped accessible parking and any parking located in the front yard shall be paved. Remaining parking areas, if not paved, shall be graded and surfaced with crushed stone, gravel, or other suitable material with a minimum depth of six inches (6"). Said areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties and right(s)-of-way. Measures shall be taken to prevent damage to the environment.
- H. The operational area of existing facilities shall not be expanded, except in compliance with the provisions of this Ordinance.
- I. The sale of vehicles on premises shall be limited to four (4) vehicles within any one (1) year period.

### ***7.7.2 Car Wash***

- A. Accessory uses, including but not limited to vacuum stations, shall be permitted within the required side and rear yards only.
- B. Manned Car Wash Facilities  

Parking requirements for manned car wash facilities shall be calculated using the minimum criteria included in the "Table of Use Types & Regulations" of this Ordinance and shall not include bays in determining the minimum required parking spaces.
- C. Unmanned Car Wash Facilities
  - 1. Parking requirements for unmanned car was facilities shall be calculated using the minimum

criteria included in the “Table of Use Types & Regulations” of this Ordinance and shall include one (1) parking space per bay.

2. A minimum 20 foot (20’) paved drive aisle shall be installed for all drive aisles required or necessitated by such use.

### ***7.7.3 Repossession Storage Facility***

- A. No sales, repair, or servicing of repossessed merchandise shall be permitted on site.
- B. Loading and unloading of repossessed merchandise shall take place within required fencing or designated area on site.
- C. Lighting shall be oriented so as not to project onto adjoining property or right(s)-of-way.
- D. Unusual sound emissions including but not limited to alarms, bells, buzzers, or the like shall be limited to daytime hours only. All alarms shall be silent during nighttime hours.
- E. Repossessed merchandise shall not be a health or safety nuisance, nor shall the area constitute a health or safety nuisance according to the Harnett County Department of Public Health.
- F. Repossessed merchandise shall be entirely concealed during all seasons of the year from public view from the right(s)-of-way and from adjoining property.

### ***7.7.4 Vehicle Sales, Leasing, & Rental***

- A. In no case shall the display area be located within public or private right(s)-of-way or in required landscaping or buffer yards.
- B. A permanent sales office shall be located on the site of the sales lot.
- C. No vehicle shall be parked or stored as a source of parts.
- D. Vehicle sales, leasing or rental activities are prohibited within approved residential subdivisions.

## **SECTION 8.0 INDUSTRIAL USES**

### **8.1 Alternative Energy**

#### ***8.1.1 Ethanol Diesel & Biofuel Production***

- A. Storage tanks shall be located inside an above-ground containment area made of concrete that can hold 100 percent (100%) of the tank size located within it. The containment area may be constructed of other materials upon approval by the Harnett County Fire Code Official.
- B. Acceptable storage tank materials include aluminum, steel, fluorinated polyethylene, fluorinated polypropylene, Teflon, and other similar durable, noncorrosive materials. Copper, brass, lead, tin, and zinc are prohibited.
- C. Fuel shall be dispensed from either a gravity flow or vacuum flow pump.
- D. Facility and all accessory structures (storage tanks, buildings, etc.) shall be setback a minimum of 500 feet from the public right(s)-of-way and all property lines.

#### ***8.1.2 Solar Energy Facility***

- A. Solar power electric generation structures shall not exceed 25 feet in height.
- B. Active solar structures shall meet the minimum setback for the zoning district in which it is located or be setback a minimum of 25 feet from all property lines or right(s)-of-way, whichever is greater.
- C. Applications for all solar energy facilities shall include a site plan with those items required

elsewhere by this Ordinance, as well as the following:

1. Elevation drawings of all solar energy structures;
  2. Location of all solar energy structures on the property; and
  3. Distance of all solar energy structures to property lines.
- D. Applications for grid-intertie photovoltaic systems or facilities shall include evidence that the owner(s) or operator(s) has been approved by the appropriate utility company to install an interconnected customer-owned generator. Installation of systems or facilities shall not occur until this evidence has been supplied. Off-grid systems are exempt from this requirement.
- E. Electric components of solar structures shall have an Underwriters Laboratories (UL) listing.
- F. All photovoltaic systems shall comply with the most recent edition of the National Electrical Code.
- G. All solar structures shall be inspected by a Harnett County Building Inspector.

### ***8.1.3 Wind Energy Facility***

- A. Wind energy facility structures shall be setback from all property lines and public right(s)-of-way a distance equal to one (1) linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district in which it is located, whichever is greater.
- B. Shadow flicker at any occupied building on a nonparticipating property caused by a wind energy facility located within 2,500 feet of the occupied building shall not exceed 30 hours per year.
- C. The maximum height of wind turbines is 80 feet unless evidence is submitted otherwise showing approval for additional height from the Harnett County Fire Code Official.
- D. Attachment of structures for the collection of wind energy to a building of any kind shall be prohibited.
- E. Applications and/or site plans for wind energy facilities shall include the following items, in addition to those items required elsewhere by this Ordinance.
1. The approximate generating capacity of the facility;
  2. The representative type and height of the wind turbines to be constructed, including dimensions, manufacturer, generator capacity per turbine, and a description of any ancillary facilities or structures;
  3. An Environmental Assessment for wind energy facilities shall be provided for review by the County and the State Clearinghouse for distribution. Certification of distribution of the Environmental Assessment shall also be provided; and
  4. Evidence of compliance with applicable FAA regulations.
  5. Location of all wind turbines and wind energy collection related structures;
  6. Access easement necessary for the use and maintenance of the facility and related structures; and
  7. The distance of wind turbines and wind energy collection related structures to the nearest property lines.
  8. Evidence that the owner(s) or operator(s) has been approved by the appropriate utility company to install an interconnected customer-owned generator. Such evidence shall be in the form of written verification that the plans have been reviewed, and if built to plans, the facility will be accepted by the utility company. Installation of systems or facilities shall not occur until this evidence has been supplied.

- F. All applications for wind energy facilities located within 10 miles of a military base shall be forward for review to the applicable military department or consultant.
- G. The visual appearance of wind energy facilities shall, at a minimum:
  - 1. Be a non-obtrusive color such as white, off-white, or gray;
  - 2. Not be artificially lighted, except to the extent required by the FAA; and
  - 3. Not display advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer, facility owner(s), and operator.
- H. Installation and design of a wind energy facility shall conform to the applicable industry standards, including those of the American National Standards Institute.
- I. Any onsite collector system shall, to the maximum extent possible, be placed underground.
- J. The noise emitted from such facility shall be in compliance with the applicable regulations of the Harnett County Sheriff's Department. Evidence of such shall be furnished with the application for a wind energy system.
- K. Decommissioning plans that describe the anticipated life of the facility, estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the facility will be decommissioned and the site restored to predevelopment conditions shall be required.

**8.2 Manufacturing**

***8.2.1 Manufacturing, Fertilizer***

- A. Any accessory outdoor storage area shall comply with the requirements set forth in Subsection “Outdoor Storage Area Screening”, Section “Buffers & Landscaping” of Article VII “Development Design Guidelines.”

***8.2.2 Manufacturing, General***

- A. Any accessory display area shall comply with the requirements set forth in Section “Display Area” of Article VII “Development Design Guidelines” as applicable.
- B. Any accessory outdoor storage area shall comply with the requirements set forth in Subsection “Outdoor Storage Area Screening”, Section “Buffers & Landscaping” of Article VII “Development Design Guidelines.”

***8.2.3 Manufacturing, Light***

Subject to the following requirements:

<b>LAND USE</b>	<b>MAXIMUM LOT AREA</b>
Agricultural & Rural Residential	No Greater Than 15 Acres
Low Density Residential	No Greater Than 15 Acres
Medium Density Residential	No Greater Than 15 Acres
Employment Mixed Use	N/A
Protected Areas, Environmentally Sensitive Areas, Compact Mixed Use, Rural Center	N/A

- A. All permitted uses, their constituent operations, and associated activities (except parking, loading, and domestic solid waste containment) shall be conducted totally within a building or buildings such that all yard spaces and grounds shall be kept clear and open.
- B. All manufacturing shall be of a nature and conducted in such a manner that there is no discharge

of smoke or particle matter into the outside air.

- C. All manufacturing shall be of a nature and conducted in such a manner that there is no offensive odor or noise emitted and discernable at an adjacent property. Further, the noise emitted from such facility shall be in compliance with the applicable regulations of the Harnett County Sheriff's Department.
- D. Any accessory display area shall comply with the requirements set forth in Section "Display Area" of Article VII "Development Design Guidelines" as applicable.
- E. Any accessory outdoor storage area shall comply with the requirements set forth in "Outdoor Storage Area Screening", Section "Buffers & Landscaping" of Article VII "Development Design Guidelines."

### **8.3 Warehousing & Freight Handling**

#### ***8.3.1 Assembly, Processing Industries, Wholesale, & Warehouses***

- A. Any accessory display area shall comply with the requirements set forth in Section "Display Area" of Article VII "Development Design Guidelines" as applicable.
- B. Any accessory outdoor storage area shall comply with the requirements set forth in "Outdoor Storage Area Screening", Section "Buffers & Landscaping" of Article VII "Development Design Guidelines."

#### ***8.3.2 Distribution Center***

Distribution centers shall meet the use regulations set forth in this Section for "Assembly, Processing Industries, Wholesale, & Warehouses", as applicable.

#### ***8.3.3 Storage, Personal Recreational Vehicle & Travel Trailer***

Personal travel trailers or recreational vehicles may be parked or stored in the rear or side yard of the owner's residential lot; provided that no living quarters shall be maintained, nor any business conducted therein while such recreational vehicle or travel trailer is so parked or stored (not subject to lot size requirements) unless otherwise specified within this Ordinance. This is intended as private, personal storage only and not for business purposes.

#### ***8.3.4 Storage, Self Mini-Warehouse***

Subject to the following requirements:

- A. Maximum building height of 20 feet.
- B. A secured fence of at least six (6) feet in height shall surround the perimeter of the storage facility.
- C. Adequate lighting shall be provided to illuminate the storage facility. The minimum streetlight shall be a 50-watt LED or its equivalent, spaced at intervals of not more than 300 feet.
- D. No outside storage shall be permitted except as provided below.
- E. Outdoor storage of boats, vehicles (including motorcycles), recreational vehicles, campers, equipment, materials, etc in designated spaces shall meet the following requirements:
  - 1. If outdoor storage space is proposed the area shall be designated as outdoor storage on the required site plan.
    - a. Existing facilities expanding to include outdoor storage shall submit a revised site plan showing such, in accordance with the provisions of this Ordinance.
  - 2. Area designated for outdoor storage shall not be visible from adjacent right(s)-of-way and

shall install a Type D Buffer along the exterior of the perimeter fencing.

3. If associated with a mini-storage facility that will have enclosed storage buildings, outdoor storage space(s) shall be located at the rear or side of the site.
  4. No inoperable vehicles, or other items as listed above, shall be stored on-site unless on a towable trailer with the intent to transport in a timely manner.
- F. The storage of hazardous, toxic, or explosive substances shall be prohibited.
- G. No business activity sales, service, or repair activities, other than rental of the storage units or spaces, shall be conducted within the storage facilities.

## **8.4 Wholesale Trade**

### ***8.4.1 Wholesale Storage of Gasoline or Bulk Terminal Plants***

- A. No above ground storage tank shall be closer than 50 feet to any property line.
- B. Uses shall be in conformity with the federal, State, and local regulations governing the storage of combustible fuels.

## **8.5 Waste Related**

### ***8.5.1 Recycling Collection Centers***

All facilities shall be located in a side or rear yard.

### ***8.5.2 Solid Waste Disposal***

- A. Required buffer shall meet the requirements of this Ordinance; however the buffer shall be continuous and shall not be permitted to follow the spacing requirements.
- B. Any structure shall be located at least 300 feet from any residentially zoned property line or 50 feet from all other property lines.
- E. The main travel way and all active travel ways shall be surfaced in asphalt or concrete from, at a minimum, the right(s)-of-way to all structures located on site. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties and right(s)-of-way.
- C. Transfer Stations

There shall be no outdoor storage of waste products, unless entirely enclosed in containers and storage bins that are durable, waterproof, rustproof, covered, and secure from unauthorized entry.

## **SECTION 9.0 UTILITY USES**

### **9.1 Privately Owned Public Utility Structures**

Structures and facilities that are installed by privately owned public utility systems, including, but not limited to electric, telephone, gas, and cable distributing companies, for the purpose of supplying, extending, or enhancing service shall be a permitted use in all zoning districts, provided that any above ground structures or facilities does not create any enclosed area that can be wholly or partially occupied by an individual for any appreciable period of time, other than for the normal and customary construction, repair, and maintenance of such structure or facility.

- A. The above ground structure or facility, and any associated concrete slab, shall be required to meet the front, side, and rear yard setback requirements of the respective zoning districts.

- B. Towers, where permitted, shall meet the requirements of the respective zoning districts.
- C. A Special Use permit shall be required for such use if the structure is 600 square feet or larger or if it is located within the Conservation Zoning District, regardless of the size of the structure.

## **9.2 Public Utility Structures**

- A. The above ground structure or facility, and any associated concrete slab, shall be required to meet the front, side, and rear yard setback requirements of the respective zoning districts.
- B. Towers, where permitted, shall meet the requirements of the respective zoning districts.
- C. Structures above ground, installed as part of a public utility system, less than one (1) acre of area shall be exempt from the requirements listed in Section “Buffers & Landscaping” of this Ordinance.

## **SECTION 10.0 TEMPORARY USES**

All temporary uses shall obtain a temporary land use & zoning permit, except modular classrooms. Modular classrooms shall obtain a land use & zoning permit as required for other uses regulated by the Ordinance.

### **10.1 Modular Classrooms**

Modular classrooms shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, or ABS, or PVC plastic color skirting within interlocking edges, installed around the perimeter of the structure. Skirting shall be consistent in appearance, in good condition, continuous, permanent, and unpierced except for ventilation and access.

### **10.2 Nonresidential Building, Temporary**

Temporary buildings used for nonresidential purposes may be located in any zoning district, but only if they are temporary uses such as construction field offices, construction supplies, and equipment storage or temporary offices. Temporary land use & zoning permits and building permits for such uses shall be obtained from the appropriate administrative officials and shall be renewed every 180 days for a period not to exceed one (1) year. Manufactured homes shall not be converted into storage buildings.

### **10.3 Portable Food Sales**

- A. Portable food sales establishments shall be permitted on a temporary basis of 120 days per any 12 month period, unless otherwise permitted by the Department of Public Health. In cases where the Department of Public Health issues a permit for a shorter period of time, said period shall apply for purposes of this Ordinance. A temporary land use & zoning permit shall be required.
- B. Applications for portable food sales shall include a copy of the required permit from the Harnett County Health Department.
- C. In addition to the minor site plan requirements elsewhere in this Ordinance, facilities located on improved sites shall provide evidence that the existing parking is adequate to serve the existing facility, minus those spaces used for location of the facility, as well as serve the proposed facility itself.
- D. Tables shall be allowed on existing, improved sites only where evidence has been shown that there is adequate parking to serve such, in addition to the parking already required for the facility, and shall be permanently or semi-permanently anchored to the ground.
- E. All food or beverages sold from such a facility shall be ready for consumption.

- F. No consumption of food or beverages shall take place within the food preparation facility.

#### **10.4 Residence, Temporary**

- A. Where applicable, a temporary residence shall be permitted for a period of 180 days, renewable for an additional 30 days from staff, or longer as approved by the Board of Adjustment, when an existing or proposed primary or secondary residence, located on the same lot, is deemed uninhabitable due to renovation or construction. Recreational vehicles (RVs) shall be allowed as a temporary residence.
- B. Said temporary residence shall receive a temporary land use & zoning permit.
- C. Temporary residences shall be located in the required side or rear yard.

#### **10.5 Roadside Stands**

- A. Sales shall be limited to that of agricultural products grown or produced on the same premises.
- B. Such sales shall operate for a maximum of 45 days per season in which products are grown or produced.

#### **10.6 Seasonal Sales**

- A. Seasonal sales facilities shall be located on a minor collector road or greater, as identified by NCDOT.
- B. In no case shall the construction of a building or permanent structure be permitted as part of said use.
- C. In no case shall a recreational vehicle be used as part of this facility.
- D. Such sales shall operate for a maximum of 90 days per calendar year.

#### **10.7 Temporary Events**

- A. Temporary events shall be permitted on a temporary basis of 15 days per any 12 month period. A temporary land use & zoning permit shall be required.
- B. Applications shall include a copy of the required permit from the Harnett County Department of Public Health.
- C. In addition to the minor site plan requirements elsewhere in this Ordinance, facilities located on improved sites shall provide evidence that the existing parking is adequate to serve the existing facility, minus those spaces used for location of the facility, as well as serve the proposed facility itself.
- D. The use of public right(s)-of-way for overflow parking or any other purpose shall be prohibited.
- E. All required building inspections shall be completed in accordance with State Building Code.

#### **10.8 Turkey Shoot, Temporary/Seasonal**

- A. Applicant shall obtain a temporary land use & zoning permit and provide a minor site plan at the time of application. Said temporary land use & zoning permit shall be made available and easily accessible throughout the duration of the period for which the turkey shoot is permitted.
- B. All turkey shoots shall be established with the line of fire perpendicular to and away from the right(s)-of-way.
- C. No turkey shoot shall be permitted within the required setback.
- D. Structures or facilities shall be constructed a minimum of 100 feet from any residential structure, except for the residential structure used by the owner(s)/operator(s).
- E. All backstops shall be constructed of a material that will allow the shot to penetrate and not pass

through. It shall be a minimum thickness of two (2) feet and maintained at a height of four (4) feet above the target.

- F. Adequate, handicap accessible restroom and parking facilities shall be provided.
- G. Adequate parking shall be provided so as not to interfere with the surrounding properties. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties and right(s)-of-way.
  - 1. This shall hereby prohibit the use of public right(s)-of-way for overflow parking.
  - 2. Parking spaces shall be a minimum of 50 feet from all residential structures.
- H. A safety zone shall be designated from the firing line to and including the edge of the installed backstop at a 10 degree angle. Said safety zone shall be easily identified in order to be recognized by participants and to prohibit entry during the event.
- I. The greatest allowable caliber fire arm used shall be a 12 gauge and the greatest allowable shot size shall be seven and a half (7.5).
- J. Structures or facilities for use by the general public and/or participants shall be constructed to the North Carolina State Building Code.
- K. Turkey shoots shall be permitted for a period of time not to exceed 180 days in a given year.
- L. The amount of noise generated shall not disrupt the activities of the adjacent land uses. The noise emitted from such facility shall be in compliance with the applicable regulations of the Harnett County Sheriff's Department.

## **10.9 Yard Sale**

- A. There shall be a maximum of two (2) sales, not to exceed two (2) days per sale, per calendar year on any one (1) lot.
- B. All yard sales shall take place on an improved lot.
- C. Any signs advertising such yard sale shall be removed at the conclusion of the sale.

## **SECTION 11.0 OTHER USES**

### **11.1 Airports & Related Uses**

- A. Within the Industrial Zoning District, publicly owned airports shall be a permitted use and privately owned airports, whether for public or private use, shall require a Special Use permit.
- B. A development plan shall be submitted with the initial application for an airport or at any time that proposed development varies significantly from the existing development plan. The development plan shall follow the requirements set forth for "Office & Institutional Plan", Subsection "Development Plan Requirements", Section "Planned Unit Development & Office & Institutional Development Plan" of Article III "Development & Subdivision Review, Permitting, & Approval Requirements."
- C. The minimum setback for airport related structures shall be 15 feet from all perimeter property lines.

### **11.2 Communications Tower (Microwave, TV, Telephone, Radio, & Cellular)**

#### *11.2.1 Exempt Facilities*

The following items are exempt from the provisions of this Section; notwithstanding any other provisions of this Ordinance:

- A. Any tower less than 50 feet in height or communications towers existing or permitted prior to the adoption of this Ordinance.
- B. Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter in all residential zoning districts and two (2) meters or less in all other zoning districts.
- C. A government-owned communications facility, upon the declaration of a state of emergency by Federal, State, or local government, and a written determination of public necessity by the County designee; except that such facility shall comply with all Federal and State requirements. No communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.
- D. A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- E. A temporary, commercial communications facility, upon the declaration of a state of emergency by Federal, State, or local government, or determination of public necessity by the County and approved by the County; except that such facility shall comply with all Federal and State requirements. The communications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency.
- F. A temporary, commercial communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the County, except that such facility shall comply with all Federal and State requirements. Said communications facility may be exempt from the provisions of this division up to one (1) week after the duration of the special event.

*11.2.2 General Provisions*

A. Application of this Section

This Section shall apply to the development activities including installation, construction, or modification of all antenna and tower facilities including but not limited to:

- 1. Non-commercial, amateur radio station antennas
- 2. Existing towers
- 3. Proposed towers
- 4. Public towers
- 5. Mitigation of towers
- 6. Co-location on existing towers
- 7. Attached wireless communications facilities
- 8. Concealed wireless communications facilities
- 9. Non-concealed towers
- 10. Broadcast facilities

B. Abandonment (Discontinued Use)

- 1. Towers, antennas, and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use, unless the abandonment is associated with mitigation as provided in Subsections "Minimum Mitigation Accomplishments" and "Mitigation Requirements" of this Section, in which case the removal shall occur within 90 days of cessation of use.

2. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the County may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the County may cause removal of the tower with costs being borne by the owner.
3. Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.

C. Interference with Public Safety Communications

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a co-location shall agree in a written statement to the following:

1. Compliance with *Good Engineering Practices*, as defined by the FCC in its rules and regulations.
2. Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
3. In the case of an application for co-located telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the County's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
4. Whenever the County has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
  - a. The County shall provide notification to all wireless service providers operating in the County of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety *Best Practices Guide*, released by the FCC, including the *Good Engineering Practices*, as may be amended or revised by the FCC from time to time.
  - b. If any equipment owner fails to cooperate with the County in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the

interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in *Best Practices Guide* within 24 hours of County’s notification.

11.2.3 *Antennas, Towers, & Associated Equipment*

A. Building Code Requirements

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

B. Locating Alternatives Order

1. Locating Alternatives Order of New Antenna Array & New Towers

Locating of a new antenna array and new tower shall be in accordance with the following preferred locating alternatives order. Location on publicly-owned property shall be preferred over location on non publicly-owned property for each locating alternative.

- a. Concealed attached antenna
- b. Co-located or combined antenna on existing tower
- c. Non-concealed attached antenna
- d. Mitigation of existing tower
- e. Concealed freestanding tower
- f. Non-concealed freestanding tower

2. Locating Alternatives Order of Attached, Co-located, & Combined Antenna

For attached, co-located, or combined antenna, the order of ranking preference, highest to lowest, shall follow the same ranking as provided in items “a.” through “d.” of “Locating Alternatives Order of New Antenna & New Towers” Section above. Where a lower ranked alternative is proposed, the applicant shall file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

3. Locating Alternatives Order of Mitigation & Freestanding Towers

Where a mitigated or freestanding tower is permitted the order of ranking preference from highest to lowest shall follow the same ranking as provided in items “d.” through “f.” “Locating Alternatives Order of New Antenna Array & New Towers” Section above. Where a lower ranked alternative is proposed, the applicant shall file relevant information as required and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

C. Facility Use Regulations & Required Permits

New antennas and towers shall be permitted in Harnett County according to the table below.

Zoning District	Concealed Attached Antenna	Co-located or Combining on Existing Tower	Non-concealed Attached Antenna*	Mitigation of Existing Tower	Concealed Freestanding Tower	Non-Concealed Freestanding Tower	Antenna Element Replacement
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<b>RA-40</b>	Level II	Level II	Level II	Level II & III	Level II		Level II
<b>RA-30</b>	Level II	Level II	Level II	Level II & III	Level II		Level II
<b>RA-20M</b>	Level II	Level II	Level II	Level II & III	Level II		Level II
<b>RA-20R</b>	Level II	Level II	Level II	Level II & III	Level II		Level II
<b>IND</b>	Level II	Level II	Level II	Level II & III	Level II	Level III & IV	Level II
<b>LI</b>	Level II	Level II	Level II	Level II & III	Level II	Level III & IV	Level II
<b>COMM</b>	Level II	Level II	Level II	Level II & III	Level II	Level III & IV	Level II
<b>CONS</b>	Level II	Level II	Level II	Level II & III	Level II	Level III	Level II
<b>O&amp;I</b>	Level II	Level II	Level II	Level II & III	Level II		Level II
<b>HCO/MCO</b>	Level II	Level II	Level II	Level II & III	Level II		Level II
<b>HEIGHT CONTROL ORDINANCE</b>	Level II	Level II	Level II	Level II & III	Level II		Level II

**Note: Level I towers are permitted in all zoning districts.**

\*Non-concealed attached antennas are only allowed on transmission towers and light stanchions.

#### *11.2.4 Permit (Level I) Amateur Radio Towers*

##### A. Application Requirements

All Permit (Level I) applications shall contain the following:

1. Completion of the “Communications Tower Permit Application”
2. Application Fee
3. Site Plan
4. Valid FCC amateur operator’s license

##### B. Tower Height

Tower height and location shall comply with Federal and State law. Towers shall not exceed 199 feet unless FCC approval is demonstrated.

##### C. Setbacks

A distance equal to the height of the tower shall separate new amateur radio towers from all structures not located on the same parcel as the tower, property lines, right-of-way lines and/or easements. Any relocation of amateur radio towers shall remain on same parcel and shall comply with stated setback requirements, or, if compliance is not possible, the relocation shall not increase the amount by which setbacks are nonconforming, other than increases necessitated solely by changes in size of the base to support the new tower.

#### *11.2.5 Permit (Level II) Co-location, Combination, Attachment, Antenna Element Replacement, Replacement Towers, & Concealed Towers*

##### A. Application Requirements

All Permit (Level II) applications shall contain the following:

1. Completion of the “Communications Tower Permit Application”
2. Application Fee
3. Site Plan

##### B. Co-location & Combination

Harnett County requires co-location and combining of antennas on existing

communications towers as a first priority where co-location is possible. Any person, corporation, partnership, or other entity which intends to co-locate on an existing communications tower within the jurisdiction of this Ordinance shall obtain a Permit (Level II). Co-locations are subject to the following:

1. A co-located or combined antenna or antenna array shall not exceed the maximum height prescribed in the Special Use permit (if applicable) or increase the height of an existing tower by more than 20 feet and shall not affect any tower lighting.
2. New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
3. The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
4. When a co-located or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
5. Applications entitled to the streamlined processes described in Section 160D-933, North Carolina General Statutes, shall meet all the following requirements:
  - a. The additional antenna array, transmission lines, and related ancillary equipment including the base station do not exceed the number of same items previously approved for such tower when originally approved, and the collocated facility is in complete conformance with the original conditions imposed on the tower upon which it is being attached.
  - b. The proposed co-location shall not increase the existing vertical height of the tower by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
  - c. The co-location shall not increase the ground space area approved in the communications tower site plan for equipment enclosures and ancillary facilities by more than 2,500 square feet.
  - d. The existing tower on which the co-location will attach shall comply with applicable regulations, restrictions, and/or conditions, if any, applied to the initial wireless facilities placed on the tower.
  - e. The proposed additional co-location and tower shall comply with all federal, state, and local safety requirements.
  - f. The proposed co-location and ancillary equipment shall not exceed the applicable weight limits for the tower.
  - g. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, the proposed co-location shall not add an appurtenance to the body of a tower or wireless support structure that protrudes horizontally from the edge of all wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

#### C. Concealed & Non-concealed Attachment

Antennas may be mounted onto a structure which is not primarily constructed for the purpose of holding attachment antennas but on which one (1) or more antennas may be mounted. Any person, corporation, partnership, or other entity which intends to place an

antenna on an alternative structure within the jurisdiction of this Ordinance shall obtain a Permit (Level II). Attached antenna shall be subject to the following:

1. The top of the attached antenna shall not be more than 20 feet above the existing or proposed building or structure
2. Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the Planning Department and utility company.
3. When an attached antenna is to be located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.
4. Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

D. Antenna Element Replacement

For any replacement of an existing antenna element on an antenna, the applicant shall, prior to making such modifications, submit the following:

1. A written statement setting forth the reasons for the modification.
2. A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
3. A signed statement from a qualified person, together with their qualifications, shall be included representing the tower's owner or owner's agent that the radio frequency emissions comply with FCC standards for such emissions. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
4. A stamped or sealed structural analysis of the existing structure prepared by a Professional North Carolina Land Surveyor or Engineer indicating that the existing tower as well as all existing and proposed appurtenances meet the North Carolina State Building Code requirements, including wind loading, for the tower.

E. Minimum Mitigation Accomplishments

Mitigation shall accomplish a minimum of one (1) of the following:

1. Reduce the number of towers
2. Reduce the number of nonconforming towers
3. Replace an existing tower with a new tower to improve network functionality resulting in compliance with this Ordinance.

F. Mitigation Requirements

Mitigation is subject to the following:

1. No tower shall be mitigated more than one (1) time.
2. Height: Level II and Level III
  - a. Level II

The height of a tower approved for mitigation shall not exceed 115 percent (115%) of the height of the tallest tower that is being mitigated. (For example, a 250 foot existing tower could be rebuilt at 287.5 feet)

b. Level III

The height of a tower may exceed 115 percent (115%) of the height of the tallest tower that is being mitigated approved for mitigation with undisputable evidence that the new tower will eliminate the need for an additional antenna array within a distance of two (2) miles. Under no circumstance shall any mitigated tower exceed a height of 300 feet.

3. Setbacks

A new tower approved for mitigation of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being mitigated. The intent is to encourage the mitigation process, not penalize the tower owner for the change out of the old facility. (For example, if a new tower is replacing an old tower, the new tower is permitted to have the same setbacks as the tower being removed, even if the old tower had nonconforming setbacks.)

4. Breakpoint Technology

A newly mitigated monopole or lattice tower shall use breakpoint technology in the design of the replacement facility.

5. Buffers

At the time of mitigation, the tower equipment compound shall be brought into compliance with any applicable buffer requirements.

6. Visibility

Mitigated antenna-supporting structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

G. Concealed Towers

1. Application Requirements

All new communications towers intended to replace an existing tower where the new tower meets the following requirements:

- a. Completion of the “Communications Tower Permit Application”
- b. Application Fee
- c. Site Plan

2. Determination of Need

No new or mitigated freestanding tower shall be permitted unless the applicant demonstrates that no existing tower can accommodate the applicant’s proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.

3. Height

New concealed towers shall be limited to 199 feet or less in height. In HCO zones the maximum height shall be 125 feet. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

4. Setbacks

New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:

- a. If the tower has been constructed using breakpoint design technology (see Article “Definitions & Certifications” Section “Communications Tower Definitions & Acronyms”), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a Professional North Carolina Land Surveyor or Engineer of the breakpoint design and the design’s fall radius shall be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
- b. If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

5. Equipment Cabinets

Cabinets shall not be visible from pedestrian and right-of-way views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

6. Fencing

All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts, and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in “Buffers” Section below.

7. Signage

Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:

- a. The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- b. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: “HIGH VOLTAGE - DANGER.”
- c. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

8. Lighting

Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.

- a. Any lighting required by the FAA shall be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited

unless required by the FAA.

- b. Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

9. Equipment Compound

The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

10. Visibility

- a. New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
- b. New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- c. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within 50 horizontal feet of the center of the proposed tower.
- d. The applicant shall meet the following for the required balloon test:
  - i. Applicant shall inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least 14 days in advance.
  - ii. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than 14 days in advance of the test date.
  - iii. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
  - iv. Re-advertisement will not be required if inclement weather occurs.
- e. New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- f. In residential zoning districts, new towers shall only be permitted on lots whose principal use is not single-family residential, including schools, churches, synagogues, fire stations, parks, and other public property.
- g. Towers shall be constructed to accommodate antenna arrays as follows:
  - i. All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.
  - ii. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.
  - iii. All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
- h. Grading shall be minimized and limited only to the area necessary for the new tower

and equipment.

#### 11.2.6 *Permit (Level III) New Non-concealed Towers*

##### A. Application Requirements

All Permit (Level III) applications shall contain the following:

1. Completion of the “Communications Tower Permit Application”
2. Application Fee
3. Site Plan

##### B. Determination of Need

No new or mitigated freestanding tower shall be permitted unless the applicant demonstrates that no existing tower can accommodate the applicant’s proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.

##### C. Height

Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be 199 feet or less in height. However, should a tower be required in excess of 200 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 199 feet shall be subject to the following additional requirements:

1. Undisputable evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two (2) miles.
2. The tower shall be designed to allow for a future reduction of elevation to no more than 199 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network had developed to the point that such heights can be justified.
3. In HCO and MCO Zoning Districts the maximum height shall be 125 feet.

##### D. Setbacks

New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:

1. If the tower is constructed using breakpoint design technology (see Article “Definitions & Certifications” Section “Communications Tower Definitions & Acronyms”), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered Professional North Carolina Engineer of the breakpoint design and the design’s fall radius shall be provided together with the other information required herein from an applicant. (For example, on a 100 foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
2. If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

##### E. Equipment Cabinets

Cabinets shall not be visible from pedestrian and right-of-way views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within

the fenced-in and screened equipment compound.

F. Fencing

All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts, and in any zoning district when the equipment compound adjoins a public right(s)-of-way.

G. Signage

Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:

1. The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
2. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
3. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

H. Lighting

Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.

1. Any lighting required by the FAA shall be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
2. Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way consistent with FAA requirements.

I. Equipment Compound

The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

J. Visibility

1. New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
2. New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
3. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within 50 horizontal feet of the center of the proposed tower.
4. The applicant shall meet the following for the required balloon test:
  - a. Applicant shall inform the Planning Department and abutting property owners in

- writing of the date and times, including alternative date and times, of the test at least 14 days in advance.
- b. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than 14 days in advance of the test date.
  - c. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
  - d. Re-advertisement will not be required if inclement weather occurs.
5. New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
  6. Towers shall be constructed to accommodate antenna arrays as follows:
    - a. All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.
    - b. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.
    - c. All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
  7. Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
  8. Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

#### *11.2.7 Permit (Level IV) Broadcast Facilities*

##### A. Application

All new broadcast towers shall meet the following requirements:

1. Completion of the “Communications Tower Permit Application”
2. Application Fee
3. Site Plan

##### B. Determination of Need

No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant’s proposed use.

##### C. Height

Height for broadcast facilities shall be evaluated on a case by case basis. The determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.

##### D. Setbacks

New broadcast facilities and anchors shall be subject to the setbacks described below:

1. Minimum of 500 feet from any single-family dwelling unit on same lot

2. Minimum of one (1) foot for every one (1) feet of tower height from all adjacent lots of record.
- E. Equipment Cabinets
- Except for AM broadcast facilities, cabinets shall not be visible from pedestrian and right-of-way views.
- F. Fencing
- All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.
- G. Buffer
- AM broadcast facilities shall be exempt from the buffer requirements of this Ordinance.
- H. Signage
- Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:
1. The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
  2. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
  3. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.
- I. Lighting
- Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.
1. Any lighting required by the FAA shall be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
  2. Lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.
  3. Any security lighting for on-ground facilities and equipment shall be in compliance with dark sky lighting standards as approved by the County.
- J. Equipment Compound
- The fenced in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- K. Visibility
- Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

### 11.2.8 *Application Requirements*

#### A. Requirements for Co-location & Attachment

1. A signed statement from the tower owner or owner's agent agreeing to allow the co-location of other wireless equipment on the proposed tower, if the structure is designed or capable of additional wireless equipment.
2. Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.
3. Certification furnished by a registered Professional North Carolina Engineer that the structure has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.
4. One (1) original and two (2) copies of a survey of the property completed by a Professional North Carolina Engineer showing all existing uses, structures, and improvements.
5. Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion.
6. Streamlined process for co-location approvals are subject to the following:
  - a. A co-location application entitled to streamlined processing shall be reviewed by the County within 45 days of submission, (or within some other mutually agreed upon timeframe). Approval or denial of the application shall be in writing and shall be postmarked to the applicant by the 45 day from the date of receipt. Denials shall identify the deficiencies in the application which, if cured, would take the application complete.
  - b. Upon resubmitting of the revised site plan and paperwork the County shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.
  - c. If the County does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
  - d. Application entitled to the streamlined review process shall not be subject to design or placement requirement, or evidentiary hearing review.

#### B. Requirements for Mitigation & New Level II & III Towers

1. A report and supporting technical data shall be submitted, demonstrating the following:
  - a. All antenna attachments and co-locations, including all potentially useable cross country utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined, and found unacceptable.
  - b. Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower.
  - c. Reasoning as to why the adequacy of alternative existing facilities or the mitigation of existing facilities are not acceptable in meeting the applicant's need or the needs of service providers, indicating that no existing communications facility could accommodate the applicant's proposed facility shall consist of any of the following:

- i. No existing towers located within the geographic area meet the applicant's engineering requirements, and why.
  - ii. Existing towers are not of sufficient height to meet the applicant's engineering requirements, and cannot be mitigated to increase in height.
  - iii. Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
  - iv. Other limiting factors that render existing wireless communications facilities unsuitable.
2. Technical data included in the report shall include certification by a Professional North Carolina Engineer or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.
3. Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf (if applicable).
4. Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
5. A stamped or sealed structural analysis of the proposed tower prepared by a Professional North Carolina Engineer indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended).
6. An affidavit by a radio frequency engineer demonstrating compliance with Subsection "Locating Alternatives Order" of this Section. If a lower ranking alternative is proposed the affidavit shall address why higher ranked options are not technically feasible, practical, and/or justified given the location of the proposed communications facility.
7. Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.
8. Written statement by a Professional North Carolina Land Surveyor or Engineer specifying the design structural failure modes of the proposed facility.
9. Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).
10. A map showing the designated search ring.
11. Materials detailing the locations of existing antenna and tower facilities to which the proposed antenna will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.
12. A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, co-location, or new tower.
13. These documents are needed to justify a facility and to determine if the proposed location is the best suitable land use in the designated geographic area of the proposed

facility.

14. One (1) original and two (2) copies of a survey of the property completed by a Professional North Carolina Land Surveyor or Engineer showing all existing uses, structures, and improvements.
15. Six (6) sets (24"×36") of signed and sealed site plans shall include the following:
  - a. Name of project and date
  - b. Deed Book, and Page and Map Book and Page Reference
  - c. Scale, north arrow, and vicinity map
  - d. Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
  - e. Adjacent property information, including land owners, land uses, height of principal building, size of lots, zoning, and land use designation.
  - f. Tower elevations
  - g. Landscape buffering plans
  - h. Maximum height of the proposed tower and proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rod
  - i. One (1) parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound, or the development area as defined on the site plan.
  - j. Location, classification, and size of all major public or private streets and rights-of-way
  - k. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
  - l. Two (2) reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
16. Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
17. List of adjacent property owners and keyed to the map. The list shall be from the most current ownership information supplied by the Harnett County Tax Department, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
18. Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the Planning Department including the facility types the applicant has considered and the impact on adjacent properties including:
  - a. Overall height
  - b. Configuration
  - c. Physical location
  - d. Mass and scale
  - e. Materials and color

- f. Illumination
- g. Architectural design

19. All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Ordinance.
20. A pre-application conference will be required for any new tower. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the County as indicated on the list of wireless service providers provided by the County:

“Pursuant to the requirements of this Ordinance, applicant is hereby providing you with notice of our intent to meet with the County Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at \_\_\_\_\_ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a tower of \_\_\_\_\_ feet in height for the purpose of providing \_\_\_\_\_ (type of wireless service)\_\_\_\_\_. Please inform the County Staff if you have any desire for placing additional wireless facilities or equipment within 2 miles of our proposed tower. Please provide us with this information within twenty business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (pre-application applicant, wireless provider)”

21. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and “Objects Affecting Navigable Airspace,” if applicable.

C. Requirements for New Level IV Towers

1. Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.
2. Proof that a property and/or tower owner’s agent has appropriate authorization to act upon the owner’s behalf, if applicable.
3. Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
4. A stamped or sealed structural analysis of the proposed tower prepared by a Professional North Carolina Land Surveyor or Engineer indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended).
5. A written statement by a Professional North Carolina Land Surveyor or Engineer specifying the design structural failure modes of the proposed facility.
6. Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).
7. One (1) original and two (2) copies of a survey of the property completed by a Professional North Carolina Land Surveyor or Engineer showing all existing uses, structures, and improvements.
8. Six (6) sets (24"×36") of signed and sealed site plans shall include the following:

- a. Name of project and date
  - b. Deed Book, and Page and Map Book and Page Reference
  - c. Scale, north arrow, and vicinity map
  - d. Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
  - e. Adjacent property information including land owners, land uses, height of principal building, size of lots, and existing zoning and land use
  - f. Landscape buffering plans
  - g. Maximum height of the proposed tower and/or antenna, including individual measurements of the base, tower, and lightning rod
  - h. One (1) parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound, or the development area as defined on the site plan.
  - i. Location, classification, and size of all major public or private streets and rights-of-way
  - j. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
  - k. Two (2) reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities. The site plans shall
  - l. Structure elevations
9. Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
  10. List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list shall be from the most current ownership information supplied by the Harnett County Tax Department, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
  11. A pre-application conference will be required for any new broadcast facility.
  12. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

### **11.3 Firearm Certification Facilities**

All firearms certification facilities not operating or located on an approved firing range are required to obtain Special Use approval from the Harnett County Board of Adjustment. All certification facilities that contain a firing range shall adhere to the following standards:

- A. The firearm certification facility's firing range shall only be utilized for the purpose of displaying the practical skills necessary to obtain certification in this area of instruction. The display of practical skills involving firearms must be conducted in the presence of a certified firearms instructor.
- B. The firing range shall only be occupied by a maximum number of two students and one certified firearms instructor during the qualifying session of the certification process.

- C. The firing range utilized for qualification purposes shall be constructed to be in compliance with the following requirements:
  - 1. The range backstop shall be constructed in a manner to contain projectiles without risk of ricochet or escape.
  - 2. The range backstop or berm shall be constructed to a minimum height of ten (10) feet.
- D. The firing range shall be located to the rear of any structure approved for occupancy that is located on the same parcel of property.
- E. The length of the range measured from the firing line to the backstop shall be no greater than thirty (30) feet.
- F. The range shall be designed to establish the direction of fire to be parallel or perpendicular to and away from all public right(s)-of-way.
- G. Facilities and structures shall adhere to all Federal, State and Local regulations and code requirements.
- H. The firing range shall be limited to the discharge of handguns only.

#### **11.4 Gunsmithing**

Gunsmithing facilities operating in conjunction with and are located on an approved firing facility shall be deemed as a permitted accessory use and shall not be required to obtain a Special Use permit. All other gunsmithing activities and facilities shall be required to obtain a Special Use permit. All non-exempt gunsmithing facilities shall adhere to the following requirements:

- A. Gunsmithing facilities located within a residential structure shall not engage in the onsite display or sale of firearms.
- B. Facilities that will utilize a test fire vault or berm shall disclose this information on the Board of Adjustment application, site plan and be approved as part of the Special Use approval.
- C. Gunsmithing facilities shall only utilize a test fire berm for the purpose of verifying proper working order of an assembled or repaired firearm. Recreational or any other form of shooting is prohibited on a test fire berm.
- D. Facilities located within a residential subdivision shall only discharge a firearm within an approved test fire vault. Outdoor test fire berms are prohibited when gunsmithing facilities are located within a residential subdivision.
- E. Outdoor test fire berms shall only be fired upon from a distance not greater than twenty-five (25) feet. The direction of fire into the berm shall be away from all right(s)-of-way and inhabitable structures.

#### **11.5 Junkyard**

The following provisions shall apply to existing and new junkyards. Wherever the provisions of other Sections of this Ordinance require a greater requirement (such as buffers, maintenance, setbacks, etc..) the provisions of such statute shall govern. (The following standards shall be adhered to no later than November 15, 2005 by all property owners.)

The following minimum standards shall be adhered to:	New & Expanding Junkyards	Nonconforming Junkyards
Buffer shall be adjusted in height to meet the required height requirement and to ensure maximum screening where the street grade is significantly higher than the required buffer and during all seasons of the year.	X	X
Junked motor vehicles shall not be stacked higher than the screening.	X	X
Vehicles shall be stored in such a manner that all fire apparatuses and equipment can ingress and egress all areas of the site at all times and be in accordance with all State and Federal regulations.	X	X
Maximum of ten (10) junked vehicles outside of automobile salvage yard or enclosed building, unless otherwise specified.		
Junked motor vehicles and parts storage areas shall be screened from view from adjacent property and rights-of-way by the following (all requirements shall be met at time of installation and shall be a minimum six (6) feet in height).	“Buffers & Landscaping” Section of this Ordinance	Opaque fence or row of continuous evergreen shrubs
New automotive repair facilities that have junked motor vehicles and motor vehicles parts storage areas shall be screened from view from adjacent property and rights-of-way.		
Junked motor vehicles or parts shall not be stored in the front yard or in the required front yard setback.	X	X
Board of Adjustment conditions as set at time of approval.	X	
Setback from a school, residence, church, or place of public assembly existing at application approval (measured from the closest point of the operational area of the automobile salvage yard) (owner of the junkyard or automobile graveyard shall be exempt).	1,000 ft.	
Buffering plan shall be submitted in accordance with “Buffers & Landscaping” Section of this Ordinance.	X	
All operations, equipment, junk, and/or inoperable motor vehicles shall be kept within said buffer at all times unless in motion by transportation to and from the site.	X	
Setback for equipment, junk, and/or inoperable motor vehicles from any adjoining property lot line.	50 ft.	10 ft.
Fences shall be designed to reasonably secure the area from unauthorized entry.	X	
Setback from rights-of-way of any public or private street existing at application approval (property line shall be used if no right-of-way).	100 ft.	10 ft.
The operational area existing at the effective date of the ordinance shall not be expanded, except in conformance with the provisions of this ordinance.	X	X
Motor vehicles, parts, or other junked materials storage prohibited in setback.	X	X

## 11.6 Manufactured Home Park

### 11.6.1 General Provisions

#### A. Standard Requirements

##### 1. Locating Manufactured Homes

- a. Only one (1) manufactured home shall be located on any manufactured home space at any one (1) time.
- b. No manufactured home shall be located or moved within the jurisdiction of Harnett County without obtaining the proper permits required by local and/or State regulations.

##### 2. Address/Lot Number

Each lot shall clearly display the approved number with a minimum of four (4) inches in size and shall be composed of reflective materials of contrasting colors.

3. Mailboxes

The owner(s) shall install and maintain mailboxes in good condition to allow for postal delivery service for each resident, in accordance with local, State, and Federal regulations.

4. Solid Waste Disposal

The park owner(s) will operate or provide for the operation of a solid waste disposal system, including providing park tenants with appropriate containers. Individual containers shall be waterproof and rodent proof. The method of garbage disposal shall be noted on the plan and approved by the Board of Adjustment.

B. Manufactured Homes

All manufactured homes shall be properly anchored in accordance with the State of North Carolina regulations for manufactured homes.

1. Skirting

All manufactured homes shall have the entire perimeter skirted at all times so as to enclose the space from the bottom of the manufactured home to grade.

C. Improvements

1. Street(s)

Maintenance of all internal streets and corresponding drainage facilities shall be the responsibility of the owner(s) of the park. Such streets shall be maintained in a manner to remain free of pot holes, breaks in pavement, rough surfaces, standing water, and associated problems which would impede or cause hazards to motor vehicles.

2. Ground Cover

In order to control erosion, all land areas shall be protected by landscape material and vegetative ground cover.

3. Fence or Wall

Fences or walls shall not be permitted unless approved as part of the park plan. This excludes one (1) temporary pet containment area per manufactured home space. Pet containment areas shall not exceed 120 square feet and shall be made of suitable and durable materials intended for such use that are installed in good workman-ship manner.

D. Additions & Accessory Structures

1. Additions

No living compartment or structure other than that of a prefabricated structure specifically designed for manufactured home use or extension shall be added to any manufactured home parked within the jurisdiction of this Ordinance. This excludes front and rear uncovered porches and decks not exceeding 100 square feet.

2. Accessory Building

One (1) Accessory Building is permitted per manufactured home lot. Such building shall not exceed 120 square feet in size, shall be located in the rear yard and shall be compatible to the principal dwelling in terms of exterior building material and color. Existing structures authorized by permit and structurally sound, prior to September 15, 2003 shall be allowed to remain. Refer to Item 4 "Setbacks" of Subsection "Standards for New & Altered Manufactured Home Parks" of this Section for additional requirements.

### 3. Carports

Prefabricated structures without any foundation or footings and designed so as when the use for which the temporary structure was erected has ceased the structure shall be removed shall be permitted in accordance with this Ordinance. Refer to Subsection “Standards for New & Altered Manufactured Home Parks” of this Section for additional requirements. Carports shall be properly anchored and shall be constructed of rigid materials that are compatible to the principal dwelling in terms of exterior building material and color.

## E. Recreational Vehicles

### 1. Park Model Recreational Vehicles

- a. Parks with less than 20 spaces will be allowed one (1) park model lot and parks with 20 or more spaces will be allowed two (2) park model lots.
- b. These lots are to be used for temporary living quarters for recreation, camping, travel, and seasonal use. The permit will be valid for one (1) year and renewable by the Administrator or designee for one (1) year periods not to exceed three (3) additional years.

### 2. Recreational Vehicles (RV's)

The following provisions shall apply to RV's, except as defined elsewhere in this Ordinance.

- a. Park owner(s) shall be responsible for notifying Planning Department of intention to use park lots for recreational vehicles (RVs).
  - i. Revised site plan shall be submitted for review and approval by Development Review Board, as required elsewhere in this Ordinance, prior to establishment of use.
  - ii. In addition to site plan requirements in Subsection “New Manufactured Home Park Site Plan” of Article III “Development & Subdivision Review, Permitting, & Approval Requirements” of this Ordinance, site plan shall indicate park lots to be designated for said use.
- b. Parks shall be permitted use of lots for RVs as follows:
  - i. Parks with less than 20 lots shall not have more than one (1) RV lot.
  - ii. Parks with 20 or more lots shall not have more than two (2) RV lots.
- c. RV lots shall not be established adjacent to right(s)-of-way.
- d. No more than one (1) recreational vehicle shall be permitted per park lot.
- e. Address and lot number of park lots to be used for RVs shall be provided in a clearly visible location.
- f. No additions, porches, decks, or the like shall be permitted on RV lots.
- g. No permanent hardwiring, plumbing, skirting, or other installations of the same nature shall be permitted.
- h. Nonconforming parks shall comply with Subsection “Standards for New & Altered Manufactured Home Parks” below, to the greatest extent possible, and shall meet applicable buffer requirements of this Ordinance prior to establishment of said use.
- i. Manufactured Home Park inspection shall be performed prior to establishment of said use.

- j. Park owner(s) shall be responsible for supplying utilities to park lots used for RVs, including water, electricity, waste collection, and solid waste removal.
  - i. Installation and provision for water and sewage disposal shall be according to the standards of the Harnett County Department of Public Utilities and the Harnett County Health Department.
  - ii. Each lot designated for RV use shall have an electric service pole in compliance with the most recently published version of the National Electrical Code.
- k. Subsection “Existing, Permitted Manufactured Home Parks” of Section “Alteration & Expansion of Existing Parks” of Article II “Nonconformities” is not applicable.

F. Prohibited Uses & Structures

No part of the park shall be used for nonresidential purposes, excluding facilities related to the maintenance of the park. The following uses and structures shall be prohibited within manufactured home parks:

- 1. The transfer of a manufactured home space or spaces either by sale or by any other means within a manufactured home park
- 2. The storage of abandoned or junk vehicles
- 3. The storage of uninhabitable manufactured homes
- 4. Recreational Vehicles (RVs) as a permanent residence
- 5. Storage of possessions and equipment under the manufactured home

*11.6.2 Standards for New & Altered Manufactured Home Parks*

A. Development Standards

1. Minimum Park Size

Every manufactured home park shall have a minimum area of five (5) contiguous acres.

2. Minimum Manufactured Home Lot Size

- a. 6,000 square feet with both public water and sewer
- b. 10,000 square feet with public water or sewer
- c. 20,000 square feet no public water or sewer

3. Maximum Density

- a. Six (6) units per acre
- b. Refer to Article “Natural Resources”, Section “Water Supply Watershed” of this Ordinance for impervious surface requirements

4. Setbacks

- a. The manufactured home and accessory structures shall be located not less than 25 feet from the park boundary and at least 10 feet from planting or landscape areas.
- b. Each manufactured home shall be located not less than 30 feet from any other manufactured home.
- c. Accessory structures shall be located not less than 10 feet from a manufactured home.

## B. Improvement Standards

### 1. Streets & Access

- a. All streets shall be paved with a minimum pavement width of 18 feet and shall be located within a cleared right-of-way having a minimum width of 30 feet, except as otherwise required herein.
- b. Streets connecting two (2) public right(s)-of-way or extending to adjacent properties shall be built to the minimum construction standards required by the North Carolina Department of Transportation (NCDOT), including storm drainage facilities as required by the latter.
- c. Cul-de-sac streets shall not exceed 1,000 feet in length.
- d. All dead-end streets shall be developed as cul-de-sacs.
- e. All street names shall be approved by the Harnett County GIS Department.
- f. Each manufactured home space shall abut upon an improved street which shall have unobstructed access to a public street.
- g. No manufactured home space shall have direct vehicular access to any public right-of-way other than those located within the manufactured home park.
- h. A letter of Certification by a Professional North Carolina Engineer that the street meets NCDOT standards for the type of facilities installed and proper storm drainage facilities shall be required.

### 2. Off-Street Parking Pad

Each manufactured home lot shall have two (2) paved parking spaces with a minimum length of 22 feet and a minimum width of nine (9) feet per space.

### 3. Sidewalks shall be required along one (1) side of all streets in accordance with Section "Sidewalk Standards" of Article VII "Development Design Guidelines."

### 4. Lighting

Adequate lighting shall be provided to illuminate streets, common driveways, walkways, and dead-end streets for the safe movement of vehicles and pedestrians at night. The minimum size street light shall be a 50-watt LED, or its equivalent, spaced at intervals of not more than 300 feet.

### 5. Open Space & Recreational Facilities

- a. Minimum of eight percent (8%) of the gross area of the manufactured home park shall be dedicated open space and/or recreational open space facilities.
- b. One percent (1%) of the gross area shall be used for improved recreational open space facilities.
- c. No more than one-half ( $\frac{1}{2}$ ) of the open space area may be covered by water.
- d. Dedicated open space and recreational open space facilities shall be reasonably accessible from all parts of the park, as determined by the Planning Board.

### 6. Utilities & Storm Drainage

Adequate water supply and distribution system, sewage disposal system, fire protection, and storm drainage shall be provided for all new and expanded manufactured home parks, in compliance with the provisions of this Ordinance.

C. Additional Standards

1. Development in Flood Hazard Areas

Manufactured home parks shall not be located in areas that are susceptible to regular flooding as depicted on the most recently published Federal Emergency Management Agency (FEMA) Maps. Existing manufactured home parks located in designated Flood Hazard areas shall not be allowed to add additional spaces or manufactured homes. Manufactured home parks shall be graded so as to prevent water from ponding or accumulating on the premises.

2. Storage Areas

Fenced and screened communal storage areas provided by the park owner(s) for boats, campers, and other accessory vehicles belonging to park residents only shall be permitted.

*11.6.3 Maintenance of Park & Facilities*

The park owner(s) and occupants shall keep all park owned facilities, manufactured homes, manufactured home spaces, improvements, equipment, open space, recreational open space, and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of material which would constitute a fire hazard or would cause insect or rodent breeding and harborage.

*11.6.4 Termination & Reduction in Size of Manufactured Home Parks*

A. Termination

Termination of a manufactured home park shall be in accordance with the parameters set forth in this Section. All expenses incurred shall be the responsibility of the park owner(s). The manufactured home park termination process shall be as follows:

1. Manufactured home park owner(s) shall remove, or cause to be removed, all manufactured homes and other structures from said park.
2. Park owner(s) shall submit a complete application to the Harnett County Planning Department.
3. Upon receipt of a complete application the Administrator, or his designee, shall perform an inspection of said manufactured home park. All other required inspections or reviews of other County, local, and State departments shall be the responsibility of the owner(s) to coordinate.
4. Following approvals of all required inspections, the manufactured home park shall be terminated and all required documentation shall be filed with the Planning Department.

B. Reduction

Reduction in the size of a manufactured home park shall meet the requirements of this Section. All expenses incurred shall be the responsibility of the park owner(s).

**11.7 Mining Activities**

- A. No mining shall be commenced in Harnett County's zoning jurisdictions until a Special Use permit has been approved by the Board of Adjustment.
- B. Special Use approval granted by the Board of Adjustment shall not become effective until a mining permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Land Resources (DENR), Land Quality Section, or successor agency.
- C. Mining may occur in any Harnett County zoning district for which mining is listed as a Special Use

subject to the terms and conditions of this Section and Article III “Development & Subdivision Review, Permitting, & Approval Requirements”, Subsection “Special Use Permit” of this Ordinance. In keeping with Article III “Development & Subdivision Review, Permitting, & Approval Requirements”, Subsection “Special Use Permit” of this Ordinance, the following guidelines shall be used:

1. The operation will not constitute a substantial physical hazard to a neighboring dwelling house, school, religious structure, hospital, commercial, or industrial building, public street, or public property.
  2. The operation will not have a significantly adverse effect on the purposes of a publicly-owned park, forest, or recreational open space area.
- D. A Special Use permit shall automatically expire if at any time after its issuance the State Mining Permit is revoked or terminated.

E. Definitions

Definitions as listed in the NCGS and *The Mining Act of 1971*, both of North Carolina and as amended, shall apply to this Subsection.

F. Permit Application

1. Applicants for a Special Use permit shall submit to the Harnett County Planning Department two (2) copies of all documents required by the State of North Carolina for a Mining Permit Application, the Reclamation Plan, and any maps and charts accompanying these documents. These documents shall be reviewed by the Harnett County Board of Adjustment.

G. Buffer & Screening Standards

1. A visual screen shall be established and maintained around that portion of the mining site that is being excavated or being used for the storage of minerals. Such screening is required only when such areas are visible at eye-level at ground elevation, at the time of permit issuance, from state-maintained right(s)-of-way, publicly-owned areas which have been maintained essentially in their natural state of vegetation, adjacent residences and other buildings, but not including accessory buildings or properties. Said screening shall meet the requirements of the “Type B; Option 2” buffer of the “Buffers” Section of this Ordinance. Only evergreen plantings shall be utilized to meet the requirements of this Section. When excavated areas have been reclaimed in accordance with the following: *The Mining Act of 1971*, of North Carolina and as amended, and Chapter 5 of the North Carolina Administrative Code, Title 15 “Environment & Natural Resources”, required artificial screening may be removed.
2. The visual screening requirements of the previous Section may be exempted when:
  - a. The Planning Department determines that existing vegetative cover will fulfill these requirements. Such natural screening may consist of existing vegetative cover including, but not limited to, trees and shrubs, not less than 50 percent (50%) of which shall be evergreen. Screening may also consist of earthen berms or other artificial screens used individually or in combination with each other and existing vegetation to achieve a screening effect required by this Section. Screening materials and vegetation may be located in required buffer areas. All berms and other artificial screens requiring extensive land disturbance shall comply with the North Carolina General Statutes.
  - b. It is determined that due to topographic, or other circumstances where, through no fault of the permittee, that the requirements of this Section cannot be provided. In such case, an alternative plan shall be submitted to the Planning Department.

H. Vibration Standards

All mining activities in Harnett County shall conform to the vibration policy adopted by the Land

Quality Section of the North Carolina Department of Environment and Natural Resources (DENR).

I. Nonconforming Mining Operations

Mining operations begun prior to the adoption of zoning at the location in which the mine is operating shall be allowed to continue as nonconforming uses after that date. Mining operations for purposes of this Section are defined as those in operation or for which an application for a mining permit has been made to the North Carolina Department of Environment and Natural Resources.

## 11.8 Planned Unit Development

### 11.8.1 Purpose

It is recognized that only through ingenuity, imagination, and high quality design can planned unit developments be produced which are in keeping with the intent of this Ordinance while departing from the strict application of conventional use and dimensional requirements. This is done by allowing design flexibility and a mix of residential and nonresidential uses, and/or varying types of both residential and nonresidential uses. Coordination of such development with adequacy of public facilities while maintaining the rural and small town character of Harnett County is a necessity in this type of development.

The constructed and natural landmarks, and social and economic surroundings, are what cause someone to identify with a particular place or community. Characteristics of a location that make it readily recognizable as being unique and different from its surroundings, and providing a feeling of belonging to or being identified with that particular place warrant consideration when developing a planned unit development.

The characteristics of different uses, activities, and/or designs allow them to both be located in proximity to and in harmony with one (1) another through compatibility. Elements affecting compatibility include: height, scale, mass, and bulk of structures; pedestrian and vehicular traffic; vehicular circulation and access; landscaping; lighting; and mitigation of noise, odor, and air pollution. Compatibility is not intended to mean identical; rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development and harmony of the different uses within the proposal with one (1) another.

The intent of the planned unit development regulations of Harnett County is to provide for minimum, conventional development regulations, while allowing a developer the flexibility to determine how to attain superior development through the criteria listed herein.

### 11.8.2 Development Criteria

Unless otherwise stated or outlined herein, all requirements of this Ordinance shall be met.

A. Minimum Development Size

No PUD shall be approved for a site of less than 10 contiguous acres under unified ownership or control.

B. Minimum Building Setbacks

Unless specified and approved as part of the outline development plan, the minimum setback requirements of this Ordinance shall be met. The minimum building setback for all single family development shall be five (5) feet.

C. Public Utilities

Both public water and public sewer services shall be available to serve the proposed planned unit development. Capacity of both services shall be available at the time of approval. The applicant shall provide proposed water and sewer demands to the Harnett County Department of Public Utilities prior to submission of the Special Use permit application, and in compliance with the applicable provisions of Article VII “Development Design Guidelines”, Section “Connection to Utility Services”, Subsection “General Provisions for Water & Sewer”.

D. Permissible Uses

1. Residential Uses Allowed within a PUD

Proposed planned unit developments primarily residential in use shall be allowed as a Special Use in the underlying residential zoning district(s) only. Permissible residential uses within a PUD include single-family detached dwellings, two-family duplexes, townhome dwellings, multifamily dwellings, and customary residential accessory uses and structures.

Commercial and other nonresidential uses allowed within a residential PUD shall be limited to those uses specified in the O&I and Commercial Zoning Districts.

2. Nonresidential Uses Allowed within a PUD

Proposed planned unit developments primarily nonresidential in use shall be allowed as a Special Use in the underlying nonresidential zoning district(s) only.

Residential uses allowed within a nonresidential PUD shall be limited to those uses specified in the RA-20M Zoning District.

3. Development Located within Conservation Zoning District

Any portion of a planned unit development located within a conservation zoning district shall be developed to the standards of this Ordinance and shall not be allowed the flexibility of this Section.

4. Nonresidential Development within a PUD

Nonresidential development within a PUD shall be arranged to:

- a. Separate pedestrian and vehicular traffic such that pedestrians can safely walk between businesses within the planned unit development and from parking areas to businesses; and
- b. Provide access from adjacent residential development into nonresidential development areas, whether or not said residential development is existing or is included as part of the nonresidential PUD.

*11.8.3 Design Guidelines*

A. Minimum Dimensional & Amenity Requirements

This Section describes additional regulations that shall be met for single family, multifamily, and nonresidential uses within planned unit developments. The regulations shall be applied individually by the desired type of use and density per pod. The developer shall outline which method is intended as part of the application and shall provide a clear intent to seamlessly integrate differing requirements.

1. Single Family Uses

	OPEN SPACE	STREET PAVEMENT WIDTH	CUL-DE-SAC PAVEMENT RADIUS	STREET TREES	CURB & GUTTER	SIDEWALKS
≥20,000 sq. ft. minimum lots	10%	-	-	-	-	-
≥18,000 sq. ft. minimum lots	15%	-	-	-	-	-
≥15,000 sq. ft. minimum lots	20%	-	-	✓	✓	✓
≥12,000 sq. ft. minimum lots	25%	29'	50'	✓	✓	✓
≥9,000 sq. ft. minimum lots	30%	29'	50'	✓	✓	✓

*\*As required by this Ordinance.*

2. Multifamily Uses

	OPEN SPACE	STREET PAVEMENT WIDTH	CUL-DE-SAC PAVEMENT RADIUS	STREET TREES	CURB & GUTTER	SIDEWALKS	REAR LOT PARKING	ACCESS TO PUBLIC TRANSPORTATION	LOCATION WITHIN RC OR CMU
≥9 units per acre	10%	-	-	-	✓	✓	-	-	-
≥12 units per acre	20%	-	-	-	✓	✓	-	-	-
≥15 units per acre	30%	29'	50'	✓	✓	✓	-	-	-
≥18 units per acre	40%	29'	50'	✓	✓	✓	✓	✓	✓
≥21 units per acre	40%	29'	50'	✓	✓	✓	✓	✓	✓

3. Nonresidential Uses

Nonresidential uses, shall be incorporated within a residential Planned Unit Development when located within the Land Use Plan classifications of Medium Density Residential, Compact Mixed Use, Employment Mixed Use, or Rural Center development nodes. Whether developed as a portion of a residential PUD or development of a nonresidential PUD, nonresidential uses shall meet the following criteria.

In order to facilitate innovative design of nonresidential areas, there shall be no minimum building setback when located adjacent to other nonresidential uses. However, the outline development plan shall outline the all proposed setbacks.

B. Streets & Access

The transportation network of all planned unit developments shall, at a minimum, meet the standard requirements of this Ordinance. Further, all streets within a planned unit development shall be located and designed in accordance with the requirements of the North Carolina Department of Transportation (NCDOT) for the type of street proposed.

1. Access to Nonresidential Uses within Primarily Residential Planned Unit Developments

Primary vehicular access to commercial development shall not be through intervening local streets.

2. Entrances

At least one (1) point of ingress/egress for a planned unit development shall be located

on a minor collector road, at a minimum, as identified by NCDOT. The number of ingress and egress points needed to safely move vehicular traffic from the PUD to the adjoining street(s) shall meet the minimum requirements of this Ordinance; however the Board of Adjustment, via review of the outline development plan, may allow additional entrances, under the direction of NCDOT. It shall be the applicant's responsibility to consult with NCDOT prior to requesting additional entrances.

C. Parking

Parking requirements shall meet the standards of this Ordinance. An alternative parking plan may be submitted as part of the outline development plan. Shared parking is encouraged for uses that typically do not generate traffic at the same time.

D. Signs

A generalized sign plan shall be submitted as part of the outline development plan. Said plan shall include the design, type, and illumination source of signs to ensure uniform style throughout the development. All signs shall conform to the applicable requirements of this Ordinance unless otherwise approved.

E. Buffering

1. Perimeter Buffering

Planned unit developments shall be required to provide perimeter buffering in accordance with Section "Buffers & Landscaping" of this Ordinance. However, when a use within a PUD is located adjacent to an existing, compatible use, the Administrator may reduce both the buffer area and number of plantings required by up to 50 percent (50%). If the applicant wishes to reduce the buffer by greater than 50 percent (50%), the Board of Adjustment shall make that determination.

2. Internal Buffering

Individual uses within the PUD shall be required to meet the buffer requirements for the specific use unless an alternative internal buffering plan is submitted and approved by the Board of Adjustment as part of outline development plan.

F. Open Space

All planned unit developments shall include open space to optimize use and community interaction within the proposed development, as well as to maintain and preserve significant natural features. Each PUD shall include a minimum amount of open space, as required by this Section. Stormwater management measures and other required undeveloped land, such as BMPs, may be included within this required open space area.

1. Required Open Space

a. Wetlands

Proposals that include any identified wetlands shall include those areas within the required open space. It is encouraged that, in cases where more than one (1) area of wetlands exists, connections between the wetlands are also included within the open space.

b. Flood Areas

Proposals that include any identified flood hazard areas are encouraged to include those areas within the required open space.

c. Water Features

Other water features that are not identified as wetlands or flood hazard areas are

often overlooked during site development. However, these features may be just as important to the continued success of the natural environment and should therefore be considered for inclusion in required open space.

2. Unimproved Open Space

Unimproved open space includes any type of open space that is not defined as improved open space by this Ordinance. All of the required unimproved open space within a PUD shall be recorded at the time of recordation of the first phase of development.

3. Improved Open Space

A minimum of 10 percent (10%) of the total open space provided shall include improved open space area(s) in primarily residential planned unit developments. Specific improved open space uses shall be proposed by the developer in the outline development plan. Proportionate to its size, each pod of the PUD shall include an area of improved open space. In no case shall open space include less area than the smallest lot of the pod in which the open space is located.

4. Access to Open Space

In cases where improved open space is located along a right-of-way where improved pedestrian access is not required, such access shall be provided to connect the open space to the nearest required pedestrian access.

*11.8.4 Superior Design Criteria*

A PUD may modify the requirements set forth in the UDO, if the applicant demonstrates how the proposed development is superior to that accomplished through conventional ordinance application. Superior design criteria exceed the standard development requirements of the Harnett County Unified Development Ordinance. While there are numerous techniques that may be utilized for each of the criteria below, it is up to the applicant to determine what is most appropriate for the proposed PUD.

Each of the criteria below shall be met, included, and explained as part of the required outline development plan. It is the duty of the applicant to provide that each of these criteria is met. Each criterion shall be met in order for the Board of Adjustment to consider approval of the development proposal. The Board of Adjustment shall make a determination that the outline development plan adequately meets and explains these criteria to the extent necessary to meet the purpose of this Section. Greater detail in explanation of the superior design provided as part of a proposal shall afford a more thorough and informed review process by County Staff and the Board of Adjustment.

A. Overall Development Design

Innovative design of the overall development, which may include access, circulation, privacy, and other factors to create a unique development that compliments or enhances the surrounding community.

B. Architectural Design

In planned unit developments, architectural design shall take into consideration the intended character of development as a whole, including seamless transitions between uses. More specifically, architectural design may include building design, location, scale, and/or character, provided to avoid abrupt differences between structures and uses. To determine if superior design has been attained to meet the requirements of this Section, the architectural standard regulations of the Highway Corridor Overlay Zoning District shall be used as a benchmark.

C. Sustainability

The intention of sustainability in development is to eliminate negative environmental impacts through sensitive and skillful design. Further, sustainable development is intended to meet existing human needs while preserving the environment so that the needs of future generations can be met without an undue economic burden. Maintaining or enhancing opportunities and community well being, while protecting and restoring the natural environment upon which people and the natural environment depend, are primary features of sustainable development. Ways of living more sustainably can take many forms from reorganizing living conditions and sustainable architecture, including but not limited to gray water systems for irrigation, pervious parking, and alternative energy.

D. Preservation of Natural & Historic Features

Community use of natural resources shall do so in a way that does not jeopardize the ability of future generations or the natural environment to live and prosper. For example, preservation of all areas located within the conservation zoning district as open space or utilizing naturally low lying areas for utility easements & walking trails.

E. Transportation System

On-site circulation and off-site traffic consequences shall be addressed as a whole in overall development design. Circulation for vehicle and pedestrian movement should be provided to minimize impacts to existing transportation systems. Transportation systems included as part of a PUD may include traffic calming devices, innovative intersection design, and other techniques to maintain safe traffic movement throughout the development.

F. Public Safety & Service Availability

Availability of public services is a major factor in locating developments. For purposes of this item, public services may include, but not limited to, the proximity to fire and emergency medical services, hospitals, law enforcement services, libraries, and educational facilities.

*11.8.5 Review & Approval Procedures*

In addition to the procedures listed herein, applications for planned unit developments shall meet the requirements of Article III “Development & Subdivision Review, Permitting, & Approval Requirements,” Section “Planned Unit Development & Office & Institutional Development Plan Review Requirements.”

A. Predevelopment Meeting

A predevelopment meeting shall be scheduled with the Planning Department, and other County Departments as applicable, to review the proposed development plan. Said predevelopment meeting will allow both the developer(s) and County Staff to air out potential issues prior to submittal to the Board of Adjustment. This meeting shall be held before staff will accept a Special Use application for the proposed development.

B. Public Outreach

A minimum extent of public outreach shall be done by the developer(s) prior to, or in conjunction with, application of the proposed plan in compliance with “Public Outreach” of Section “Subdivision Review Requirements,” Article III “Development & Subdivision Review, Permitting, & Approval Requirements.”

C. Outline Development Plan

Each proposed planned unit development shall include an outline development plan. The purpose of the plan is to describe, in detail, all elements of design and regulation of the site as a whole. Following the inclusion of a succinct development summary, the outline

development plan shall include how each of the required conventional regulations are met, including individual phase descriptions of these regulations where necessary. Finally, the plan shall outline how superior design guidelines and individual criteria are met through innovative design, proposed by the developer.

The outline development plan shall specify development standards applicable to each use within the planned unit development. If standards have not been specified for a proposed use in the outline development plan, any applicable development standards found elsewhere in this Ordinance shall be followed. In no case shall proposed development standards fail to meet the intent of this Ordinance.

D. Modification(s) of the Approved Planned Unit Development (PUD)

Modification(s) of the Outline Development Plan, or any preliminary plat/plan and associated requirements, may be made by the Planning Board when requested by the owner(s) and developer(s) after initial approval has been granted by the Board of Adjustment. Such modifications shall not constitute a substantial change to the approved Special Use Permit, as determined by the Administrator. The Board of Adjustment shall review substantial changes to the approved Special Use Permit, such as an increase in density or introduction of a more intensive land use than was originally approved, in accordance with this Ordinance.

E. Conflicts

Where conflicts occur after approval by the Board of Adjustment between the approved plan and the requirements of this Ordinance, or other local, State, or Federal regulations, such conflict shall be resolved by the Administrator.

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## **ARTICLE VI. GENERAL DEVELOPMENT STANDARDS**

### **SECTION 1.0 GENERAL**

#### **1.1 Application of this Ordinance**

The regulations set forth in this Ordinance affect all land, every building, and every use of land and/or building, and shall apply as follows:

A. New Uses or Construction

All new construction or use of land shall conform to the use and dimensional requirements for the district in which it is to be located.

B. Existing Conforming Situations

Land or structures, or the use of land or structures, which then conform to the regulations for the district in which it is located may be continued, provided that any structural alterations or change in use shall conform with the regulations herein specified.

C. Existing Nonconforming Situations

After the date of adoption of zoning at the location of the nonconformity, pre-existing lots, structures, or uses which would be prohibited under the regulations for the district in which it is located shall be considered as nonconforming. Nonconforming situations may be continued, provided they conform to the provisions in the following section.

### **SECTION 2.0 PRINCIPLE BUILDINGS PER LOT**

#### **2.1 Principal Buildings per Lot**

Every building hereafter erected, moved or structurally altered shall be located on a lot. And in no case shall there be more than one (1) principal building and its customary accessory buildings on a lot except in the following cases:

- A. Multifamily residential developments, including condominiums, townhomes, planned unit developments, and shopping centers as approved and permitted in accordance with this Ordinance.
- B. One (1) secondary residence when placed in such a way that both the secondary and primary residences meet all of the dimensional lot requirements of the applicable zoning district.
- C. As expressly allowed as part of an approved Special Use permit for uses provided in the “Table of Use Types & Regulations”, issued by the Harnett County Board of Adjustment, more than one (1) principal building may be located on a lot.

#### **2.2 Required Yards Not to be Used by Another Building**

The minimum yards or other open spaces required by this Ordinance for each and every building hereafter erected, moved, or structurally altered shall not be encroached upon by or considered as meeting the yard or open space requirements of any other building.

### **SECTION 3.0 ACCESSORY STRUCTURES**

The following regulations shall apply to accessory buildings and/or structures.

- A. All accessory buildings shall be located in the rear or side yard and meet the setbacks of the underlying zoning district. An accessory building may be located within the front yard if all of the following requirements are met.

1. The lot is two (2) acres or greater, or five (5) acres or greater if located within a named, major subdivision.
  2. The accessory building must be setback at least a minimum of double the front setback requirement and adhere to the minimum side & rear setback for the zoning district.
  3. Accessory building square footage shall not be greater than fifty percent (50%) of that of the principal building, unless located on a lot that is equal to or greater than 10 acres.
  4. A maximum of one (1) accessory building may be located in the front yard.
  5. The accessory building shall be oriented as to not obscure view of principal building from public right-of-way or private access easement.
  6. The accessory structure shall be exempt from the above requirements if located on a Bona Fide farm.
- B. Accessory buildings not exceeding 600 square feet may be permitted in the required side and rear yards provided such accessory buildings are at least five (5) feet from any property line and do not encroach into any required easements.
- C. Accessory buildings not exceeding 50 square feet and used exclusively to house well and pump equipment may be permitted in the required front, side, and rear yards, provided such accessory buildings are at least five (5) feet from any property lines and do not encroach into any required easements or sight angles.
- D. An accessory building may be located on another contiguous or non-contiguous lot from the principal use with which it is associated, only to the extent that the principal use itself would also be permitted on such lot.
- E. In no case shall a manufactured home, or cargo or trailer portion of a motor vehicle be used as an accessory structure for storage.
- F. Portable Storage Units for Residential Purposes
1. Temporary portable storage units may be located within the required front yard for no more than 60 days.
  2. Portable storage units shall be permitted in rear or side yards only. Additional portable storage units shall be permitted in the rear or side yard(s) only and shall not be visible from the public right(s)-of-way.
  3. No more than two (2) accessory structures shall be located on lots of 10,000 square feet or less, and the total square footage of accessory structure(s) shall not exceed the total square footage of the principle structure.

## **SECTION 4.0 ACCESS**

### **4.1 Public Access to Property**

No building, structure, or use of land other than for agricultural purposes shall be established on a lot which does not abut a street, road, or other public way having a right-of-way meeting standards of the North Carolina State Department of Transportation or having access via a minimum 30 feet easement or private street meeting the standards of Article “Development Design Guidelines”, Section “Street Standards” of this Ordinance.

### **4.2 Curb Cuts Giving Access to Public Right-of-Ways**

Construction of curb cuts for purposes of ingress or egress to property abutting a public right-of-

way shall be approved by the North Carolina Department of Transportation, where said curbs affect access to State right(s)-of-way. Provisions for all access work done on State right(s)-of-way are subject to approval by NCDOT.

### **4.3 Corner Visibility**

In all zoning districts there shall be no obstruction to visibility on any corner lot two (2) feet above the level of the center line of the street in a triangular area bounded by the street right-of-way line on such corner lots and a base line joining points along right-of-way lines 25 feet from the intersection right-of-way corner.

## **SECTION 5.0 HEIGHT LIMITATION EXCEPTIONS**

The height limitations of this Ordinance shall not apply to belfries, spires, monuments, chimneys, smokestacks, water towers, flagpoles, television and radio masts, aerials, and similar structures.

## **SECTION 6.0 ADDRESSING & NAMING**

### **6.1 Authority**

- A. Street address numbers assigned by the Harnett County GIS Department are recognized by the United States Postal Service as mailing addresses.
- B. Street address numbers, subdivision names, and road names on file with GIS shall be the official street address numbers.

### **6.2 Jurisdiction**

GIS shall assign street address numbers in the following jurisdictions: Harnett County, Town of Angier, Town of Coats, Town of Erwin, and Town of Lillington.

### **6.3 General**

- A. Street address numbers will be assigned every 5.28 feet from the beginning point of each street. The only exception will be existing municipal streets.
- B. The center point of Harnett County shall be the intersection of NC 27, NC 210, US 401, and US 421 in the Town of Lillington City Limits. The center point shall be the beginning point for major roads such as NC 27, NC 210, US 401, and US 421. The roads that cross the center point shall be addressed with respect to direction (east, west, north, and south). For example, NC 27 shall be NC 27 W in areas west of Lillington and NC 27 E in areas east of Lillington, and US 421 shall be US 421 N in areas north of Lillington and US 421 S in areas south of Lillington.
- C. For numbering purposes, each road within the County's jurisdiction has a standard beginning point which shall be one (1). Exception to this regulation shall be made in cases of municipal streets and/or conflicts with other counties or postal boundaries.
- D. Even street address numbers will be assigned to right side of the road and odd street address numbers will be assigned to the left side of the road, as one would stand with their back toward the beginning point.

### **6.4 Assignment of Address**

#### *6.4.1 General Address Assignments*

- A. All structures shall be addressed relative to their position on a named road. Structures which are facing a named road shall be addressed with the number which falls closest to the front door

of that structure or unit.

- B. Structures that are more than 100 feet from a named road shall be addressed where the driveway intersects the named road.
- C. Structures not visible from the named road shall be addressed where the driveway intersects the named road.

#### *6.4.2 Corner Lot Address Assignment*

Corner lot and large lot street address numbers will be assigned from the submitted site or plot plans using the methodology established in section *6.4.1 General Address Assignments* of this article.

#### *6.4.3 Multifamily Address Assignment*

- A. One (1) street address number shall be assigned to each multifamily structure. Each unit within the structure shall be assigned a unit designator, which shall be a number and shall not include alphabetic characters.
- B. Unit designators shall be as follows:
  - 1. Lowest floor level unit numbers shall be as follows: 101, 102, 103, etc.
  - 2. Next floor level unit numbers shall be as follows: 201, 202, 203, etc.
  - 3. Unit designators on all floor levels shall be assigned in the same manner.

### **6.5 Display of Address**

#### *6.5.1 Display Provisions*

- A. The owner(s) of any addressable structure shall post the approved street address number on the structure for the purpose of health, safety, and general welfare of the citizens of Harnett County. It shall be the responsibility of the property owner(s) to ensure that the display of the street address numbers is properly maintained.
- B. The height of the street address number displayed on a single family dwelling or detached residential structure shall be a minimum of three inches (3”).
- C. The height of the street address number displayed on a multifamily dwelling or nonresidential structure shall be a minimum of six inches (6”).
- D. Street address numbers shall be of a contrasting color to the background so that they are clearly visible.
- E. The street address number shall be displayed on the structure in a location clearly visible from the public or private right(s)-of-way or dedicated access easement day and night.
- F. When the structure is not clearly visible or is more than 100 feet from the named road, the street address number shall be displayed at the driveway that serves the structure. The display shall be perpendicular to the roadway and shall be clearly visible from both directions of the public or private right(s)-of-way or dedicated access easement day and night.
- G. The street address number shall be displayed on both sides of the mailbox and on the mailbox door when mail is delivered to the structure by the United States Postal Service.
- H. GIS shall have the right to authorize and approve alternate methods of displaying street address numbers which meet the intent of this Ordinance when strict adherence to these standards cannot reasonably be met

#### *6.5.2 Display Enforcement*

- A. No structure shall receive a Certificate of Occupancy until a street address number has been

issued by the GIS Department and that street address number is properly displayed as described herein.

- B. Property owner(s) or residents of a structure already constructed shall properly display the street address number as described in compliance with this Ordinance.
- C. Property that does not comply with the requirements set forth herein shall be considered a violation of this Ordinance.

## **6.6 Subdivision Naming**

In no case shall the proposed name for subdivision duplicate or be phonetically similar to existing subdivisions within the jurisdiction of Harnett County. Additionally, the use of initials, acronyms, letters, numbers, and Roman numerals in subdivision names is prohibited.

- A. GIS shall approve and maintain subdivision names in the following jurisdictions: Harnett County, Town of Angier, Town of Coats, Town of Erwin, and Town of Lillington.
- B. A subdivision name change fee shall be determined by the Harnett County Board of Commissioners. This is an administration fee for changing the name in all County systems.

## **6.7 Street Naming & Signs**

### *6.7.1 Street Names*

- A. GIS shall approve and maintain road names in the following jurisdictions: Harnett County, Town of Angier, Town of Coats, Town of Erwin, and Town of Lillington.
- B. Road names shall be named, renamed, and/or approved in accordance with the GIS Road Name Guidelines and NCGS 153A-239.1.
- C. Any access, easement, driveway, or pathway, whether public or private, with three (3) or more addressable structures shall be named.
- D. All streets not on an approved, recorded subdivision plat shall be approved in accordance with this Section.
  - 1. Streets within the unincorporated areas of Harnett County shall be presented in a public hearing to the Harnett County Board of Commissioners for approval.
  - 2. Streets within the municipal areas of the Town of Angier shall be presented in a public hearing to the Town of Angier Board of Commissioners for approval.
  - 3. Streets within the municipal areas of the Town of Coats shall be presented in a public hearing to the Town of Coats Board of Commissioners for approval.
  - 4. Streets within the municipal areas of the Town of Erwin shall be presented in a public hearing to the Town of Erwin Board of Commissioners for approval.
  - 5. Streets within the municipal areas of the Town of Lillington shall be presented in a public hearing to the Town of Lillington Board of Commissioners for approval.

### *6.7.2 Street Name Petition*

- A. The road name petition fee shall be determined by the Harnett County Board of Commissioners. This is an administration fee for researching and processing the petition and advertisement of a public hearing and is therefore non-refundable. This fee shall be paid when the Development/Road name application is submitted.
- B. New road names created shall adhere to the GIS Road Naming Guidelines. New road names created shall be subject to the road name petition fee, unless the road is being created through the subdivision process.

- C. New road names created due to GIS mandates shall be exempt from the road name petition fee.
- D. Property owners, developers, or petitioners changing the name of existing streets shall adhere to the GIS Road Naming Guidelines and shall be responsible for the road name petition fee and the road sign fee.
- E. Proposed street name changes shall be agreed to by a minimum of 75 percent (75%) of the property owners directly affected by said change. Each tax parcel shall have one (1) vote regardless of the number of property owners for that tax parcel.
- F. Harnett County shall not be responsible for any expenses associated with the street naming or street renaming. Any cost for address changes shall be the responsibility of the property owner(s) or resident(s).
- G. Once a road has been named or renamed, there shall be a five (5) year waiting period before the road name can be changed. If the road name was approved through the subdivision process, the five (5) year period will begin from the date the subdivision final plat was recorded with the Register of Deeds. If the road name was approved by the Harnett County Board of Commissioners, the five (5) year period will begin from the Harnett County Board of Commissioners approval date.

### *6.7.3 Street Signs*

- A. All named roads in Harnett County shall be identified by a sign showing the official name of that road. Signs should be installed to meet North Carolina Department of Transportation standards and any other applicable local, State, and Federal regulations.
- B. Road sign fees shall be determined by the Harnett County Board of Commissioners. This fee shall cover the material and labor cost to create and install the sign.
- C. Road name signs shall be a standard color, size, and design, as approved by GIS. The sign background color shall be green, and the characters and borders shall be white. A yellow tab indicating "Private Road" may only be used on streets that are not State maintained and are not part of any recorded subdivision plat, unless otherwise approved by this Ordinance.
- D. Property owners, developers, or petitioners creating new roads or changing the name of existing roads shall be responsible for the road sign fee. Road sign fees shall be paid before a subdivision plat can be recorded and before any street address numbers are issued.
- E. All road name signs in the unincorporated areas of Harnett County shall be approved, installed, and maintained by GIS. However, custom road name signs may be an alternative by completing a Road Name Sign Statement of Intent form and paying all associated road sign fees.

## **SECTION 7.0 DEVELOPMENT PHASING & NUMBERING**

### **7.1 Subdivision Phasing**

#### *7.1.1 General*

Subdivisions may be developed by sections or phases. Each section shall be submitted as a final plat to be recorded in the Office of the Register of Deeds. However, the initial preliminary plat shall show all sections or phases of the subdivision.

#### *7.1.2 Phase Size*

Each phase or section of development within a major subdivision shall contain a minimum number of seven (7) lots.

#### *7.1.3 Alteration to Phasing*

Whenever a change is proposed in phase ordering, the preliminary plat shall be revised and

submitted in accordance with the procedures of this Ordinance.

## **7.2 Phase Numbering**

Phases shall be identified in consecutive numerical titles and shall easily recognizable order, as identified on approved preliminary and/or master plan(s). If further divisions are necessary, phase numbering shall generally follow standard outline format.

## **7.3 Lot Numbering**

Lots shall be numbered in consecutive order, beginning in the first phase of a subdivision and continuing through each additional phase. That is, the lot number of a consecutive phase shall follow the final lot number of the previous phase of a subdivision.

## **SECTION 8.0 DEVELOPMENT AGREEMENTS**

### **8.1 Public Hearing**

Before entering into a development agreement, a local government shall conduct a public hearing on the proposed agreement following the procedures set forth in GS 160D-601 regarding ordinance adoption or amendment. The notice for the public hearing shall specify the location of the property subject to the development agreement, the development uses proposed on the property, and shall specify a place where a copy of the proposed development agreement can be obtained. In the event that the development agreement provides that Harnett County shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).

### **8.2 Contents of Development Agreement**

- A. A development agreement shall at a minimum include all of the following:
1. A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
  2. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
  3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
  4. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
  5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
  6. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
  7. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by Harnett County for the public health, safety, or welfare of its citizens.
  8. A description, where appropriate, of any provisions for the preservation and restoration of historic

structures.

- B. A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement shall provide a development schedule, including commencement dates and interim completion dates at no greater than five (5) year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement pursuant to GS 160D-108 but shall be judged based upon the totality of the circumstances. The development agreement may include other defined performance standards to be met by the developer. The developer may request a modification in the dates as set forth in the agreement. Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement.
- C. If more than one (1) local government is made party to an agreement, the agreement shall specify which local government is responsible for the overall administration of the development agreement.
- D. The development agreement also may cover any other matter not inconsistent with this Part.

### **8.3 Recordation of Agreement**

Within 14 days after a local government enters into a development agreement, the developer shall record the agreement with the Harnett County Register of Deeds. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

### **8.4 Periodic Review**

Period review is required to assess compliance with agreement, material breach by developer, notice of breach, cure of breach, and/or modification or termination of agreement.

- A. Procedures established pursuant to GS 160D-103 shall include a provision for requiring periodic review by the Administrator or other appropriate officer of Harnett County at least every 12 months, at which time the developer shall be required to demonstrate good faith compliance with the terms of the development agreement.
- B. If, as a result of a periodic review, Harnett County finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, Harnett County shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.
- C. If the developer fails to cure the material breach within the time given, then Harnett County unilaterally may terminate or modify the development agreement; provided, the notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by GS 160D-1402.

### **8.5 Validity & Duration of Development Agreement**

A development agreement entered into prior to change of jurisdiction, or subsequent modification or suspension of regulation shall remain valid.

- A. Except as otherwise provided by this Part, any development agreement entered into by a local government before the effective date of a change of jurisdiction shall be valid for the duration of the agreement, or eight (8) years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and Harnett County assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction.
- B. A local government assuming jurisdiction may modify or suspend the provisions of the development agreement if Harnett County determines that the failure of Harnett County to do so would place the

residents of the territory subject to the development agreement, or the residents of Harnett County, or both, in a condition dangerous to their health or safety, or both.

## **8.6 Amendment or Cancellation of Development Agreement**

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

### **SECTION 9.0 HOMEOWNERS' ASSOCIATION**

The following shall establish requirements and guidelines for those developments including a homeowners' association (HOA) or any similar entity.

- A. A copy of the recorded organizational papers and by-laws shall be submitted at the final plat review stage to the DRB for review and approval. Such organizational papers and by-laws shall be applied to the entire development.
- B. The homeowners' association shall be established before the homes or units are sold.
- C. Membership shall be mandatory for each buyer, and any successive buyer.
- D. The developer or any subsequent developer shall manage the homeowners' association, which shall be responsible for all maintenance of the development, until 60 percent (60%) of all units to be sold are sold.
- E. The homeowners association shall be managed on a nonprofit basis; however, nothing herein shall be construed to prohibit the payment of a fair market management fee to the developer.
- F. The developer shall have the right to maintain control of and manage the homeowners' association for the following periods:
  1. Until 98 percent (98%) of the total dwelling units planned are conveyed to residents; or
  2. For 10 years from the date that the first plat in the development is recorded plus one (1) year for each 50 units planned in excess of 100 units; or
  3. For 50 years from the date that the first plat in the development is recorded, whichever shall first occur.
- G. The developer, or development owner, shall pay all fees levied by the homeowners' association on any improved lot which it owns and for which a final plat has been recorded in the Harnett County Register of Deeds, just as any other lot owner.
- H. The homeowners' association shall be responsible for liability insurance, payment of local taxes, and maintenance of recreational open space and other facilities. Any dues or fees levied by the homeowners' association that remain unpaid, shall become a lien on the individual property. The homeowners' association shall be able to adjust the assessment to meet changing needs.

### **SECTION 10.0 SCHOOL BUS STOPS WITHIN RESIDENTIAL SUBDIVISIONS**

All major subdivisions shall install school bus stop facilities and locations as approved by Harnett County Schools. The developer shall provide appropriate safe and facilitative movement for the bus and pedestrians. This location shall allow for adequate car parking and/or stacking so as not to block any existing ingress or egress, or to damage private property. These requirements shall be implemented at the time of final plat approval for each phase of the subdivision

## **ARTICLE VII. DEVELOPMENT DESIGN GUIDELINES**

### **SECTION 1.0 GENERAL**

Any land to be developed that does not meet the requirements of this Ordinance shall be prohibited. In reviewing such development, the reviewing body shall be guided by an analysis of available data on topography, soils, flood plains, drainage, and ground and surface water. Improvements shall be installed in accordance with

the requirements and standards set forth in this Ordinance and other specifications and policies of Harnett County. All improvements shall be inspected and approved by the Administrator in conjunction with any other Harnett County Department, or State or Federal agency, as may be required.

### **1.1 Other Approvals as Necessary**

It shall be the responsibility of the developer(s) to obtain required applications, permits, and other approvals from local, State, and Federal agencies as necessary. Failure to obtain such may result in delay of development approval.

### **1.2 Improvements & Projections in Right(s)-of-Way**

No improvements other than driveways, sidewalks, and landscaping shall be permitted within the limits of projected right(s)-of-way as specified in the Harnett County Comprehensive Transportation Plan. No private signs or other structures shall project beyond an imaginary line drawn 10 feet from and parallel to the outer edge of the public or private right(s)-of-way.

## **SECTION 2.0 STREET & TRANSPORTATION STANDARDS**

### **2.1 Comprehensive Transportation Plan**

#### *2.1.1 Purpose & Applicability*

The Harnett County Comprehensive Plan (CTP) is an officially adopted plan addressing long range transportation needs regarding land use and development within Harnett County. It shall be the responsibility of developer(s) of major subdivisions, minor subdivisions, and nonresidential sites to comply with the Harnett County Comprehensive Transportation Plan (CTP) to further the purpose of said plan. All such development located adjacent to a corridor identified by the CTP for future widening shall include building setbacks measured from the future right(s)-of-way identified, in order to accommodate future street widening. Existing nonresidential lots of less than one (1) acre in size shall be exempt from this requirement.

#### *2.1.2 Required Improvements*

All such development located adjacent to a corridor that is included in the County's adopted Comprehensive Transportation Plan, or any other officially adopted Plan, shall comply with the prescribed improvements as indicated within said Plan.

#### *2.1.3 Measurement of Land Area for Future Right-of-Way*

All such development located adjacent to a corridor identified by the CTP for future widening shall include building setbacks measured from the future right(s)-of-way identified, in order to accommodate future street widening. Existing nonresidential lots of less than one (1) acre in size shall be exempt from this requirement.

Land area necessary for future right(s)-of-way, shall be determined as identified by NCDOT plans where as available, or otherwise by applying half of the right(s)-of-way width recommended in the Harnett County Comprehensive Transportation Plan (CTP) along each side of the thoroughfare's existing edge of right(s)-of-way or centerline alignment, whichever is applicable.

### **2.2 Design Standards**

The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, . The most current edition of the NCDOT, Division of Highways' *Subdivision Roads Minimum Construction Standards*, shall apply for any subdivision created in compliance with this Ordinance. All streets shall have a minimum of 10 feet pavement width per lane, unless otherwise stated by this Ordinance. When not outlined in *Subdivision*

*Roads Minimum Construction Standards*, a minimum of 12 feet pavement width per lane shall be required. The location of utilities and sidewalks shall be considered in the layout of the street system and selection of a right-of-way width.

## 2.3 Connectivity

### 2.3.1 Connection to Strategic Highway Corridors

Projects located along strategic highway corridors, as defined by NCDOT, shall follow this part, in conjunction with NCDOT regulations. Every effort shall be made to provide alternative access to a public right-of-way not designated as a strategic highway corridor, if one is available.

### 2.3.2 Access to Adjacent Properties

Where, upon the recommendation of the Development Review Board, it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated, and where appropriate, constructed to the boundary of such property. It is the intention of this Section to promote the orderly development of a local street system that provides interconnection between developed or developing properties.

Connections shall be required where any of the following are met:

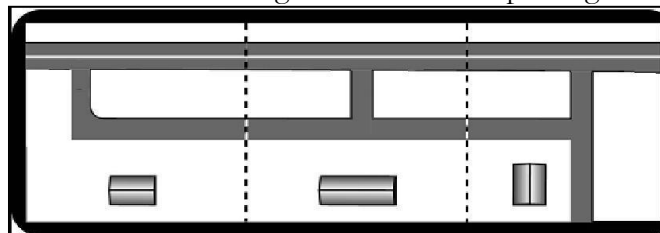
- A. Where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision. For purposes of this Section, compatible land use shall mean any residential to residential land use or nonresidential to nonresidential land use.
- B. Where there are no natural or man-made barriers that make the street extension impractical;
- C. Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided; and/or
- D. Where the street extension will promote the overall orderly development of the area.

All stub streets shall be designed and where required to be built, constructed in accordance with the appropriate standards as delineated in this Ordinance.

### 2.3.3 Nonresidential Lateral/Cross Access

All new nonresidential development, specifically commercial development, shall provide lateral or cross access to adjacent property which is either existing nonresidential use or zoned nonresidential, or if the adjacent property is undeveloped. When located adjacent to residentially zoned and used property, a cross access easement shall be provided to provide for future connectivity. In the review process, lateral access shall be displayed and labeled clearly by showing the appropriate connections. See Subsection “Easements” below for further information.

Lateral Access through interconnected parking lots:



## 2.4 Curb & Gutter

All curb and gutter sections shall be concrete and meet Division of Highways Standards. In the instance where redevelopment is taking place of an existing use, such as manufactured home parks or other similar uses with an existing street system in place that is currently utilizing asphalt curb and gutter that is built to NC Department of Transportation standards, then asphalt curb and gutter may be allowable upon approval

by the Development Review Board. Further all new street additions to the development may also be allowed to continue to use the asphalt curb and gutter in order to make the development consistent in appearance throughout as long as the total linear feet of new street additions does not exceed the total linear feet of the existing street system. All Neo-Traditional designed lots shall conform to North Carolina Department of Transportation Traditional Neighborhood Development Guidelines.

## **2.5 Subdivision Street Disclosure Statement**

- A. All streets shown on the final plat shall be designated as public or private. Designation as public shall be conclusively presumed to be an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the state-maintained street system, before lots are sold, a statement explaining the status of the street shall be included with the final plat. Designation as private shall be conclusively presumed to be a private street.
- B. Where streets are designated as private, a full disclosure of the status of the street and maintenance responsibilities is required and these listed items shall run with the land.
- C. Recorded Ingress & Egress Easement Maintenance Agreement

Where easements provide required access, they shall meet all applicable standards. Ingress and Egress easements with more than two (2) lots will provide a continued maintenance agreement and shall be approved by the Planning Director or designee and recorded with the County Register of Deeds in a legally valid and binding instrument that describes the method of maintenance, who will be responsible for maintenance, and the properties which the easement access way serves. See Subsection “Easements” below for further information.

## **2.6 Subdivision Entrances**

### *2.6.1 Residential Subdivisions*

- A. All developments of more than 200 residential units or additions to existing developments that increase the total number of residential units to 200 or more shall provide vehicular access to at least two (2) public streets. In cases where the property being developed is adjacent to more than one (1) State road, it is encouraged that the required entrances be located on separate State roads. The Planning Board, at the developer’s request, may determine that topography, natural features, or the pattern of the existing adjacent development makes such provision impractical.
- B. A maximum of two (2) entrances per major subdivision are allowed unless additional entrances are approved by the Harnett County Planning Board. The Planning Board may grant additional entrances if it is determined, via applicant justification, that the additional entrances will increase the public health, safety, and/or general welfare.

### *2.6.2 Nonresidential Subdivisions*

- A. Nonresidential subdivision developments shall not exceed the number of driveways/entrances permitted by NCDOT.

## **2.7 Blocks**

Blocks shall be laid out with special attention given to the type of use contemplated.

- A. Block lengths shall not exceed 1,400 feet or be less than 400 feet.
- B. Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or nonresidential uses.

## **2.8 Type of Streets Required**

All subdivision lots shall abut a street designated as either public or private. All public or private streets shall be built to the standards of this Ordinance and all other applicable standards of the County and the North Carolina Department of Transportation (NCDOT).

*2.8.1 Public Streets*

Public streets, which are eligible for acceptance into the state-maintained road system, shall be put on such system. Streets which are not eligible to be put on the State Highway System, because there are too few lots or residences, shall be in accordance with the standards in this Ordinance or standards necessary to be put on the State Highway System.

*2.8.2 Private Streets*

Private streets shall be specifically allowed within planned unit developments, condominium and townhome developments. All other developments proposing to have private streets and/or gated entrances shall require Planning Board approval and may be subject to further conditions regarding safety and/or connectivity. Additionally, all projects are subject to reasonable and appropriate safety measure deemed necessary by the DRB under the following conditions.

- A. Where private streets are provided in developments with lots or units for sale, such streets shall be designated as part of areas held in common and under ownership of a homeowners' association with maintenance provisions.
- B. All private streets shall be constructed or improved to North Carolina Department of Transportation Standards and certification of construction must be submitted as the final plat stage by a professional licensed engineer.
- C. The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private street shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road.
- D. All private streets shall be constructed within a public utility easement and shall be recorded as such, for the purpose of service and maintenance of public utilities with those right(s)-of-way. In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities must also be provided.
- E. Gated Private Streets
  - 1. All gated private streets shall be approved by the Fire Code Official prior to construction or installation of any such gates and related equipment and systems.
  - 2. Gates shall be constructed and installed in compliance with Harnett County regulations.
  - 3. Adequate distance between the driveway from the State road and the actual gated entrance shall be allowed for stacking of vehicles.

Gate Storage Lengths

Number of Dwelling Units	Minimum Storage
< 50	50 ft

50 – 100	75 ft
<u>&gt;100</u>	<u>100 ft</u>

## 2.9 Marginal Access Streets

It is the intent of this regulation, in accordance with NCDOT, to limit access onto principal arterial streets where appropriate, in order to maintain the traffic capacity and encourage smooth traffic flow. Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial. Marginal access streets shall be built to the minimum requirements as stated in “Street Design Standards on Existing Easements” of Subsection “Minor Subdivision Streets” of this Section.

## 2.10 Dead-End Streets & Cul-de-Sacs

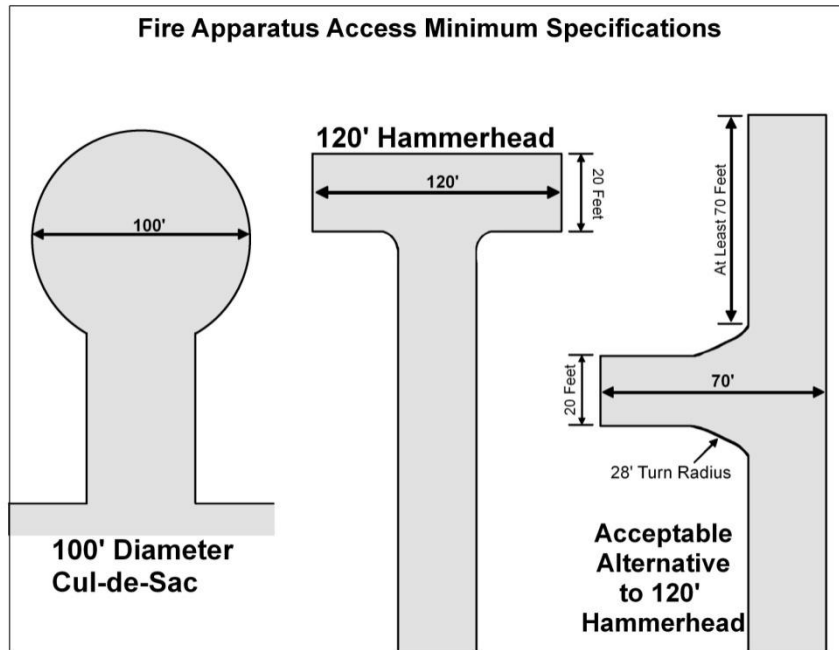
### 2.10.1 *Dead-End Street Length & Width*

- A. A permanent dead-end street shall not exceed 2,500 feet in length – measured from the centerline of its beginning point on a through street to the centerline of its end in the center of the turnaround of the cul-de-sac or the centerline at the end of a temporary turnaround. Stub out streets or intersecting cul-de-sacs shall not be points of measurement for dead-end streets.
- B. Cul-de-sacs shall have a minimum 35 foot pavement radius and should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the DRB. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround.

### 2.10.2 *Temporary Turn-Arounds*

Temporary turn-arounds may be required when located at the dead-end of a street meant for future connection, stub-streets, or as required by the Fire Code Official. Streets of less than 150 feet in length shall not be required to meet the regulations of this Section.

- A. In cases where a temporary turn-around is permitted to facilitate future connections or development, the last lots on the proposed street shall be wide enough to accommodate the temporary turn-around entirely within the property being developed.
- B. Temporary turn-arounds may be removed in cases where additional public right(s)-of-way is dedicated at the termini of an existing public right(s)-of-way. In cases where private right(s)-of-way is continued at the termini of public right(s)-of-way, the required temporary turn-around shall remain in place.
- C. In no case shall any area utilized for temporary turn-arounds be used for vehicle parking.
- D. Temporary bulb, hammerhead, and/or alternative hammerhead turn-around designs shall be constructed with a minimum of six (6) inches of ABC stone.



## 2.11 Alleys

- A. Except for neo-traditional designed lots, alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances. Unless otherwise provided herein neo-traditional designed lots shall have alleys that comply with the North Carolina Department of Transportation's *Traditional Neighborhood Development Street Design Guidelines*. Maintenance of alleyways will be the responsibility of the homeowners' association, comparable individual, or group that has responsibility for other common areas. Maintenance of alleyways shall be addressed in the organizational papers and by-laws of the homeowners' association.
- B. The width of an alley shall be at least 20 feet.
- C. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as may be approved by the DRB.
- D. Sharp changes in alignment and grade shall be avoided.
- E. All alleys shall be designed in accordance with NC Department of Transportation standards.

## 2.12 Half-Streets

The dedication of half streets of less than 60 feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where a half-street exists in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than 60 feet of right-of-way is required, a partial width right-of-way, not less than 60 feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

## 2.13 Minor Subdivision Streets

Minor subdivision streets shall meet the requirements of this Section, as applicable. See Subsection “Easements” of this Article for more information.

### 2.13.1 General Requirements

- A. For the purpose of this Part, all lots less than or equal to 10 acres in size shall count toward the total number of lots, regardless of location on the easement. Parcels greater than 10 acres in size shall not be counted toward the number of lots located on an easement.
- B. Each lot shall abut the easement, and street when required, for the entire length of the minimum lot width in the zoning district in which it is located, or 40 feet when located on the bulb of a cul-de-sac.
- C. Construction and installation of street(s) shall be required from the State-maintained right-of-way to the end of the easement or to the end of the property involved in the subdivision, whichever is less.
  - 1. In cases where an existing easement is greater than 2,000 feet in length and street installation is required, the subdivider(s) may petition to the Planning Board for relief from this requirement.
- D. The street shall remain clear of all obstructions and debris.
- E. A maintenance agreement shall be submitted and recorded with the minor subdivision plat whenever street installation is required.

### 2.13.2 Exemptions from Street Installation

Minor subdivisions which allow for less than three (3) lots on any existing easement shall be exempt from the street construction requirements of this Section.

### 2.13.3 Street Design Standards on Existing Easements

Minor subdivisions which allow for three (3) or more lots to be created on any existing easement shall be required to meet the following street construction standards.

- A. There shall be a minimum width of 20 feet width and three (3) inches of aggregate base course (ABC) gravel.

### 2.13.4 Street Design Standards on New Easements

Minor subdivisions which allow for three (3) or more lots to be created on any new easement shall be required to meet the following street construction standards:

- A. Minor subdivision streets shall meet NCDOT’s *Subdivision Roads Minimum Construction Standards* for residential local streets through the subgrade phase of construction, including drainage improvements, grading, and typically six (6) inches of ABC gravel. The minimum lane width shall be 10 feet. Certification of compliance with said NCDOT requirements shall be made by a Professional North Carolina Engineer.
- B. When existing conditions can meet NCDOT requirements, such conditions shall be certified by a Professional North Carolina Engineer, and the required gravel depth may be reduced.

## 2.14 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with the standards of NCDOT; and the standards in this Ordinance, whichever are stricter in regard to each particular item.

## **SECTION 3.0 PARKING & OFF-STREET LOADING REQUIREMENTS**

### **3.1 Off-Street Parking Requirements**

There shall be provided at the time of the erection of any building, or at the time any principle building is enlarged or increased in capacity by adding dwelling units, guests rooms, seats, or floor area; or before conversion from one (1) type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section, together with adequate driveway and maneuvering space. Such parking space may be provided in a parking garage or properly graded open space.

#### *3.1.1 Certification of Minimum Parking Requirements*

Each application for a land use and zoning permit to the Administrator as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be of sufficient detail to enable the Administrator to determine whether or not the requirements of this Section are met.

#### *3.1.2 Combination of Required Parking Spaces*

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that one-half ( $\frac{1}{2}$ ) of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Saturdays and Sundays may be assigned to a use which will be closed at night and on Sundays. In cases where shared parking is permitted, adequate pedestrian access shall be provided to all uses.

#### *3.1.3 Remote Parking Spaces*

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable walking distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use.

#### *3.1.4 Lighting*

Access ways, walkways, and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind and in compliance with Section "Lighting Standards" of this Ordinance.

#### *3.1.5 Safety Barriers*

Curbs, walls, fences, wheel stops, or similar devices shall be located within spaces along the perimeter of parking lots, garages, and storage areas, except at entrances and exits indicated on approved parking plans. Such barriers shall be so designed and located as to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public right(s)-of-way and adjoining properties from damaging effects of surface drainage. Such barriers shall be approved for the same use. In cases where a sidewalk is used as the safety barrier, the width of the raised sidewalk shall be increased by 18 inches.

#### *3.1.6 Parking Areas Adjacent to Public Alleys*

Where off-street parking facilities are located adjacent to a public alley, the width of such alley may be counted as a portion of the required maneuvering and access area, but not as

part of the parking spaces required.

*3.1.7 Improvements, Design, & Location Standards*

All off-street parking, including exits, entrances, and maneuvering and parking areas shall:

- A. Have access to a publicly dedicated street or alley
- B. Be designed so that vehicles cannot overhang property lines, public right(s)-of-way, or public sidewalks, or tend to bump against or damage any wall, vegetation, or other obstruction.
- C. Be permanently maintained by the owner(s)
- D. Be set back from the existing or future public right(s)-of-way, private right(s)-of-way, and property zoned residentially a minimum of 10 feet.
- E. Drive Aisle, Lane Width, & Parking Stall Dimensions

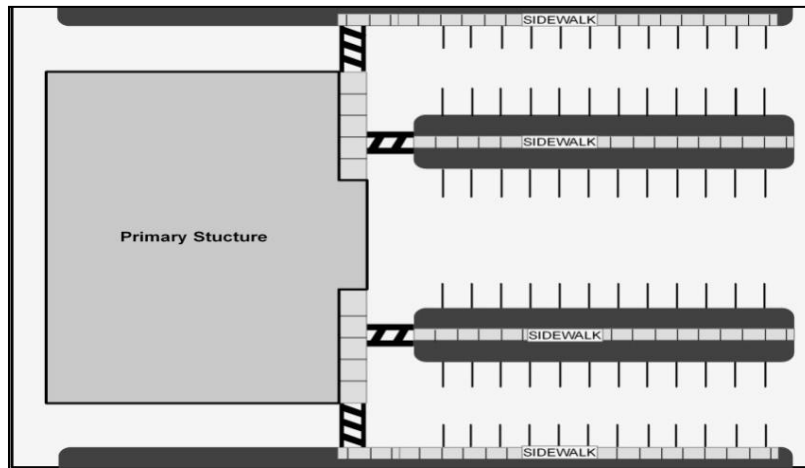
1. Drive Aisle & Lane Width Dimensions

<b>Minimum Access Drives Aisles &amp; Lane Width</b>					
Parking Angle	0°	30°	45°	60°	90°
One Way Traffic	14'	14'	14'	18'	24'
Two Way Traffic	20'	20'	21'	23'	24'

2. Parking Stall Dimensions

Minimum dimensions for parking stall is 18 feet in length by nine (9) feet in width. Handicapped parking stalls shall meet the requirements of ANSI 117.

- F. Parking areas for shopping centers, or for community or regional site plans, shall provide designated crosswalks for pedestrian access and internal sidewalks within parking medians, as appropriate, to ensure connection between parking areas and the facility for which the parking is provided.



*3.1.8 Parking Surface Areas*

- A. All parking surface areas that contain one (1) of the following scenarios shall be graded and surfaced with asphalt and/or concrete, unless stated otherwise within this Ordinance. In designated watershed areas, alternative pervious or porous materials may be utilized, as approved by the Administrator.
  - 1. Access drives with lanes for drive-in windows; or
  - 2. 15 or more parking spaces; or
  - 3. That are used at least five (5) days per week.

- B. Parking surface areas not permanently surfaced shall be graded and surfaced with crushed stone, gravel, or other suitable material with a minimum of six (6) inches and shall be maintained in a dust free condition.
- C. Parking area shall be properly maintained in good condition (free of potholes, etc.) and parking space lines and or markings shall be kept clearly visible and distinct.
- D. As required elsewhere by this Ordinance, curb & gutter shall be installed in accordance with Subsection “Curb & Gutter” of Section “Street & Transportation Standards.”

### 3.1.9 Minimum Parking Requirements

Minimum parking requirements are listed within the “Table of Use Types & Regulations”.

- A. The number of parking spaces shall not exceed 110 percent (110%) of the minimum number of spaces required for the approved land use, except for residentially classified uses. Pervious pavers, with installation certified by a Geotechnical Engineer, utilized for parking spaces shall not be counted toward the total number of allowable parking spaces.
- B. The number of parking spaces to be required in special situations in which none of the above conditions are applicable shall be determined by the Board of Adjustment.
- C. University and college uses and ancillary uses typically associated with a university or college that are customary and subordinate may demonstrate the use and activity is being served with parking facilities located on campus or by remote parking.

## 3.2 Off-Street Loading Requirements

- A. All uses and establishments commenced hereafter shall provide off-street loading spaces sufficient to allow all loading and unloading of vehicles to take place entirely within the property lines of the premises.
- B. The off-street loading space provided as required by this Section shall be permanent space and shall not be used for any other purpose.
- C. A loading space requirement may be waived by the Board of Adjustment on application due to a limited need for loading space based on the nature of the building.
- D. Loading berths shall be designed, along with the means of egress and ingress to such berths, so as not to interfere with the free, normal movement of vehicles and pedestrians on public right(s)-of-way and shall have the following dimensions
  - 1. Minimum width of 12 feet
  - 2. Minimum length of 55 feet
  - 3. Minimum height clearance of 15 feet
- E. The minimum number of off-street loading berths to be provided by individual establishments shall be according to the following schedule:
  - 1. Retail & Service Establishments
    - One (1) berth for every 20,000 square feet of gross floor area; or portion thereof, however, two (2) or more adjoining establishments with a total gross floor area of less than specified herein shall be considered as one (1) establishment provision.
  - 2. Office Buildings, Hotels, & Other Institutional Uses
    - One (1) berth for every 50,000 square feet of gross floor area or portion thereof.
  - 3. Industrial & Wholesale Establishments
    - One (1) berth for every 10,000 square feet of gross floor area, or portion thereof, up to 30,000

square feet; one (1) space for every 30,000 square feet of gross floor area, or portion thereof in excess of the first 30,000 square feet of gross floor area.

### **3.3 Landscape Requirements in Parking Area**

#### *3.3.1 Perimeter Screening*

The entire length of parking and vehicle circulation areas located along the public or private right(s)-of-way shall be screened using one (1) of the following options.

- A. Berm, meeting the requirements of Article VII “Development Design Guidelines”, Section “Buffering & Landscaping”, Subsection “Minimum Standards for Installation”; or
- B. Evergreen vegetation
  - 1. Maintained at a minimum height of three (3) feet
  - 2. Minimum planting size is 18 inches in height
  - 3. Spaced so that a continuous vegetative screen is established within two (2) years
  - 4. A minimum of three (3) feet shall be maintained between the vegetation and curb or wheel stop

#### *3.3.2 Parking Facilities with 30 or More Spaces*

Facilities with 30 or more spaces, unless located on or within a structure, shall be separated from the building and pedestrian walkways by a landscape strip or permanent planter boxes at least five (5) feet in width and meeting the following requirements.

- A. The sum length of this landscape strip shall equal at least 50 percent (50%) of the length of that side of the building or walkway.
- B. When parking abuts the landscape strip, the width shall be expanded to six (6) feet.
- C. Plantings shall be installed in accordance with the Type C Buffer of Section “Buffers & Landscaping”, Subsection “Required Buffer & Screening Types” of this Article.
- D. Service and loading areas are exempt from these requirements.

#### *3.3.3 Vehicle Use Area Planting*

- A. All parking spaces shall be within 50 feet of a tree trunk.
- B. Medians and/or islands planted with trees shall be at least 10 feet wide with a minimum of 300 square feet of permeable soil.
- C. Tree shall be a minimum of two (2) inches in caliper at planting.
- D. Trees planted in compliance with these requirements shall have demonstrated particular resistance to harsh growing conditions, diseases, and insects in this particular region.

#### *3.3.4 Maintenance*

- A. The owner(s) of the property shall be responsible for the installation, preservation, and maintenance of all plantings as required under this section.
- B. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced in accordance with the standards of this Section.

### **3.4 Parking Plan Alternative**

In lieu of compliance with the parking landscaping requirements of this Section, an applicant may submit to the Planning Board for review and approval a detailed plan and specifications for

parking. The Planning Board may approve the alternative parking landscaping plan upon finding that the proposal will meet or exceed the intent of this Ordinance. Applications for parking landscaping plan alternative approval may be submitted when unreasonable or impractical situations would result from the strict application of this Section. The following criteria shall be used in determining whether a parking landscaping plan alternative can be accepted by the Planning Board in lieu of meeting the requirements of this Section.

- A. The proposal includes a clear and concise explanation of the specific standards that cannot be met and how the alternative methods proposed will achieve the intent of this Section;
- B. The proposal represents the use of alternative methods and/or materials which will result in a development pattern which is equivalent to or greater than that required by this Ordinance;
- C. The proposed use and design alternative is compatible with adjacent land uses;
- D. The proposal is compatible with and will enhance the use or value of adjacent and area properties;
- E. The proposal is consistent with the intent of adopted County plans; and,
- F. The proposed development standards are, in all other aspects, consistent with the intent and purpose of this Ordinance.

#### **SECTION 4.0 SIDEWALK STANDARDS**

Sidewalks shall be installed in accordance with the Compatibility Development Concept, as required by use regulations for specific uses, in nonresidential development located within the Employment Mixed Use and Compact Mixed Use Classifications identified by the Harnett County Land Use Plan, or as otherwise stated herein. Sidewalks required by this Ordinance shall be designed and constructed in accordance with the following standards:

- A. The sidewalk shall be constructed of concrete material.
- B. The developer shall bear the costs of the installation of the sidewalks required for all new or existing streets with specifications of the County. In lieu of requiring the installation prior to approval the developer may enter into an agreement with the County in accordance with Section "Improvement Guarantees" of this Ordinance.
- C. Shoulders shall be sufficient to permit the adequate installation and maintenance of sidewalks and utilities, as well as provide sufficient clear zone, as defined by NCDOT, for safe use by errant vehicles.
- D. The minimum thickness of a sidewalk shall be four (4) inches and six (6) inches at driveways; and with a minimum width of five (5) feet. Sidewalks shall have a uniform slope toward the roadway of one-quarter ( $\frac{1}{4}$ ) inch per foot. The utility strip between the sidewalk and the back of curb shall not be less than one-quarter ( $\frac{1}{4}$ ) inch per foot nor greater than one-half ( $\frac{1}{2}$ ) inch per foot toward the roadway.
- E. Where sidewalks and/or greenways intersect any section of curb and gutter, a wheelchair ramp shall be installed. In all other instances, the regulations of the Americans with Disabilities Act shall be adhered to.
- F. Grooved construction joints shall be cut to a depth equal to at least one-third ( $\frac{1}{3}$ ) of the total slab thickness. The joint shall be no less than one-eighth ( $\frac{1}{8}$ ) inch in width and cut at intervals equal to the width of the sidewalk. A one-half ( $\frac{1}{2}$ ) inch expansion joint filled with joint filler shall be placed between all rigid objects and placed no farther than 50 feet apart for sidewalks and curb and gutter, extending the full depth of the concrete with top of the filler one-half ( $\frac{1}{2}$ ) inch below the finished surface.
- G. Maintenance of sidewalks will be the responsibility of the homeowners' association or comparable individual or group that has responsibility for other common areas. Maintenance of sidewalks shall be addressed in the organizational papers and by-laws.
- H. Sidewalks shall be located within the dedicated, non-paved portion of the street right-of-way as follows unless otherwise noted.

<b>STREET CLASSIFICATION</b>	<b>LOCATION</b>	<b>MINIMUM WIDTH</b>	<b>MINIMUM DISTANCE OFF BACK OF CURB</b>
Major Thoroughfare	Both sides of street	5 feet	6.5 feet
Minor Thoroughfare	Both sides of street	5 feet	5.5 feet
Collector, Local or Cul-de-Sac Streets in any Nonresidential or Multifamily Development	Both sides of street	5 feet	3.5 feet
All streets in any Neo-Traditional Development	Both sides of street	5 feet	3.5 feet
Collector Street in any Residential Development	One side of street	4 feet	3.5 feet
Local Street or Cul-de-Sac Street in any residential Development	One side of street	4 feet	3.5 feet
Private Right-of-Way	Same standard as above for comparable Public Right-of-Way		

I. Pervious Greenways

Sidewalks to be located within watershed, flood areas, or designated wetlands may be substituted with pervious greenways, such as pervious pavers, as approved by the Administrator or Development Review Board upon site plan review. In no case shall sidewalks required by the Comprehensive Transportation Plan be substituted with pervious greenways.

**SECTION 5.0 EASEMENTS**

**5.1 General Easement Requirements**

- A. No permanent structure shall be located within any easement. Driveways, sidewalks, and other similar means of ingress and egress shall be permitted to perpendicularly cross any easement where necessary for access.
- B. Any lot area contained within an easement shall not be utilized to achieve the minimum square footage required for said lot.
- C. Unless justification can be made by the applicant as to why it is not feasible, all easements shall follow property lines.
- D. All easements identified and/or proposed on a plat/plan shall be referenced in the Deed of Record for the subject property.
- E. The Harnett County Development Review Board may require easements of widths deemed adequate for the intended purpose where necessary or advisable for water, electric power, conduits, storm and sanitary sewers, street trees, and gas, water, and other utilities. Specifically, all public utilities shall be included within easements, in accordance with *The Development of Water & Sewer Utilities in Harnett County Water & Sewer Districts*.

**5.2 Minor Subdivision Easements**

Access easements provided for minor subdivisions shall be identified for ingress/egress and utility purposes and shall meet the following requirements. Additionally, streets required as part of a minor subdivision shall meet the requirements of Subsection “Minor Subdivision Streets”, Section “Street & Transportation Standards” of this Article.

- A. Easements for minor subdivisions shall be created only off of a State-maintained road and shall be a minimum of 50 feet in width, unless otherwise stated.
  - 1. Where an existing easement is utilized and intersects with two (2) or more properties under separate ownership, the easement shall be a minimum of 30 feet in width. In such cases, the subdivider shall provide that the easement be 50 feet in width for the entire length of any property

on the easement and under the ownership of the subdivider.

2. Easements not legally binding or less than 30 feet in width shall not meet the purpose of this Section unless specifically included as part of a court order.
- B. The maximum length of an easement shall be 2,000 feet.
- C. Each lot shall abut the easement, and street when required, for the entire length of the minimum lot width in the zoning district in which it is located, or 40 feet when located on the bulb of a cul-de-sac.
- D. Easements required as part of a subdivision for access to proposed lots shall be kept clear of obstructions and debris.
- E. In no case shall an easement be created off of an existing easement when proposed as part of a subdivision, with the exception of easements for utility purposes only.

### 5.3 Drainage Easements

#### A. General

Drainage easements shall be required for any development that involves more than one (1) lot including residential and nonresidential development. Drainage easements shall be provided for the following conveyance structures outside of NCDOT right(s)-of-way:

1. All culverts;
2. All new or existing open channels on or near the site perimeter or development;
3. All new or existing storm drainage pipes and points of concentrated flow;
4. All attenuation facilities, including berms, primary and emergency spillways, etc.; and
5. Other locations deemed appropriate by the Development Review Board.

All drainage easements shall be designed to tie into existing easements, existing watercourses, or to other appropriate locations when possible. Maintenance of easements is the responsibility of the facility owner or homeowners' association.

#### B. The following minimum easement widths shall be provided:

##### 1. Culverts

- a. For culverts less than 72 inches diameter, the minimum easement width shall be 20 feet.
- b. For culverts greater than 72 inches diameter, the minimum easement width shall be the diameter of the culvert plus 20 feet.
- c. For multiple culverts, the minimum easement width shall be total width of the pipes measured from edge to edge plus 20 feet.

##### 2. Open Channels

CONTRIBUTING DRAINAGE AREA	MINIMUM EASEMENT WIDTH
<10 acres	20 feet
10 acres to 25 acres	50 feet
25 acres to 100 acres	50 feet
>100 acres	The floodway width or 50 feet whichever is greater

##### 3. BMPs & Stormwater Ponds

Easement shall be in accordance with North Carolina Department of Environment and Natural Resources, Division of Water Quality Stormwater Best Management Practices Manual.

## 5.4 Maintenance Easements

A maintenance easement shall be required on all lots of 9,000 square feet or less, or lots with a five (5) foot building setback. Said maintenance easement shall be provided along the side property lines for the purposes of future building maintenance and upkeep of both the structure on site and adjacent structure(s).

## 5.5 Cross Access Easements

When required by this Ordinance, cross access easements shall be included as part of a development plan. Such easements shall be properly identified on the required plat/plan, including details regarding maintenance, when required.

## 5.6 Off-Site Septic Easements

In cases where suitable soils are not available for the establishment of on-site septic system and repair area, off-site septic easements shall be permitted according to the following requirements.

### 5.6.1 *General Off-Site Septic Usage Requirements*

- A. Prior to approval of an off-site septic easement, applicants shall attempt to adjust lot lines or recombine parcels to acquire adequate, suitable soils for an on-site septic system.
- B. All septic systems, septic lines, and repair areas shall be designed by a Professional Engineer or Licensed Soil Scientist, both of which shall be licensed in North Carolina.
- C. Any lots for which an off-site septic system is either used or located shall be identified on the Deed of Record.

### 5.6.2 *Major Subdivisions*

- A. Individual off-site septic systems shall be limited based upon the number of lots on the approved preliminary subdivision plat. No more than ten percent (10%) of the total lots shall utilize off-site septic systems. In cases where the number of lots changes, the number of allowable off-site septic systems shall be adjusted accordingly.
- B. Off-site septic easements shall be contained only within common, unimproved open space of the subdivision.
- C. Such common open spaces areas shall have a minimum of one (1) access easement to allow for utilization by all owners of property within the subdivision. Access easements shall be a minimum of 12 feet in width and shall include an identification sign.
- D. All off-site septic easements shall be separate and distinct from one (1) another and shall be of sufficient size to accommodate the total area required by the Harnett County Department of Public Health, plus any additional area necessary to allow vehicular movement for repair or expansion purposes in case of future system failure.
- E. All supply line systems shall be installed by a professional licensed to do said work and shall be inspected and approved the Harnett County Department of Public Health prior to approval and recordation of the final subdivision plat.
- F. A Declaration of Covenants and/or Homeowners' Association By-Laws shall state the following:
  1. All benefits and burdens of the covenants and restrictions shall be binding upon the successive owners of each parcel.
  2. Those lots burdened by access easements shall be explicitly identified.
  3. Homeowners' Association shall conduct a program of regular septic easement monitoring and site maintenance. Said program shall be published and recorded in the Harnett County

Register of Deeds including a reference of the map book and page of the final subdivision plat map. The homeowner of each respective off-site septic easement shall be responsible for system maintenance and repair.

#### *5.6.3 Minor Subdivisions*

No minor subdivision shall utilize off-site septic easements.

#### *5.6.4 Existing Lots*

Regulations regarding location of off-site septic systems and easements within common open space areas shall not apply to septic system failures on existing lots.

- A. Any failure shall be determined by the Harnett County Department of Public Health or other appropriate local, State, or Federal agency.
- B. Applicant shall attempt to locate off-site septic systems on a lot immediately adjacent to the lot on which the failure occurred. Lots separated by right(s)-of-way shall not be considered immediately adjacent for the purpose of this Section.

### **SECTION 6.0 CONNECTION TO UTILITY SERVICES**

#### **6.1 General Provisions for Water & Sewer**

Installation and provision for water supply and sewage disposal shall be according to the standards of the Harnett County Department of Public Utilities Comprehensive Water and Sewer Plans and the Harnett County Health Department. When utilities are installed as part of a private development for public use, including but not limited to planned unit developments, a public access easement shall be provided to such utilities from the public right(s)-of-way. In addition, all utilities to be dedicated for public use shall be included within an easement for the purpose of maintenance and upkeep.

##### *6.1.1 Phased Construction*

When a development is to be developed in phases, the sewage disposal system and/or water distribution system required hereunder may be constructed in steps simultaneous with the development of each phase of the subdivision. A master sketch plan for such development shall be submitted to the County Department of Public Utilities or other appropriate agency in accordance with the provisions of this Ordinance. In such cases, the master sketch plan shall be included with the preliminary plat at the time of such submittal. In no case shall the master sketch plan constitute vested rights for development of the site unless it meets the provisions of this Ordinance for a major subdivision preliminary plat.

##### *6.1.2 Conceptual Plan*

A conceptual plan may be required for the purposes of review of proposed developments by County Staff to provide information on requirements for connection to utility services and compliance with Fire Code requirements, as well as any potential off-site and oversize improvements that may be required for conformance the Harnett County Sewer Master Plan or Harnett County Fire Code.

##### A. Predevelopment Conference

Prior to submission of a conceptual plan, the Developer shall consult with the following to determine if an initial conference will be necessary:

1. Department of Public Utilities

2. County Engineer
3. Fire Code Official

If the scope of the proposed development, in the opinion of the Public Utilities Director, County Engineer, or Fire Marshal is such that an initial conference will be beneficial prior to the development of plans and specifications, the developer or his engineer shall present at the time of this conference, conceptual schematic or layout of the proposed extensions and the estimated water and wastewater demands resulting from the proposed development.

B. Applicability

A preliminary subdivision plat, both residential and nonresidential, or site plan, except for minor site plans as defined by this Ordinance, shall include a conceptual plan. When required by this Ordinance, a stormwater management plan shall be submitted as part of the conceptual plan. Stormwater management plans shall be submitted in conjunction with Article X “Natural Resources”, Section “Stormwater Management.”

- C. The conceptual plan shall provide all information necessary to determine the probable effect of the proposed development on the County’s existing facilities. The plan shall include the nature of water usage (domestic, commercial, etc.), the probable character of the wastewater generated, a description of any proposed private water distribution and sewer collection systems, and a preliminary hydraulic analysis.
- D. The Public Utilities Department will advise the developer(s) or his engineer(s) of applicable Harnett County water and sewer policies and ordinances, including all applicable fees and assessments.
- E. The conceptual plan shall include the following information and any other information deemed necessary by the Department of Public Utilities, County Engineer, or Fire Code Official to enable them to make a determination of the acceptability of the proposed plans. All information shall be submitted in a package and not in a “piece-meal” manner.

1. Conceptual Plans

Submit three (3) copies of conceptual subdivision plans or site plans at a scale of one (1) inch equals 200 feet (or larger scale) showing:

- a. The proposed layout of the water and sewer extensions;
- b. All proposed pipelines and sizes, manholes, valves, fire hydrants and pump stations;
- c. Nearest existing water and sewer facilities to which the proposed new extensions will connect;
- d. All proposed easements shall be shown; and
- e. Where extension of utility is anticipated, provide sketch of extension and projected inverts with service area for sanitary sewer.

2. Design

All design shall include, at a minimum, the following:

- a. Preliminary engineering design calculations used to determine estimated average and peak water and wastewater demands;
- b. Calculations used to size lines, pump station(s), and for fire protection, including expected initial and future populations to be served;
- c. The nature of the water usage (domestic, commercial, etc.), and the probable character of the wastewater generated; and

- d. A hydraulic analysis, demonstrating the adequacy of the system to meet domestic and fire flows for water, and the adequacy of downstream sewer capacity.
3. Estimated Time Schedules
 

An estimated time schedule shall be submitted, identifying the expected dates of completion of the final plans and specifications, and expected beginning and completion dates of construction for phases, as applicable.
4. Stormwater Management Statement
 

A stormwater management statement shall be submitted, when required by this Ordinance, in accordance with Article X “Natural Resources”, Section “Stormwater Management.”

## 6.2 Water Supply System

To further the intent of this Section, as well as orderly development of utilities, the Harnett County Department of Public Utilities may require a larger water supply line than is typically required to ensure capacity for future development.

### 6.2.1 Connection

#### A. Connection Requirement

1. Any development which is created after the adoption of this Section, and is located within that number of feet of an existing County owned or operated water supply and distribution system as is specified in Subsection “Distance Specification” below, whether the development is located within or without the service area of an existing County owned or operated public water supply and distribution system, the developer shall cause a water distribution system, meeting the standards herein specified, to be constructed and installed in such development and shall further cause said water distribution system to be connected to the existing County owned or operated public water supply and distribution system which is located as specified in said Subsection “Distance Specification.” This requirement also applies to new phases of existing development where these phases have not been previously approved by the appropriate Harnett County Development Review Board.
2. The developer may establish and create a public water supply system or connect the development to an existing public water supply system. However, such created public water supply system or such water distribution system to be connected to an existing system shall be approved by and meet the requirements of all Federal, State, and local governments, including but not limited to the DENR.

#### B. Distance Specification

A development shall be required to meet the conditions of this Section when the development is located within that number of feet of an existing County owned or operated water supply and distribution system which equals the product of the number of lots within the development (including lots to be developed in the future) multiplied by 100; provided however, that the maximum distance required for connection shall not exceed 5,000 feet.

#### C. Subject to Capacity Sufficiency

In the event that a development should meet the distance specification requirements of Subsection “Connection” of this Section, and the County owned or operated water supply and distribution system to which the development would connect shall be of insufficient capacity to permit the the delivery of water to said development, the subject development shall be relieved of the requirement to connect to such County system. In no case shall capacity be guaranteed until such time that plans have been approved and permitted by DENR and system development fees are paid in full.

### 6.2.2 *Review Requirements*

When a developer or subdivider is required to install a water distribution system pursuant to this Section, prior to final plat approval, the plans for the water distribution system to be so installed shall be submitted to the County Department of Public Utilities. The location, size, and specifications of the water distribution system shall be placed upon said plat for review and approval. The County Department of Public Utilities shall review the information supplied and determine whether the plans meet the requirements of this Section.

### 6.2.3 *Plan Specification*

The plans for a water distribution system to be installed pursuant to this Section shall show and/or state thereon such information as will indicate that the system planned will meet, when constructed and installed, the requirements of this Section.

### 6.2.4 *Water Distribution System Specifications*

A water distribution system to be constructed within a development pursuant to this Section and/or connected to the County owned or operated system shall:

- A. Be a minimum of 6 inches (6”), except on the last 500 feet of water line on permanent cul-de-sacs within subdivisions, as approved by the Director of Public Utilities.
- B. Be properly connected in such a manner as to adequately serve all lots shown on the subdivision plat (including both present and future lots) for domestic use and fire protection.
- C. Conform to the specifications of the Harnett County Department of Public Utilities as provided by said Department and conform to Title 15A Subchapter 18C of NCAC, as specified by the North Carolina Department of Environment and Natural Resources (NC DENR), Division of Environmental Health, Public Water Supply Section and as specified in The Development of Water & Sewer Utilities in Harnett County Water & Sewer Districts..
- D. Be approved by the necessary federal and/or state agencies prior to or at the time of completion.
- E. Conform to all Federal, State and/or local ordinances, rules, and regulations relating thereto, and any license and/or permits required thereby shall be obtained, including all NC DENR regulations.
- F. Be constructed pursuant to the necessary contractual agreements required by the policies, rules, and regulations of the Harnett County Department of Public Utilities.

### 6.2.5 *Subdivisions Where Section Not Applicable*

When located outside the service area of a County owned or operated water supply and distribution system and/or outside the distance specifications, lot sizes within a subdivision may be allowed to be reduced, provided adequate water is available for domestic use from a community water system to be installed by the developer; and provided six (6) inch water lines are installed to service fire hydrant locations such that no primary structure is farther than 500 feet from such a location, and stub outs with gate valves are provided at said fire hydrant locations. If the subdivision does not meet these provisions, it shall be considered under the regulations specified herein for property not having public water available.

## **6.3 Sewage Disposal System**

### 6.3.1 *Connection*

#### A. Connection Requirement

1. Any development which is created after the adoption of this Section, and is located within

that number of feet of an existing County owned or operated sewage disposal system as is specified in Subsection “Distance Specification” below, whether the development is located within or without the service area of an existing County owned or operated public sewage disposal system, the developer shall cause a sewage disposal system, meeting the standards herein specified, to be constructed and installed in such development and shall further cause said sewage disposal system to be connected to the existing County owned or operated public sewage disposal system which is located as specified in said Subsection “Distance Specification.” This requirement also applies to new phases of existing development where these phases have not been previously approved by the appropriate Harnett County Development Review Board.

- a. All property which abuts right(s)-of-way in which is installed and constructed a County owned or operated gravity sewer collection line and the property is located not more than 300 feet from said gravity sewer collection line shall be required to connect to the County owned or operated system.
  - b. All property which abuts right(s)-of-way in which is installed and constructed a County owned or operated force main sewer collection line designed to serve a specific area where due to topography or other engineering factors, a gravity sewer line is not feasible, as determined by the Director of the Harnett County Department of Public Utilities, shall be required to connected to the County owned or operated system when the property is not located more than 300 feet from said collection line.
2. The developer may establish and create a public sewage disposal system or connect the development to an existing public sewage disposal system. However, such created public sewage disposal system or such sewage disposal system to be connected to an existing system shall be approved by and meet the requirements of all Federal, State, and local governments, including but not limited to the DENR.

**B. Distance Specification**

A development shall be required to meet the conditions of this Section when the development is located within that number of feet of an existing County owned or operated sewage disposal system which equals the product of the number of lots within the development (including lots to be developed in the future) multiplied by 100; provided however, that the maximum distance required for connection shall be 5,000 feet.

**C. Subject to Capacity Sufficiency**

In the event that a development should meet the distance specification requirements of Subsection “Connection” of this Section, and the County owned or operated sewage disposal system to which the development would connect shall be of insufficient capacity to permit the collection and treatment of sewage from said development, the subject development shall be relieved of the requirement to connect to such County system. In no case shall capacity be guaranteed until such time that plans have been approved and permitted by DENR and system development fees are paid in full.

*6.3.2 Review Requirements*

When a developer or subdivider is required to install a sewage disposal system pursuant to this Section, prior to final plat approval, the plans for the sewage disposal system to be so installed shall be submitted to the County Department of Public Utilities. The location, size, and specifications of the sewage disposal system shall be placed upon said plat for review and approval. The County Department of Public Utilities shall review the information supplied and determine whether the plans meet the requirements of this Section.

*6.3.3 Plan Specification*

The plans for a sewage disposal system to be installed pursuant to this Section shall show and/or state thereon such information as will indicate that the system planned will meet, when constructed and installed, the requirements of this Section.

#### *6.3.4 Sewage Disposal System Specifications*

A sewage disposal system to be constructed within a subdivision pursuant to this Section and/or connected to the County owned or operated system shall:

- A. Be properly connected in such a manner as to adequately serve all lots shown on the subdivision plat (including both present and future lots).
- B. Conform to the specifications of the Harnett County Department of Public Utilities as provided by said Department and conform to 15A NCAC 2T, as specified by the North Carolina Department of Environment and Natural Resources, Division of Water Quality, and as specified in *The Development of Water & Sewer Utilities in Harnett County Water & Sewer Districts*.
- C. Be approved by the necessary Federal and/or State agencies prior to or at the time of completion.
- D. Conform to all Federal, State, and/or local ordinances, rules, and regulations relating thereto, and any license and/or permits required thereby shall be obtained.
- E. Be constructed pursuant to the necessary contractual agreements required by the policies, rules, and regulations of the Harnett County Department of Public Utilities.

#### *6.3.5 Subdivisions Where Section Not Applicable*

When located outside the service area of a County owned or operated sewage disposal system and/or outside the distance specifications, lot sizes within a subdivision may be allowed to be reduced, provided adequate sewage disposal is provided from a community sewerage system to be installed by the developer. If the subdivision does not meet these provisions, it shall be considered under the regulations specified herein for property not having public sewerage disposal.

## **6.4 Fire Protection**

#### *6.4.1 General Fire Hydrant Requirements*

Adequate fire protection shall be provided to all new subdivision developments and nonresidential new construction and expansions. The developer or subdivider shall install fire hydrants in such a manner that the development is afforded adequate fire protection as provided in this Ordinance. The regulations contained herein are intended to facilitate proper installation of required fire protection measures.

- A. All hydrants shall be Harnett County Public Utilities and Fire Code Official approved, in accordance with the requirements of this Section.
  1. No fire hydrant shall be installed on less than a 6 inch (6") main.
  2. Hydrants shall have two (2) two and one half inch (2 1/2") and one (1) four and one half inch (4 1/2") connections with threads of the National Pipe Thread (NPT) type.
  3. The upper hydrant operation stem within the bonnet shall be sealed and lubricated by means of an oil or grease bath, unless otherwise approved. The operating nut shall be pentagonal type measuring one and one half inch (1 1/2") from point to flat. Hydrants shall open left.
  4. All hydrants shall be furnished with barrel and stem extensions as required for the final field location. Nominal minimum bury will be a depth of three and one half (3 1/2) feet. All

hydrants at finish grade shall measure 18 inches (18") from ground to center of steamer cap.

5. Water lines servicing fire hydrants shall have at least 500 gallons of water per minute.

B. The Fire Code Official shall approve all hydrant types and locations in new developments and any alterations to this Ordinance related to fire hydrants and fire protection.

C. All fire hydrants shall be located on the right side of the roadway in which responding fire apparatus would travel into subdivisions, beginning at the main entrance to the subdivision.

#### *6.4.2 Fire Hydrants in Subdivisions*

##### A. Residential Subdivisions

In residential subdivisions, fire hydrants shall be located in such a manner that no primary structure is further than 500 feet from a hydrant. The distance between hydrants, shall be measured along street centerlines. There shall be at least one (1) fire hydrant at each intersection. When residential intersections are less than 700 feet apart, a hydrant is not required between the intersections.

##### B. Nonresidential Subdivisions

In nonresidential subdivisions, fire hydrants shall be located in such a manner that no primary structure is further than 400 feet from a hydrant, measured along street centerlines. There shall be at least one (1) fire hydrant at each intersection. Fire hydrants required in addition to those required at intersections may be installed at the time of lot development in order to facilitate better location and shall be noted on the site plan, as required; however each lot shall meet the requirements of this Section.

#### *6.4.3 Fire Hydrants for Nonresidential Development*

Fire hydrants, or other fire protection methods as approved by the Fire Marshal's Office, shall be required for all new construction and expansions of nonresidential development. Fire hydrants shall be located in such a manner that no primary structure is further than 400 feet from a hydrant, measured along the street centerline. Development of lots located along divided right(s)-of-way shall only consider distance to hydrants located on the same side of the right(s)-of-way.

### **6.5 All Other Utilities**

All other utilities, including but not limited to electrical, cable, and telephone utilities, shall be placed underground.

## **SECTION 7.0 LIGHTING STANDARDS**

Outdoor lighting for nonresidential purposes and for major subdivisions shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public right(s)-of-way. Vehicular lights, temporary emergency lighting needed by Emergency Management personnel, navigational lighting systems at airports, lighting for outdoor advertising signs, and lighting required by other local, State, or Federal regulations shall be exempt from the requirements of this Section.

### **7.1 General**

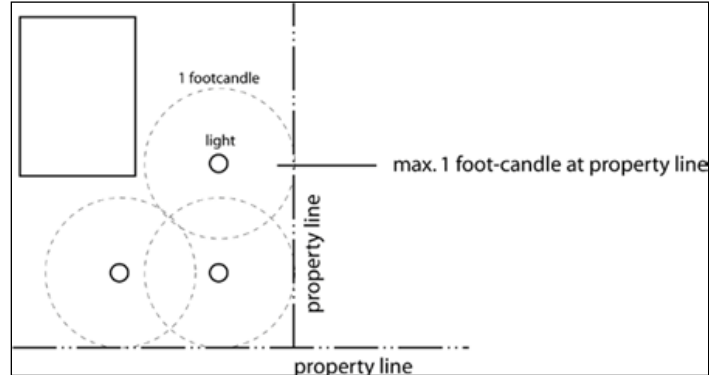
#### *7.1.1 Applicability*

All applications for site plans, nonresidential Special Use permits, and major subdivisions shall meet the requirements of this Section and shall include information regarding lighting,

including location, type, height, and lumen output of all proposed and existing fixtures.

### 7.1.2 General Standards

Lighting shall be located in such a manner as to prevent direct glare and lighting onto adjacent property or into the public right(s)-of-way. All flood lights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical.



- A. All wall pack fixtures shall be cutoff fixtures, as provided in the example below.



- B. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right(s)-of-way, and provided the light is set to only go on when activated and to go off within five (5) minutes after activation has ceased. The light shall not be triggered by activity off the property.
- C. Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield. Upward flagpole lighting is permitted for governmental flags only and provided that the maximum lumen output is 1,300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- D. Outdoor lighting fixtures shall use metal halide or light emitting diode (LED) bulbs.

## 7.2 Nonresidential & Multifamily Developments

### 7.2.1 Maximum Lighting Height

The mounting height of all outdoor lighting shall not exceed 35 feet above finished grade, unless otherwise approved by the Planning Board or as part of a development plan. Athletic field and race track lighting shall have a maximum height of 80 feet above finished grade and the hours of operation for the lighting system for any athletic field or race track shall not exceed one (1) hour after the end of the event.

## 7.3 Major Subdivisions

### 7.3.1 Street Lighting

Adequate lights shall be provided to illuminate right(s)-of-way, common driveways, walkways, and dead-end streets for the safe movement of vehicles and pedestrians at night.

#### A. Minimum Lighting

The minimum size streetlight shall be 7,000 lumen class or its equivalent.

#### B. Spacing

Lights shall be spaced at intervals not more than 300 feet for residential subdivisions and not more than 200 feet for nonresidential subdivisions. Lighting shall be installed beginning at the entrance to the subdivision.

#### C. Materials

High-pressure sodium fixtures shall be permitted only within residential subdivisions.

## 7.4 Lighting Standard Plan Alternative

In lieu of compliance with the lighting standards of this Section, an applicant may submit to the Planning Board for review and approval a detailed plan and specifications for lighting. The Planning Board may approve the alternative lighting standard plan upon finding that the proposal will afford a degree of lighting, in terms of height, spacing, and safety to or exceeding that provided by the requirements of this Section.

The following criteria shall be used in determining whether a lighting standard plan alternative can be accepted by the Planning Board in lieu of meeting the requirements of this Section.

- A. The proposal includes a clear and concise explanation of the specific standards that cannot be met and how the alternative methods proposed will achieve the intent of this Section;
- B. The proposal represents the use of alternative methods and/or materials which will result in a development pattern which is equivalent to or greater than that required by this Ordinance;
- C. The proposed use and design alternative is compatible with adjacent land uses;
- D. The proposal is compatible with and will enhance the use or value of adjacent and area properties;
- E. The proposal is consistent with the intent of adopted County plans; and,
- F. The proposed development standards are, in all other aspects, consistent with the intent and purpose of this Ordinance.

## **SECTION 8.0 OPEN SPACE**

### 8.1 General Provisions

- A. The Board of Commissioners declares the purposes and intent of the open space regulations adopted and prescribed in this Section to be as follows:
  - 1. To provide adequate improved recreational open space areas and unimproved open space;
  - 2. To provide prime views and open vistas, providing relief from an urban landscape;
  - 3. To encourage the preservation of existing trees and vegetation;
  - 4. To encourage the retention of environmentally sensitive areas, such as, steep slopes, bodies of water, streams, wetlands and land adjoining the Cape Fear River;

5. To encourage the protection of air and water quality;
  6. To enhance flood control; and
  7. To provide protection for historically or archeologically significant areas.
  8. When open space is required as part of the specific development, a minimum of 10 percent (10%) of the total open space required in residential developments shall include improved open space area(s) as defined by this Ordinance. The improved open space area shall be proportionate to the entire development and, if applicable, each phase shall include an area of improved open space. In no case shall an open space area be less than the smallest lot within the phase in which the open space is located.
- B. For purposes of this document, usable open space means an area that:
1. Is not encumbered with any structure unless such structure is intended for recreational open space purposes;
  2. Is not contained within street right(s)-of-way or otherwise devoted to use as a roadway, ingress/egress easement, or parking area not associated with the use of the open space;
  3. Is left in its natural or undisturbed state (as of the date development began), if wooded (except for the cutting of trails for walking or jogging) or, if not wooded at the time of development, is landscaped for ballfields, picnic areas, play areas, or similar recreational open space facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in;
  4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;
  5. Is legally and practicably accessible to the residents of the development out of which the required open and recreational open space is taken, or to the public if dedication of the open and recreational open space; and
  6. Is not encumbered by private underground septic lines, any part of a private sewage disposal system, or any private above-ground or below-ground septic related structure, or related easements.
- C. The following areas shall be regarded as open space where such areas satisfy the criteria set forth in the above Section:
1. Public utility easements located outside of street right(s)-of-way such as drainage, access, sewer or water lines, or other public purpose
  2. Private cemeteries located on a tract prior to its development
  3. Areas used for growing crops
  4. Agricultural and horticultural uses, specifically excluding commercial livestock operations
  5. Pastureland for horses used solely for recreation purposes
  6. Public or private recreational facilities including but not limited to playgrounds, tennis courts, ball fields, volleyball courts, etc., which are improved to the accepted national or local standards for size and associated amenities.
  7. Neighborhood open space uses such as village greens, community gardens, and trails
  8. Golf or tennis club open to the public
- D. The following areas shall not be regarded as open space and shall not be counted toward open space required by this Section:

1. Islands or internal planted areas required by other Sections of this Ordinance shall not be considered open space for the purposes of this Section. For example, islands in parking lots shall not count towards required open space.

E. Flexibility in Administration Authorized

1. The requirements set forth in this Section concerning the amount, size, location, and nature of open space to be provided in connection with residential developments are established by the Board of County Commissioners as standards that presumptively will result in the provision of that amount of open space that is consistent with generally recognized standards relating to the need for such areas. The Board recognizes, however, that due to the particular nature of a tract of land, or the particular type or configuration of development proposed, or other factors, the underlying objectives of this Section may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Planning Board is authorized to permit minor deviations from these standards whenever it determines that:
  - a. The objectives underlying these standards can be met without strict adherence to them; and
  - b. Because of peculiarities in the developer's tract of land or the particular type or configuration of the development proposed, it would be unreasonable to require strict adherence to these standards.
2. Whenever the Planning Board authorizes some deviation from the standards set forth in open space requirement, the official record of action taken on the development application shall contain a detailed statement of the reasons for allowing the deviation.

## 8.2 Design Standards for Open Space

- A. All floodplains, streams, ponds, lakes, and other water bodies are encouraged to be contained in open space area.
- B. All wetlands, and blue-line streams with a required vegetative, riparian buffer, shall be contained in open space areas, unless platted prior to September 16, 2019 or mitigated via the US Army Corps of Engineers permitting process. These areas are not to be considered for the required improved open space as specified in Section 8.1.A8.
- C. For developments located entirely or partially within a Conservation Zoning District that surrounds a water feature (wet or dry), a minimum of 50 percent (50%) of the depth of the District (measured perpendicularly from the water feature and located closest to the water feature) shall be dedicated to open space
- D. This dedication of open space shall count towards any other open space requirements.
- E. Prime Views & Open Vistas

Such area shall be defined as the area between existing street right(s)-of-way and property line of proposed lots for the new development.

1. Developments located adjacent to Interstate and Principle Arterials shall provide a 175 foot minimum of prime views
  2. Developments located adjacent to Minor Arterials and Major and Minor Collectors shall provide a 75 foot minimum of prime views.
  3. Developments located adjacent to all other street types shall provide a 50 foot minimum of prime views.
  4. Required Streetscape Buffer shall be planted within the Prime Views & Open Vista area.
- F. All open space area shall be permanently restricted from future subdivision and development unless specifically stated here in.

G. Common open space areas shall have a minimum of one (1) access easement to allow for utilization by all owners of property within the subdivision. Access easements shall be a minimum of 12 feet in width and shall include an identification sign.

H. Parking for Improved Open Space Areas

All required parking areas shall, at a minimum, be development with six (6) inches of aggregate base course (ABC) gravel and include parking stops. Shared parking shall be permitted for differing types of improved open space, utilizing the greater number of spaces required.

1. Structures

Where a structure is built, parking shall be provided in accordance with this Ordinance for the same type of facility. Structures that are not listed in this Ordinance shall provide parking at a ratio of one (1) space per 200 square feet of covered area.

2. Athletic Fields

When an athletic field is developed, parking shall be provided at a ratio of half (1/2) of what is required by this Ordinance.

3. Pedestrian Trails & Other Improvements

Where a pedestrian trail or other improvements are made, parking shall be provided at the trail head or main entrance with a minimum of five (5) parking spaces.

### 8.3 Ownership Options

One (1) of the following methods shall be utilized for ownership of open space.

A. Open space or any portion thereof may be dedicated to the County of Harnett for public use or any municipality located within the jurisdiction of Harnett County. Any dedication shall be formally accepted by the County or municipality to be valid. Nothing in this Ordinance in any way obligates the County or municipality to accept the dedication of any property;

B. The common open space or any portion thereof may be retained, operated, and maintained by the developer and/or development owner if a legal document is submitted to the County prior to the issuance of a building permit binding in perpetuity the common open space to be used as such and to be maintained in an appropriate manner. If at any future date the owner(s) of the common open space and its facilities wishes or is required to relinquish control of such facilities, the common open space shall be conveyed as described above, dedicated to the County for public use, or sold with all operating requirements and legal obligations still binding. The common open space shall forever be part of the development;

C. Condominium & Homeowners' Association;

All common facilities and open space areas may be controlled through the use of condominium agreements, covenants, and/or homeowners' association by-laws. Such agreements shall be in accordance with relevant State law;

D. Non-profit conservation organization; or

E. Private ownership

## **SECTION 9.0 BUFFERS & LANDSCAPING**

### **9.1 General Provisions**

Buffers shall be required in accordance with the "Land Use Relationships" table in this Section in an effort to reduce environmental and aesthetic impacts of development, and to screen public right(s)-of-way and adjacent property unless otherwise provided by this Ordinance.

### *9.1.1 Development Exempt from Buffer Requirements*

The following activities or uses shall be exempt from Buffer requirements in this Section:

A. Public Improvement Projects

The construction of any public street or utility service line, whether publicly or privately owned.

B. Maintenance

Maintenance of any structure.

C. Single Family Residence

Single family residences, including manufactured homes, are exempt from buffer requirements, but shall comply with all other requirements regarding single family residences and manufactured homes.

D. Home Occupation

Home occupation, as defined in this Ordinance.

E. Accessory to Principal Use

Any accessory structure or use, whether temporary or permanent, integral to an approved development permitted in accordance with the provisions of this title. Such accessory structure or use shall comply with the design and performance provisions of this Ordinance.

F. Temporary Uses, Nonmaterial

Those activities of short duration that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values shall be reviewed for approval by the Administrator.

### *9.1.2 Buffering of Expanded Uses*

Expansion of a use existing prior to the effective date of this Ordinance shall be required to come into conformance with all buffer requirements.

### *9.1.3 Minimum Standards for Installation*

Required installation, trees, and shrubs shall meet the following standards, except as may be specifically provided elsewhere in the Ordinance. Trees shall meet the standard definition of the tree type for which it is intended to be utilized.

A. Large Maturing Tree

All required large maturing trees shall have a minimum caliper of two (2) inches, measured six (6) inches above the proper planting level, or a minimum height of six (6) feet at the time of planting.

B. Medium & Small/Ornamental Tree

All required medium and small/ornamental trees shall have a minimum height of six (6) feet at the time of planting. In lieu of the large maturing tree planting requirement, medium and small/ornamental trees shall be planted at a rate of two (2) trees for every required large maturing tree.

C. Shrub

Shrubs shall be a minimum of two (2) feet in height at time of planting.

1. Shrubs planted for screening purposes shall form the density necessary to fulfill the

requirements of this Ordinance within two (2) years from the time of planting.

2. Shrubs planted in conjunction with a berm shall be exempt from the minimum height requirement.

D. Ground Cover

Ground cover shall include evergreen or organic covering, and provide 100 percent (100%) coverage within one (1) year of planting, except for mulch or turf which shall provide 100 percent (100%) coverage upon installation. Organic mulch or inorganic materials (such as river rock) may be utilized to fulfill the ground cover requirement of this Ordinance but may not be substituted for required plantings and shall provide 100 percent (100%) coverage upon installation.

E. Berm

A berm shall have a maximum of 3:1 slope with a minimum crown width of two (2) feet and planting combination, with the berm an average height of three (3) feet and dense plantings which will, when combined with the berm, achieve a minimum height of six (6) feet and 75 percent (75%) opacity within two (2) years.

- F. All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with *American Standards for Nursery Stock* published by the American Nursery & Landscape Association, free of disease, and in otherwise sound and healthy condition.

9.1.4 *Existing Vegetation*

The retention of existing vegetation shall be maximized to the extent practical, wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

- A. If it is demonstrated that existing vegetation meets the intent of this section, the Administrator may waive some or all of the requirements for the planting(s). Such waiver shall be considered only after an inventory of existing vegetation to be utilized has been provided by the developer. Said inventory shall indicate the type, number, and size of each existing plant to be utilized. It shall not be necessary to include the total number of plants, only those being utilized to fulfill the requirements of this Ordinance.
- B. Plantings to be utilized shall be maintained without injury and with sufficient area for the root system to sustain the plant. Protective care and restraint barriers shall be utilized at the drip line of any trees to be utilized.

9.1.5 *Responsibility of Installation & Maintenance*

- A. One hundred percent (100%) of the applicable buffer requirements shall be the responsibility of the developer, unless expressly provided otherwise.
- B. The owner(s) of the property where the buffer or screening is shall be responsible for maintaining the buffer and all required plantings in good condition at all times.

9.1.6 *Alternative Buffers & Screening Plan*

Alternative buffer and screening techniques may be utilized in accordance with the following provisions. In such cases where the required buffering may create a sight distance conflict with an existing or proposed driveway, the required trees may be clustered with other plantings so as to maintain a proper sight distance. Planning Board approval shall not be required in such a case.

- A. Administrative Review of Alternative Buffer & Screening Plan

An applicant may submit to the Administrator for review and approval a detailed plan and specifications for landscaping and screening of up to a 50 percent (50%) reduction in buffer width. In such case, plantings shall be provided at 150 percent (150%) of the listed requirement for the appropriate buffer type. This option shall not apply to “Streetscape Buffer for Major Subdivisions” or for “Prime Views & Open Vistas” requirements of this Ordinance.

**B. Planning Board Review of Alternative Buffers & Screening Plan**

In lieu of compliance with the buffer and screening requirements of this Section, an applicant may submit to the Planning Board for review and approval a detailed plan and specifications for landscaping and screening. The Planning Board may approve the alternative buffering and screening upon finding that the proposal will afford a degree of buffering and screening, in terms of height, opacity, and separation to or exceeding that provided by the requirements of this Section.

The following criteria shall be used in determining whether an alternative buffer and screening plan alternative can be accepted by the Planning Board in lieu of meeting the requirements of this Section.

1. The proposal includes a clear and concise explanation of the specific standards that cannot be met and how the alternative methods proposed will achieve the intent of this Section;
2. The proposal represents the use of alternative methods and/or materials which will result in a development pattern which is equivalent to or greater than that required by this Ordinance;
3. The proposed use and design alternative is compatible with adjacent land uses;
4. The proposal is compatible with and will enhance the use or value of adjacent and area properties;
5. The proposal is consistent with the intent of adopted County plans; and,
6. The proposed development standards are, in all other aspects, consistent with the intent and purpose of this Ordinance.

*9.1.7 Land Use Relationships*

The following land use relationships shall be used to determine required screening and buffering as provided in “Required Buffer & Screening Types”. All uses listed in Use Group Level One (1) shall be exempt from buffer requirements.

PROPOSED USE	ADJACENT USE			
	Group 1	Group 2	Group 3	Group 4
Group 1	None	None	None	None
Group 2	Type A, C	Type C	Type C	Type C
Group 3	Type A, D	Type A, C	Type C	Type C
Group 4	Type B	Type B	Type A, D	Type C

- A. Refer to the “Table of Use Types and Regulations” for Use Group Level.
- B. If a specific use is not mentioned then it will be the duty of the Administrator to determine which existing use is most closely related to the proposed use in order to determine which group to classify the use under. Further, the following Use Group Levels are assumed for undeveloped land: Residential and Conservation zoned land is Use Group Level One (1), Office & Institutional zoned land is Use Group Level Two (2), Commercial zoned land is Use Group Level Three (3), and Light Industrial and Industrial zoned land are Use Group Level Four (4).

### 9.1.8 Required Buffer & Screening Types

In situations where a development is adjacent to multiple uses then the buffer requirement for each use shall be required along each property line, otherwise the development shall follow the requirements listed below. In situations where both vegetative screening and fencing are either required or utilized, the required vegetation shall be planted on the finished side of the fence, which shall face out. Buffer shall be installed in accordance with the Buffer Types (Type A, Type B, Type C, and Type D) listed herein.

A. All buffer types shall include:

1. A staggered row of large maturing trees, spaced not more than 30 feet apart; and
2. Low-growing evergreen shrubs, evergreen ground cover, or mulch covering the balance of the buffer area.

B. Type A Buffer

1. Minimum width of 15 feet (applies to side and rear property lines)

2. Option 1

A row of evergreen shrubs placed not more than four (4) to six (6) feet apart which will grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting; or

3. Option 2

A masonry wall located within the required buffer area; such wall shall be a minimum height of six (6) feet (above finished grade;) and, if a block wall, it shall be painted on all sides; or an opaque fence six (6) feet in height; or

4. Option 3

A berm meeting the requirements of this Section.

C. Type B Buffer

1. Minimum width of 30 feet (applies to front, side, and rear property lines)

2. Option 1

An opaque fence located within the required buffer area; such fence shall be a minimum height of six (6) feet in height; or

3. Option 2

A berm meeting the requirements of this Section.

D. Type C Buffer

1. Minimum width of 10 feet (applies to area between right-of-way and building front)
2. Five (5) low growing shrubs for every required large maturing tree.

E. Type D Buffer

1. Minimum width of 15 feet (applies to property lines adjacent to public right-of-way or as otherwise noted within this Ordinance)

2. Option 1

A row of evergreen shrubs, 10 shrubs for every required large maturing tree, placed not more than four (4) feet apart which will grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting; or

### 3. Option 2

An opaque fence located within the required buffer area; such fence shall be a minimum height of six (6) feet in height.

#### *9.1.9 Scheduled Street Improvements*

In cases where a right(s)-of-way is scheduled to be widened, the developer shall plant the trees prior to the widening project and outside of the proposed right(s)-of-way, provided that the North Carolina Department of Transportation (NCDOT) has marked the proposed right-of-way.

## **9.2 Specific Buffering & Screening Requirements**

The following requirements shall be required in any development on which such type of use is required or provided, as applicable.

#### *9.2.1 Perennial Stream Buffering*

All perennial streams, as identified by the United States Geological Survey (USGS), not located within a watershed or Conservation Zoning District shall have a 30 foot buffer from the edge of the waterway. Said buffer area shall remain undisturbed.

#### *9.2.2 Utility & Mechanical Screening*

All nonresidential and multifamily developments mechanical, utility equipment which is located on, beside, or adjacent to any building or developments shall be fully screened from the view of public right(s)-of-way and adjacent property. The screen shall exceed the height of the equipment by a minimum of one (1) foot, shall not interfere with the operation of the equipment, and shall use one (1) or a combination of the following screening techniques.

- A. Building materials and design which are compatible with those used for the exterior of the principal building or
- B. Large maturing evergreen trees or other acceptable alternative approved by the Administrator.

In situations where mechanical and utility equipment is (are) located on the roof of a structure, all devices will be fully screened from the view of right(s)-of-way or adjacent property using building materials as listed above.

#### *9.2.3 Trash Containment Areas Screening*

All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent right(s)-of-way and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be a continuous row of large maturing evergreen trees or other acceptable alternative approved by the Administrator.

#### *9.2.4 Outdoor Storage Area Screening*

Any area utilized for outdoor storage, as defined herein, or inventory shall be screened from view of public and private right(s)-of-way and adjacent property. Screening shall meet the following requirements:

- A. Any area utilized for outdoor storage or inventory shall be screened in accordance with the Type D Buffer screening techniques and shall be located in the side or rear yard.
  - 1. Development located within industrial parks shall be exempt from said screening requirements except along perimeter property lines when said property line is located on the

exterior of the park or adjacent to a residential zoning district.

- B. An alternate buffer plan may be submitted as provided in the “Alternate Buffers & Screening” Section of this Ordinance.

### **9.3 Streetscape Buffer for Major Subdivisions**

All subdivisions with more than six (6) lots that have lots that abut State maintained right(s)-of-way shall be required to adhere to the following streetscape buffer requirements for all property that adjoins an existing state maintained street, unless otherwise stated herein.

Developments with lots that abut a NCDOT maintained roads shall be buffered with a minimum 30 foot buffer measured from the right-of-way.

#### *9.3.1 Streetscape Buffer Types*

All buffer types shall include a staggered row of large maturing trees and at least five (5) low growing shrubs for every required large maturing tree as well as one of the following screening techniques:

- A. A row of evergreen conifers or broadleaf evergreens placed not more than five (5) feet apart which would grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting supplemented with large maturing trees every 30 feet; or
- B. A masonry wall located within the required buffer; such wall shall be a minimum height of six (6) feet (above finished grade) and, if a block wall, it shall be painted on all sides, supplemented with large maturing trees every 50 feet; or an opaque fence six (6) feet in height finished side of fence shall face out, and supplemented with large maturing trees every 50 feet; or
- C. A berm, meeting the requirements of this Section.

#### *9.3.2 Modification of Planting Types*

If it is demonstrated that existing vegetation meets the intent of this section, the subdivision administrator may waive the requirements for the plant material.

#### *9.3.3 Ownership & Maintenance of Streetscape Buffers*

The developer shall be completely responsible for the installation and initial maintenance of all required streetscape buffers; until ownership changes through one of the methods described below:

- A. Ownership with a Homeowners’ Association

In the situation where a Homeowners’ Association (HOA) will be established for the proposed subdivision then the HOA shall be responsible for modifications, maintenance, removal, or damage to the streetscape buffer. This requirement shall be clearly labeled on the preliminary and final plats for all proposed subdivisions. The developer shall remain responsible for all ownership and maintenance of streetscape buffers until the HOA has been completely established.

- B. Ownership without a Homeowners’ Association

In the situation where there is not going to be a Homeowners’ Association (HOA) established for the proposed subdivision, then the streetscape buffer shall be left under control of the lot owner provided that each lot that contains a streetscape buffer shall have a deed recorded with a restriction that the streetscape buffer remain undisturbed. Further, the restriction shall state that the land owner shall be responsible for modifications, maintenance, removal, or damage to the streetscape buffer. This requirement shall be clearly labeled on the preliminary and final plats for all proposed subdivisions.

### 9.3.4 Uses Prohibited within the Streetscape Buffer

The following uses shall be prohibited from being located within the streetscape buffer.

- A. All Structures
- B. Storage of equipment
- C. Playground equipment and other similar structures
- D. Driveways with the exception of main entrances to the subdivisions

## 9.4 Landscaping for Major Subdivisions

Installation of street trees shall be required for major subdivisions, in accordance with the regulations herein.

- A. The subdivider or developer of developments of more than six (6) residential lots or six (6) dwelling units shall either plant or retain existing healthy trees so that there is at least one (1) deciduous tree for every 50 linear feet of street. Street trees shall be planted or retained along both sides of newly created public or private streets. Street trees shall be staggered on both sides of the right(s)-of-way on local or cul-de-sac streets in residential subdivisions.
- B. Street trees shall be of species that is expected to attain a minimum height of 25 - 35 feet at maturity. Where required street trees are located under overhead utility lines, the species shall be of a type to reach a maximum of 20 to 25 feet. All street trees shall be at least two (2) inches in caliper and a minimum of six (6) feet in height at the time of planting.
- C. Street trees shall be planted in a linear arrangement parallel to the street no less than five (5) feet and no more than 10 feet outside the right-of-way. Street trees shall be planted at least eight (8) feet from utility poles and 10 feet from electrical transformers.
- D. Plans for street tree planting and retention of existing trees shall be approved by the NCDOT for all streets proposed to be dedicated as public streets.

## **SECTION 10.0 SIGN REQUIREMENTS**

No sign may be located in, or overhang into, any public right-of-way except as permitted and erected by the North Carolina Department of Transportation. Signs shall be set back at least 10 feet from any public right(s)-of-way line or property line. In cases where signs are placed at intersections, the minimum setback shall be 20 feet as measured from each right-of-way line or property line in both directions, except those erected for orderly traffic control and other municipal and governmental purposes.

### **10.1 Sign Measurement Standards**

#### *10.1.1 Dimensions*

For the purpose of this Ordinance, the square feet area of the sign shall be measured to include the entire sign, including lattice work, fencing, or wall work incidental to its decoration. When a sign consists of letters placed directly on a wall, building surface, awning or marquee, or against open air (as when raised above a marquee), there being no background to the letters save the wall or surface itself, the area of the sign shall be that of the smallest parallelogram within which all the lettering can be included.

#### *10.1.2 Height*

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as columns, caps, spires, and finials shall not extend more than two (2) feet from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of

the fronting street and shall not be used as a means to avoid compliance with regulations.

## **10.2 General Setback Requirements**

No sign may be located in, or overhang into, any public right-of-way except as permitted and erected by the North Carolina Department of Transportation. Signs that are located within public right(s)-of way shall be constructed to meet NC DOT standards. Signs shall be set back at least 10 feet from any public right(s)-of-way line or property line. In cases where signs are placed at intersections, the minimum setback shall be 20 feet as measured from each right-of-way line or property line in both directions, except those erected for orderly traffic control and other municipal and governmental purposes.

## **10.3**

### **10.4 Maintenance of Conforming Signs**

Whenever a sign becomes structurally unsafe or endangers the safety of a building or the public, the Administrator shall order that such a sign be made safe or removed. A period of 10 days following receipt of said order by the person, firm, or corporation owning or using the sign shall be allowed for compliance.

- A. A conforming business or outdoor advertising sign that has been destroyed or significantly damaged may be reconstructed within the limits of the rules and filling procedures set forth in this Ordinance.
- B. As per G.S. 136-131.2, conforming outdoor advertising signs shall be allowed to be repaired or reconstructed so long as the square footage of its advertising surface area is not increased. This also includes the changing of an existing multipole outdoor advertising structure to a new monopole structure.
- C. Conforming sign structures may be reconstructed so long as the reconstruction does not conflict with any applicable local, State, or Federal rules, regulations, or ordinances.
- D. Developments with existing conforming sign shall be allowed to make repairs without receiving permits, unless other local, State, or Federal rules apply.
- E. Conforming signs shall be allowed to perform reasonable repair and maintenance. The following activities are considered to be reasonable repair and maintenance (No Building permit shall be needed to make the following repairs with exception of numbers 3 & 5):
  1. Change of advertising message or copy on the sign face.
  2. Replacement of border and trim, stringer, or panel, with like material.
  3. Repair and replacement of a pole(s), with like material or materials allowed by these regulations.
  4. Alterations of the dimensions of painted bulletins incidental to copy change.
  5. Any net decrease in the outside dimensions of the advertising copy portion of the sign; but if the sign face or faces are reduced they may not thereafter be increased beyond the size of the sign on the date it became nonconforming.
- F. No sign shall be allowed to remain after the activity, business, or use to which it was related has been discontinued.
- G. If at any time an outdoor advertising sign falls into a state of dilapidation, disrepair, or becomes abandoned or discontinued, as defined by this Ordinance, the permits for this sign shall be revoked.

## 10.5 Lighting & Illumination

Where illuminated signs are permitted, they shall conform to the following requirements:

- A. All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electric Code.
- B. Display lighting of signs shall be shielded so as to prevent the direction of such light into any area or structure used primarily for residential purposes, residential zoning district, and/or vehicles approaching on a public right-of-way from any direction. No intermittent lighting effects shall be permitted on signs.
- C. Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except as follows:
  1. Illuminated signs shall be permitted to provide information such as time, temperature, date, and public announcements related to the business on-site only.
  2. Such signs shall be permitted only as part of an otherwise permitted sign or in conjunction with a permitted replacement of an existing sign, provided that the illuminated portion shall be at least 15 percent (15%) of the total square footage area of the sign and shall not exceed 35 percent (35%) of the total square footage area of the sign. This section shall not apply to public service institutions such as schools and fire departments.
  3. Messages on such signs shall not change more than seven (7) times per minute. In no case shall an animated presentation or animated change of frame be allowed.
  4. Illuminated signs, as an addition to an existing sign, shall be comparable in composition, durability, and workmanship to the existing sign.
- D. Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding 15 watts each shall be permitted.
- E. The following materials shall be prohibited:
  1. Flame (even as a source of light)
  2. Exposed neon lighting

## 10.6 Sign Materials

All signs shall be constructed of weather-resistant material designed expressly for signs.

### 10.6.1 Pole Style Ground Signs

All pole style ground signs with support(s), upright(s), bracing(s), or framework(s) that include a pole encasement shall meet the following requirements. Pole style ground signs for street signs, manufactured home park signs, interstate signs, historical identification signs, shall be exempt from the requirements of this Section.

- A. Said support(s), upright(s), bracing(s), or framework(s) shall be encased in an ornamental shell of stone, brick, ornamental metal, or similar materials, and shall be a minimum width of one quarter ( $\frac{1}{4}$ ) of the width of the sign face; or
- B. Said sign shall be constructed of an external support structure including stone, brick, ornamental metal or similar materials, provided that the maximum number of supports, uprights, bracings, or frameworks extending between grade and the base of the sign face shall not exceed two (2).

## 10.7 Prohibited Signs

- A. Any sign that obscures a sign displayed by public authority for the purposes of giving traffic instruction or direction or other public information.
- B. Any sign that uses the word “stop” or “danger” or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of, or which for any reason is likely to be confused with, any sign displayed by a public authority.
- C. Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building, as required by law.
- D. Any portable sign, including any sign displayed on a vehicle when used primarily for the purpose of such display; except, that this paragraph shall not apply to temporary political signs.
- E. Any sign that violates any provision of any law of the State relative to outdoor advertising.
- F. If a sign advertises a business, service, commodity, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, then that sign and sign structure shall be considered discontinued regardless of reason or intent and shall, within 30 days after such discontinuation, be removed by the owner of the property where the sign is located. A blank sign face shall be provided to prevent any exposed sign light bulbs and other internal sign components. Signs shall be completely removed from the premise once a period of one (1) year has passed from the date of vacancy.
- G. Off-site advertising shall be prohibited, except in accordance with the provisions of this Section for the uses listed below. A sign easement shall be provided, on a survey map and recorded with the Harnett County Register of Deeds, prior to issuance of permits for any off-site signs. Additionally, for the uses listed below, up to one (1) off-site advertising signs per use, which shall not exceed 16 square feet in size and six (6) feet in height, with written consent of the property owner(s) on which the sign is located, only in cases where no sign exists on site.
  - 1. Religious facilities may have off-site advertising signs, for directional purposes only. A sign easement shall be provided, on a survey map and recorded with the Harnett County Register of Deeds, prior to issuance of any permits for such signs.
  - 2. Active residential subdivisions off-site advertising signs shall be removed once the subdivision reaches 75 percent (75%) build-out.

## **10.8 Signs that Do Not Require a Permit**

The following signs shall be permitted in all zoning districts. Such signs shall not require a sign permit as long as they conform to the requirements stated below.

### *10.8.1 Identification Signs*

Not to exceed one (1) square foot in display area bearing only addresses or names of occupants of the premises and located on privately owned property.

### *10.8.2 Memorial Plaques*

Such as cornerstones, historical tablets, and similar devices not to exceed six (6) square feet.

### *10.8.3 Instructional Signs*

Erected on private property, not to exceed six (6) square feet in display area, erected strictly for the direction, safety or convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances, and similar devices, warning, danger, and no trespassing signs.

### *10.8.4 Flags, Emblems, & Banners*

Flags, emblems, or banners that are decorative, seasonal, political, civic, philanthropic, educational, or religious in nature, or that are displayed in connection with the observance of

holidays, not to exceed three (3) per lot. Flags, emblems, or banners advertising for-profit organizations are not covered by this Section and shall meet the requirements of this Ordinance for signs.

*10.8.5 "For Sale" or "For Rent" Signs*

Signs pertaining to realty on the premises offered for sale or rent, not exceeding four (4) square feet in area and not illuminated. Such a sign may be placed not closer to a front property line than 10 feet. There shall be a limit of one (1) such sign per street frontage.

*10.8.6 Signs Advertising Agricultural Products Produced on the Premises*

Not to exceed 16 square feet in area. There shall be a limit of one (1) such sign per street frontage.

*10.8.7 Signs Advertising Only the Name, Time, & Place of any Temporary Event*

When conducted by a public agency or for the benefit of any civic, fraternal, religious, or charitable cause; provided that no such sign shall be displayed in any residential district, except on the immediate site of the event to which it pertains; and provided further, that all such signs shall be removed within 10 days after the last day of the event to which they pertain for such events including but not limited to bona fide fairs, carnivals, festivals, bazaars, or horse shows.

*10.8.8 Athletic Field Signs*

Signs located as part of athletic fields, including scoreboards and sponsorship signs, are not required to get a permit, unless they are visible from the public right(s)-of-way.

*10.8.9 Portable A-Frame & Sandwich Board Signs*

A-Frame and sandwich board signs may be used to announce sales or special features during hours of operation only. Such signs shall be professionally made of materials intended for sign manufacturing and shall not impede pedestrian or vehicular traffic, safety, or access. Said signs shall not exceed three (3) feet in height and maximum size of six (6) square feet.

*10.8.10 Window Signs*

Signs displayed in windows of store fronts shall not cover greater than 25 percent (25%) of the total area of the windows of such store fronts, and shall not count toward the total area permitted for wall signs.

*10.8.11 Temporary Signs*

Those giving information pertaining to construction taking place on the lot upon which the sign is located. Such signs will be removed prior to issuance of a certificate of occupancy. Temporary signs may be allowed provided said signs are not erected more than 21 calendar days per year and not larger than 16 square feet. Temporary signs shall not be illuminated. Said signs shall not be closer to each other on the same property than 400 feet.

*10.8.12 Off-Site Directional Sign Setbacks for Religious Facilities*

Directional signs of less than six (6) square feet and referring only to religious facilities shall be located at least 10 feet from any public right(s)-of-way.

*10.8.13 Off-Site Recreational Sign and Cultural Interest Signs*

Directional signs of less than six (6) square feet and referring only to religious facilities shall be located at least 10 feet from any public right(s)-of-way.

## 10.9 Signs that Require a Permit

Signs shall be permitted on the premises of the business, institution, or subdivision in districts in which the principal use is permitted and in districts in which the principal use is conditional. All business signs shall be subject to the following limitations:

- A. Business signs shall not project more than one (1) foot from any building wall or canopy.
- B. If suspended from a canopy, the sign shall be at least eight (8) feet above the sidewalk, pavement, or ground level.
- C. Maximum display area, number, and height requirements for ground and wall signs are as follows:

		Max # of walls with signs	Maximum signs per		Maximum sign area		Maximum Height	Min. distance between sign type on same property	Notes
			Street Frontage	Project	Project ≤ one acre	Project > one acre			
SINGLE TENANT	Ground		1	2	100 sq. ft. / side	150 sq. ft. / side	15 ft.*	300 ft.	*Required monument signs shall have a max. height of 12 ft.
	Wall	3			sq. ft. = Total linear ft. of mounting wall	sq. ft. = Total linear ft. of mounting wall			
MULTI-TENANT & SHOPPING COMPLEX	Ground		1	2	150 sq. ft. / side OR sq. ft. = Total linear ft. of mounting wall	200 sq. ft. / side OR sq. ft. = Total linear ft. of mounting wall	15 ft.	300 ft.	
	Directory		1		20 sq. ft. / side	20 sq. ft. / side	5 ft.	50 ft.	Located at interior intersections only
	Wall	2*#			sq. ft. = Total linear ft. of mounting wall	sq. ft. = Total linear ft. of mounting wall			Applies to each tenant of complex  *All side wall signs shall be no larger than 50% of allowable maximum sign area.  #One sign per wall, maximum of 2 wall signs, including a front, rear or side if applicable
OFFICE BUILDINGS	Ground		1	2	100 sq. ft. / side	150 sq. ft. / side	15 ft.	300 ft.	
	Wall	3			sq. ft. = Total linear ft. of mounting wall	sq. ft. = Total linear ft. of mounting wall			

		Max # of walls with signs	Maximum signs per		Maximum sign area		Maximum Height	Min. distance between sign type on same property	Notes
			Street Frontage	Project	Project ≤ one acre	Project > one acre			
NON-RES. SUBDIVISION	Ground (Subdivision)		1	2	150 sq. ft. / side	200 sq. ft. / side	15 ft.		
	Directory		1				4 ft.	50 ft.	Located at interior intersections only
	Ground (Parcels)			1	75 sq. ft. / side	75 sq. ft. / side	12 ft.		
	Wall	3			sq. ft. = Total linear ft. of mounting wall	sq. ft. = Total linear ft. of mounting wall			
INSTITUTIONAL LOCATIONS	Ground (Directory)		1	2	75 sq. ft. / side	75 sq. ft. / side	12 ft.		Portion may be used for changeable copy
	Wall	3			sq. ft. = Total linear ft. of mounting wall	sq. ft. = Total linear ft. of mounting wall			
BUSINESS SIGNS	Interstate Highways			1	500 sq. ft. total	500 sq. ft. total	125 ft.		Shall be governed by remaining sections of the Ordinance
COLLEGE & UNIVERSITY LOCATIONS	Ground (Campus Directory Signs)			6	300 sq. ft. / side	300 sq. ft. / side		300 ft.	
	Ground (per Facility)			2	75 sq. ft. / side	75 sq. ft. / side	12 ft.		Portion may be used for changeable copy
	Wall	3			sq. ft. = Total linear ft. of mounting wall	sq. ft. = Total linear ft. of mounting wall			Applies to each facility
	Sporting Facility Signs*	Follow above Wall Sign Req.		1	650 sq. ft. / side	650 sq. ft. / side	25 ft.		
	Temporary (Events or Construction)			2 per Event/ 1 per Const.	100 sq. ft. / side	100 sq. ft. / side	12 ft.	300 ft.	Shall be removed at completion or end
CUSTOMARY HOME OCCUPATIONS	Ground		1	1	6 sq. ft. / side	6 sq. ft. / side	4 ft.		
RESIDENTIAL SUBDIVISION	Ground (Subdivision)				50 sq. ft. / side	50 sq. ft. / side	6 ft.		1 double-faced or 2 single-faced signs per entrance
DIRECTIONAL SIGNS	Ground		1	1	2 sq. ft. / side	2 sq. ft. / side	3 ft.		Only one (1) directional sign shall be located per intersection and/or driveway.

		Max # of walls with signs	Maximum signs per		Maximum sign area		Maximum Height	Min. distance between sign type on same property	Notes
			Street Frontage	Project	Project ≤ one acre	Project > one acre			
MANUFACTURED HOME PARK	Ground		1		32 sq. ft. /side MIN AREA: 16 sq. ft.	32 sq. ft. /side MIN AREA: 16 sq. ft.	12 ft.		Name of MHP & owner/operator phone num. shall be included.
OFFICIAL GOVERNMENT SIGNS	Ground (Multi-Tenant or Directory)		1	2	75 sq. ft. / side	75 sq. ft. / side	12 ft.	300 ft.	
	Wall	3			sq. ft. = Total linear ft. of mounting wall	sq. ft. = Total linear ft. of mounting wall			

### 10.10 Outdoor Advertising Signs

Outdoor advertising signs shall be permitted in the Commercial/Business District; except in Commercial/Business districts located within a designated Highway Corridor Overlay District. All outdoor advertising signs shall be subject to the following regulations:

#### 10.10.1 Maximum Display Area

The maximum size of the display area of outdoor advertising signs along interstate highways shall be 500 square feet. The maximum size of the display area of outdoor advertising signs for all other sections of the County shall be 300 square feet. Double faced signs shall be permitted provided that each individual sign shall meet the display area requirements for that area of the County.

#### 10.10.2 Height Regulations

- A. No outdoor advertising sign shall exceed a height of 35 feet at street grade not to exceed 45 feet measured from the ground level to the highest part of the sign structure.
- B. The minimum height of the lowest portion of display surface of said outdoor advertising sign shall be elevated to a height of eight (8) feet from the ground level.
- C. The Planning Department shall be supplied with drawings certifying that this height requirement has been met once the sign has been constructed.

#### 10.10.3 Setback Requirements

Outdoor advertising signs shall be setback a minimum of 50 feet from any public or private right-of-way or easement. No portion of the sign shall be located within the required minimum setback.

#### 10.10.4 Lighting

Display lighting of signs shall be shielded so as to prevent the direction of such light into any structure used primarily for residential purposes and into vehicles traveling on nearby roadways. No rotating, revolving, flashing, or intermittent lighting devices shall be attached to or made a part of any outdoor advertising sign.

#### 10.10.5 Spacing

- A. All outdoor advertising signs shall be spaced a minimum of 1,500 feet apart.
- B. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and

shall apply to sign structures located on both sides of the highway.

- C. Such signs shall be no closer than 500 feet from any residential structure. However a sign may be allowed to locate within 250 feet from any residential structure if the applicant can secure a waiver from all adjacent property owners within 500 feet of the proposed sign. This waiver shall state that the property owner is aware of the proposed sign and agrees that the sign can locate within said distance; this waiver shall be signed and notarized by all applicable owners of the adjacent properties.
- D. All outdoor advertising signs shall be located at least 500 feet from any intersection. This measurement shall be taken along the edge of the pavement to the center of the intersecting street.
- E. All outdoor advertising signs shall be located at least 500 feet from any controlled access point. This spacing measurement shall be taken in accordance with the regulations given in the latest edition of *Regulations for the Control of Outdoor Advertising in North Carolina* by the North Carolina Department of Transportation. See also, Section 19A NCAC 02E.0203 “Outdoor Advertising on Controlled Routes” of the North Carolina Administrative Code.
- F. No outdoor advertising signs shall be located within any of the designated airport zones mentioned in Article “Airport Height Control” of this Ordinance.

#### *10.10.6 Department of Transportation Compliance*

All outdoor advertising signs that are required to be permitted from the North Carolina Department of Transportation shall maintain compliance with all required regulations.

#### *10.10.7 Movable Message & Electronic Display*

- A. Electronic display techniques include any portion of a billboard that contains alphanumeric characters, graphics, or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s), fiber optics, light bulbs, or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays, and projected images or messages with these characteristics onto the sign face.
- B. Any billboard utilizing electronic display techniques in whole or in part must meet the following operational standards:
  - 1. Duration  
The full billboard image, or any portion thereof, must have a minimum duration of 20 minutes and must be a static display. No portion of the image may flash, scroll, swirl, change color, in any manner imitate movement, or meet the characteristics of a flashing sign.
  - 2. Transition  
Where the full billboard image, or any portion thereof, changes, the change sequence must be accomplished by means of instantaneous re-pixelization.
  - 3. Brightness  
The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign’s face at maximum brightness.
  - 4. Dimmer Control  
Electronic graphic display signs must have an automatic dimmer control to produce a

distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour (1/2) before sunset and one half-hour (1/2) after sunrise.

5. Audio or pyrotechnics

Audio speakers or any form of pyrotechnics shall be prohibited in association with a billboard.

6. Fluctuating or Flashing Illumination

No portion of any billboard shall fluctuate in light intensity or use intermittent, strobe, moving light, or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or in any manner creates the illusion of movement.

7. Video Display

No portion of any billboard shall change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, or bands of light or expanding or contracting shapes.

*10.10.8 Transfer of Permit*

The transfer of ownership of a specific outdoor advertising sign for which a permit has been lawfully issued to the original owner shall not in any way affect the validity of the permit for that specific sign, provided that the Administrator and the appropriate Department of Transportation District Engineer is given written notice of the transfer of ownership within 60 days of the actual transfer. Once this period has expired and no notification has been made then the applicant shall be required to obtain a new land use & zoning permit.

*10.10.9 Dilapidated and Abandoned Signs*

If at any time an outdoor advertising sign falls into a state of dilapidation, disrepair, or becomes abandoned or discontinued, as defined by the latest edition of *Regulations for the Control of Outdoor Advertising in North Carolina* by the North Carolina Department of Transportation, and thus no a NCDOT permitted sign, the permits for such sign shall be revoked.

*10.10.10 Structural Support*

Where the structural support is visible from any street, the display shall be constructed on a steel single pole or I-Beam type structure.

*10.10.11 Revocation of Permit*

Any valid permit issued for a lawful outdoor advertising structure may be revoked by the Administrator for any one (1) or more of the following reasons:

- A. Mistake of material facts by the issuing authority for which had the correct facts been made know, the outdoor advertising permit in question would not have been issued.
- B. Issuance of a permit based on an error in law.
- C. Misrepresentation of material facts by the outdoor advertiser on the application for a permit for outdoor advertising.
- D. Failure to pay all applicable fees.
- E. Any alteration of an outdoor advertising structure for which a permit has previously been

issued which would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor Advertising Control Act and the rules and regulations promulgated by the North Carolina Board of Transportation pursuant thereto.

- F. Any violation of the standards for nonconforming signs.
- G. Any violation of the transfer of permit standards.
- H. Failure to reconstruct a non-conforming sign within 180 days as noted in the expiration of a sign permit section.
- I. Failure to locate sign in the approved location on the site plan.
- J. Any violation of State or Federal regulations for outdoor advertising that results in revocation of permits.
- K. Any violation of the standards for dilapidated or abandoned sign.

## **SECTION 11.0 DISPLAY AREA**

### **11.1 Display Area: Retail Sales**

Any outdoor display areas shall be permitted as an accessory to the retail use for which site plan approval has been granted and shall meet the following requirements:

- A. Display areas shall be located on an improved surface in a location so as not to impede pedestrian or vehicular ingress/egress to the establishment, and specifically shall not be located within public or private right(s)-of-way or create unsafe conditions.
- B. Display area shall be limited to one-half (1/2) the length of the store front and shall not be located within five (5) feet of the entrance to the establishment.

### **11.2 Display Area: Retail Sales, Outdoor**

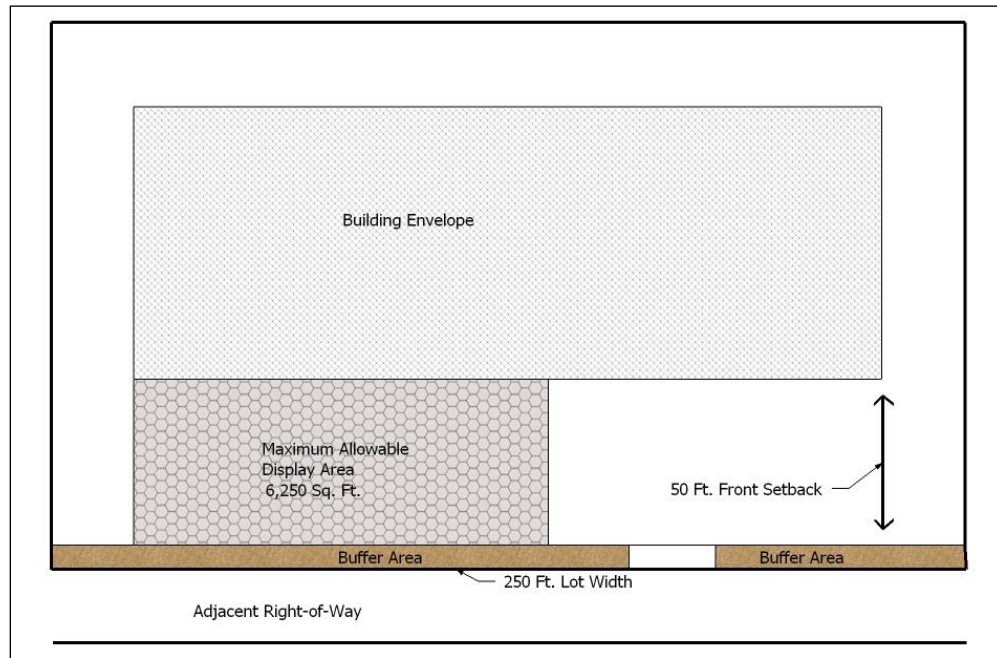
Outdoor display areas shall be permitted as an accessory to the outdoor retail sales use for uses which site plan approval has been granted and shall not be located within public or private right(s)-of-way or in required landscaping or buffer yards. Display area shall meet the following requirements:

- A. Maximum allowable outdoor display shall be 50 percent (50%) of the sum total of the following equation:

Length of proposed front property line times (X) Required front setback

EXAMPLE:           250 ft. wide lot located in Industrial zoning district

$250 \times 50 = 12500 / 2 = 6250$  sq. ft. allowable outdoor display area



- B. In no case shall more than 50 percent (50%) of the total allowable display area be developed into an impervious surface.

**SECTION 12.0 ARCHITECTURAL DESIGN GUIDELINES**

**12.1 Modular Structures**

Any modular structure intended for nonresidential use or purpose(s) shall meet the following standards:

- A. The structure shall have masonry underpinning that is continuous, permanent, and unpierced except for ventilation and access.
- B. Evergreen plantings shall be installed, along the front property line and all property lines visible from the public right(s)-of-way, within 5 feet of the perimeter of the structure, spaced at a minimum of one (1) planting every five (5) feet.

**12.2 Manufactured Homes Used for Nonresidential Purposes**

Manufactured homes are constructed to Federal Standards rather than the North Carolina State Building Code; therefore use of manufactured homes without modification for purposes other than a single family dwelling unit is prohibited.

**SECTION 13.0 OTHER IMPROVEMENT STANDARDS**

**13.1 Recreation & Park Development**

All residential subdivisions and developments, except minor subdivisions, shall provide funds to the County whereby the County may acquire public recreation and park land or areas to serve the development or subdivision in the immediate area.

- A. The amount of such fee shall be the product of the total number of dwelling units and/or building lots located in the development or subdivision multiplied by the recreation fee as established by The Harnett County Board of Commissioners.
- B. The fee shall be paid prior to approval of a final plat for the subdivision, provided that payments may be phased in accordance with the approved phasing of the subdivision.

- C. The County may transfer funds paid by one (1) or more subdivisions to a municipality or make arrangements for the joint County/municipal expenditure of the funds where the County determines that such transfer or arrangements would better ensure the funds will be used to acquire public recreation and park areas that will serve the recreational needs of the development and developments in the immediate area.
- D. In situations where a development has already been approved prior to the adoption of the Harnett County Bicycle, Pedestrian, & Greenway Plan, the developer may choose to build the prescribed facility in place of paying all or a portion of the above described recreation fee. If it is desirable to provide for such improvements, this discussion and review shall be conducted by the Development Review Board and any of its advisory members, per policy and standards set by the appointed Harnett County Parks & Recreation Board. Upon approval, the applicant and the County may enter into a development agreement as set forth in article VI, Section 8.0 of this Unified Development Ordinance.

### **13.2 Bicycle, Pedestrian, & Greenway Plan**

#### **A. Purpose & Applicability**

The Harnett County Bicycle, Pedestrian, & Greenway Plan is an officially adopted plan addressing short and long range recreation and transportation needs linking quality of life with land use and development within Harnett County. For the purpose of this Ordinance, it shall be the responsibility of developer(s) of major subdivisions, multifamily developments, and nonresidential sites to comply with the Harnett County Bicycle, Pedestrian, & Greenway Plan.

#### **B. Required Improvements**

All such development located adjacent to a corridor that is included in the County's Bicycle, Pedestrian, & Greenway Plan., adopted January 19, 2021, or any other officially adopted Plan, shall comply with the prescribed improvements as indicated within said Plan.

### **13.3 Monuments & Lot Corners**

All permanent monuments shall be of a type in compliance with State statutes regulating Professional North Carolina Land Surveyors. All lot corners, other than those marked by permanent monuments as herein described, shall be marked in a type in compliance with State statutes regulating Professional North Carolina Land Surveyors.

### **13.4 Guidelines for Handicapped Persons**

In order to remove restrictive barriers which severely impede the daily movements of physically handicapped and elderly persons, the developer shall comply with all requirements of North Carolina General Statute 136-44.14.

## **SECTION 14.0 INSTALLATION & MAINTENANCE OF REQUIRED IMPROVEMENTS**

- A. It is the intent of this Ordinance that the original developer or any subsequent developer shall be responsible for the maintenance of all required improvements until such time as a unit of government, public utility, or other legal entity assumes responsibility for the maintenance of those improvements.
- B. It shall be the responsibility of the developer to complete the installation of sidewalks, street trees, curb and gutter systems, and any and all other required improvements. If the installation of these listed amenities is not complete by the time that the County has issued building permits for 75 percent (75%) of the lots shown on the record plat within a subdivision, the County shall not issue any more building permits until the improvements have been completed. The County shall have the ability to call the improvement guarantee due at this time to ensure installation of all required improvements. Development of a

subdivision in phases shall be considered on a phase by phase basis. No building permit shall be issued for single lot development prior to installation of improvements. In the event that the developer of record has dissolved, filed for bankruptcy, or executed any other action that would disbar the developer from continuing such a project, as determined by the Planning Department, the following shall apply: Subsequent individual(s) that own, or have an interest in lots that are not allowed to obtain permits, may be allowed to make the necessary improvements on a per street basis, if determined to be acceptable by NCDOT. Only streets that are contiguous with existing NCDOT maintenance are eligible for this exception.

- C. Contained on the record plat shall be a certification assigned by the developer and notarized acknowledging that the developer is responsible for the maintenance of all required improvements until such responsibility is assumed by a unit of government, public utility or other legal entity.
- D. It shall be the responsibility of the developer to formally notify the District Engineer from the NC Department of Transportation and initiate the process of transferring the responsibility of street maintenance. If the District Engineer or his designee has not recommended that the NC Department of Transportation accept maintenance responsibility for the required public street improvements by the time that the County has issued building permits for 75 percent (75%) of the lots shown on the record plat, the County shall not issue any more building permits until the District Engineer makes such a recommendation and formally notifies the Administrator.
- E. If all streets within the subdivision have not been accepted by the NC Department of Transportation or the appropriate amenities have not been correctly installed by the time at which building permits have been issued for 75 percent (75%) of the lots, the developer may post a surety performance bond, provide cash, or an equivalent security. Should this alternative be used, the method of payment chosen shall be equal to one and one quarter (1.25) times the cost of installing all remaining required improvements according to the standards required by the NC Department of Transportation (for roadway improvements) or a Certified Engineer (for amenity improvements). Estimates of costs shall be provided by the developer and verified by the County in accordance with this Section.
- F. Within 30 days after the Administrator receives formal notice of acceptance of the streets by the NC Department of Transportation, the County shall release any unused portion of the securities posted through this procedure.
- G. For purposes of this Ordinance, maintenance shall mean that all required improvements are kept in a good state of repair and that such improvements are able to be used for their intended purpose without any impediments. In the case of streets, the developer shall not install or allow to be installed any items within the right-of-way which will have to be removed prior to the acceptance of the streets by the NC Department of Transportation. Such items include but are not limited to fences, masonry mailbox supports, shrubbery, and driveway markers.

#### **SECTION 15.0 IMPROVEMENT GUARANTEES**

In lieu of requiring the completion, installation, and dedication of improvements required as part of development, the County may enter into a written agreement with the developer(s) whereby the developer(s) shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the development may be approved by the Development Review Board or other appropriate government body, if all other requirements of this Ordinance are met. Improvements required by State and Federal agencies shall not be included as part of any improvement guarantees provided by the developer(s) to Harnett County. However, the requirements of these agencies shall have been met prior to approval of a development. To secure this agreement, the developer(s) shall provide, as approved by the County, any and all required forms, and either one (1) or a combination of the following guarantees equal to one and one quarter (1.25) times the entire cost of the improvements secured.

### **15.1 Improvements Required Prior to Acceptance of Improvement Guarantees**

To ensure that adequate measures have been made to provide public safety and emergency service access to the development, the following improvements shall have been made by the developer(s), and approved by the County, prior to acceptance of any improvement guarantee allowed by this Section.

- A. Permits shall have been issued for the water supply system, with final approval by DENR.
- B. Temporary fire protection shall be made available. The appropriate and required temporary fire protection for each development shall be determined by the Harnett County Fire Code Official.
- C. Minimum ingress/egress access shall be provided, in compliance with “Street Design Standards on New Easements”, Subsection “Minor Subdivision Streets”, Section “Street & Transportation Standards” of this Article.
- D. All street sign fees shall have been received by the County.

### **15.2 Required Estimate for Improvement Guarantees**

A written, itemized estimate shall be provided by a third-party, industry expert in the field in which the guarantees are being provided for. The County may require that additional estimates be provided. All estimates shall be sealed.

### **15.3 Surety Performance Bond(s)**

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina and approved by Harnett County. The bond shall be payable to Harnett County and shall be in an amount equal to one and one quarter (1.25) times the entire cost, as estimated by the developer and verified by the County, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the County. Any expenses associated with the cost verification by the County shall be paid entirely by the developer.

### **15.4 Cash, Letter of Credit, or Equivalent Security**

- A. The developer shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value with the County. The use of any instrument other than cash shall be subject to the approval of Harnett County. The amount of deposit shall be equal to one and one quarter (1.25) times the entire cost, as estimated by the developer, and verified by the County, of installing all required improvements.

### **15.5 Improvement Guarantee Review Process**

The Planning Department shall provide required forms and documents to be used as part of a completed application to provide improvement guarantees. A minimum 10 day review period shall begin once a completed application has been submitted, including required forms and estimates. All applicable Harnett County Departments, including but not limited to the County Engineer and Legal Services, shall review all improvement guarantee applications prior to approval.

### **15.6 Default**

Upon default, meaning failure on the part of the developer to complete the required improvements in the time allowed by this Ordinance or as spelled out in the performance bond or security agreement, then the surety, or financial institution holding the account, shall, if

requested by the County, pay all or any portion of the bond or security to the County of Harnett up to the amount needed to complete the improvements based on an estimate by the County. Upon payment, the County, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the developer any funds not spent in completing the improvements.

### **15.7 Release of Guarantee Security**

The County may release all or a portion of any security posted as the improvements are completed and recommended for approval by the Administrator, after receiving a written request. The Administrator shall approve or disapprove the request within 30 days. When Harnett County approves said improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements approved.

#### *15.7.1 Reduction in Improvement Guarantee Amount*

In the instance when a reduction in the improvement guarantee is being requested, the required process for improvement guarantee approvals shall begin again for the remaining portion to be held in guarantee. The developer(s) shall provide an affidavit stating that all subcontractors have been paid for the portion to be reduced.

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## **ARTICLE VIII. HISTORIC PRESERVATION**

### **SECTION 1.0 GENERAL**

The purpose and intent of the historic preservation regulations are to safeguard the heritage of Harnett County by preserving important elements of our cultural, social, economic, and political, or architectural history, in order to promote the use and conservation of such property for the education, pleasure, and enrichment of the residents of Harnett County and the State as a whole.

### **SECTION 2.0 HISTORIC LANDMARKS**

#### **2.1 Designation**

##### *2.1.1 Criteria for Designation*

In order for any building, structure, site, area, or object to be designated in a resolution as a historic landmark, the Historic Properties Commission (HPC) shall find that the property is of special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

##### *2.1.2 Required Procedures for Designation*

The Board of Commissioners may not adopt or amend a resolution designating a historic building, structure, site, area, or object, or acquire any landmark, until the steps prescribed by this Ordinance and its Subsections have been taken, including rules of procedure and guidelines for the altering, restoring, moving, or demolishing properties designated as historic, and all other guiding documents of the Historic Properties Commission. Designation procedures may be initiated by the HPC or at the request of property owner(s) or his duly authorized agent.

##### *2.1.3 Submittal of Application*

An application for a designation shall be obtained from and, when completed, filed with the Planning Department. Applications for designation shall be considered by the HPC at its next regularly scheduled meeting, provided they have been filed, complete in form and content, at least 15 working days before the meeting; otherwise consideration shall be deferred until the following meeting.

##### *2.1.4 Contents of Application*

The HPC shall, by uniform rule in its Rules of Procedure, require information as is reasonably necessary to determine the nature of the application. An application for a designation shall not be considered complete until the required information is included. An incomplete application shall not be accepted. Nothing shall prevent the applicant(s) from filing with the application additional relevant information bearing on the application.

#### **2.2 Designation Reports**

The Historic Properties Commission (HPC) shall make, or cause to be made, an investigation and report that includes all the information contained in this Section. Applications prepared by property owner(s) will be judged by the same criteria as those prepared by the HPC.

- A. The name(s) of the property to be considered for designation; both common and historic names, if they can be determined;

- B. The name(s) and address of the current property owner(s);
- C. The location of the property proposed to be designated historic, including the street address, Harnett County tax map and parcel numbers, and/or the parcel identification number;
- D. The date of construction and of any later alterations, if any, if they can be determined;
- E. An assessment of the significance of the site or structure pursuant to Subsection “Criteria for Designation” of this Article;
- F. An architectural and/or archaeological description of the area of the site or structure proposed to be designated. If outbuildings or other appurtenant features are proposed to be designated, the report shall contain a description of those features;
- G. A historical discussion of the site or structure within its type, period, and locality;
- H. A photograph, current and historic if available, that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details, and site layout; and
- I. A map showing the location of the property, including any outbuildings and appurtenant features.

## **2.3 Required Procedures for Designation**

### *2.3.1 Review Standards*

Prior to the designation of any historic landmark or district, the HPC shall prepare and adopt standards, not inconsistent with the North Carolina General Statutes for altering, restoring, moving, or demolishing of property designated as historic. It is the intention of these standards to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

### *2.3.2 Review by the North Carolina Department of Cultural Resources (NCDCCR), Division of Archives and History*

A report accepted by the HPC shall be submitted to the North Carolina Department of Cultural Resources (NCDCCR), Division of Archives and History or its successor agency, for comments pursuant to North Carolina General Statutes, as amended from time to time. The NCDCCR, Division of Archives and History or its successor agency, acting through the State Historic Preservation Officer, shall, either at their own request or at the initiative of the HPC, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this ordinance.

### *2.3.3 Consideration of the Report*

Once the designation report has been prepared, either by the HPC or by the property owner(s), and is deemed by the Planning Department to meet the provisions of this Ordinance, the HPC shall consider the report. The HPC may accept it, amend it, reject it, or recommend further study. Prior to final action on a designation report, the HPC shall indicate the extent to which the landmark meets the criteria for designation in Subsection “Criteria for Designation” of this Article. The HPC shall consider any comments received in writing from the NCDCCR, Division of Archives and History or its successor agency. If the NCDCCR, Division of Archives and History does not submit its written comments or recommendations in connection with any proposed designation within 30 days following receipt of the report, the HPC and Board of Commissioners shall be relieved of any responsibility to consider such comments. After the expiration of the 30 day comment period given the NCDCCR, Division of Archives and History, the HPC may recommend to the Board of Commissioners that the property be designated as a historic landmark.

#### *2.3.4 Submission to the Board of Commissioners*

The Historic Properties Commission (HPC) shall forward its recommendation to the Board of Commissioners. The HPC shall submit a copy of the designation report, any written comments received from the NCDCR, Division of Archives and History, and, if the recommendation is for approval, a proposed designation resolution, to the Board of Commissioners.

#### *2.3.5 Public Hearing*

When a proposed designation resolution is submitted, the Board of Commissioners shall hold a public hearing on the proposed designation resolution. The HPC shall send a notification letter, including time and place, to property owners adjacent to the subject property. It is recommended, but not required, that the HPC also post a notification sign on the subject property and publish notice in a local periodical.

#### *2.3.6 Adoption of a Designation Resolution*

Following the required public hearing, the Board of Commissioners shall consider the designation report, the HPC's recommendation, the NCDCR, Division of Archives and History's comments, and the comments made at the public hearing, and may adopt the designation resolution as proposed, adopt it with amendments, or reject the resolution. Upon compliance with the procedures set out in this Article, the Board of Commissioners may adopt and, quarterly, amend or repeal a designation resolution of one (1) or more historic landmarks. The designation resolution shall include information which shall:

- A. List the name(s) of the owner(s) of the property;
- B. Describe each property in the designation resolution, including the approximate area (size) of the property so designated;
- C. Describe those elements of the property that are integral to its historical, prehistorical, architectural, archaeological, and/or cultural significance;
- D. Provide for each designated historic landmark, a suitable sign or plaque indicating that the landmark has been so designated; and
- E. Any other information the HPC and/or Board of Commissioners deems necessary within the authority of this ordinance and the NCGS.

#### *2.3.7 Actions Subsequent to Approval*

Upon adoption of the resolution:

- A. Planning Department shall send the owner(s) of the landmark, as identified by current tax records, written notice of such designation of adoption of the resolution by certified mail, return receipt requested.
- B. The HPC shall file one copy of the resolution and any subsequent amendments thereto, in the office of the Register of Deeds of Harnett County. The Register of Deeds shall index each historic landmark according to the name of the owner(s) in the grantee and grantor indexes.
- C. All tax maps maintained by Harnett County shall clearly indicate the designation of a building, structure, site, area, or object as a historic landmark for as long as the designation remains in effect.
- D. The Planning Department shall notify the tax assessor of Harnett County of the landmark designation. The assessor shall consider the designation and any recorded restriction on the landmark in appraising it for tax purposes.

### *2.3.8 Denied Applications*

If the Board of Commissioners denies a designation report, a copy of the minutes of the public hearing at which such a decision to deny the report was made, shall be mailed to the owner(s) of the property proposed for designation, as requested.

## **2.4 Inventory**

The Historic Properties Commission (HPC) shall use an inventory of buildings, structures, sites, areas, or objects of historical, prehistorical, architectural, and archaeological significance in the County as a guide to the identification, assessment, and designation of historic landmarks. The HPC shall update the inventory quarterly.

## **SECTION 3.0 HISTORIC DISTRICTS**

### **3.1 Adoption of a Designation Resolution**

No historic district may exist without a resolution designating it as such. Upon compliance with the procedures contained in Section “Required Procedures for Designation” below, the Board of Commissioners within its jurisdiction, may adopt and, quarterly, amend or repeal a resolution designating one (1) or more historic districts.

### **3.2 Criteria for Designation**

In order for any area to be designated in a resolution as a historic district, the HPC shall find that the area is of special significance in terms of its history, prehistory, architecture, archaeology and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

### **3.3 Inventory**

The Historic Properties Commission (HPC) shall use an inventory of buildings, structures, sites, areas, or objects of historical, prehistorical, architectural, and archaeological significance in the County as a guide for the identification, assessment, and designation of historic districts. The HPC shall update the inventory quarterly.

### **3.4 Required Procedures for Designation**

The Board of Commissioners may not adopt or amend a resolution designating a historic district, nor may the Board of Commissioners or the HPC accept any district until the steps prescribed by this Section have been taken.

#### *3.4.1 Designation Report*

The HPC shall prepare or review an investigation and report describing the significance of the buildings, structure, features, sites, or surroundings included in any such proposed district, and the description of the boundaries of such district. Such report shall be referred to the Board of Commissioners and the Planning Department for its review and comment according to procedures set forth in the Harnett County Unified Development Ordinance.

#### *3.4.2 Review by the North Carolina Department of Cultural Resources (NCDCCR), Division of Archives and History*

All designation reports shall be submitted to the NCDCCR, Division of Archives and History by the Historic Properties Commission (HPC). The NCDCCR, Division of Archives and History or its successor agency, acting through the State Historic Preservation Officer, shall, either upon their own request or at the initiative of the HPC, be given an opportunity to

review and comment upon the substance and effect of the designation of any district. If the NCDCCR, Division of Archives and History does not submit its written comments or recommendations in connection with any proposed designation within 30 days following receipt of the report, the HPC and the Board of Commissioners shall be relieved of any responsibility to consider such comments. After the expiration of the 30 day comment period given the NCDCCR, Division of Archives and History, the HPC may recommend to the Board of Commissioners that the area be designated as a historic district.

#### *3.4.3 Review by Other Groups*

The Board of Commissioners may also, in its discretion, refer the designation report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action to adopt or amend the designation resolution.

#### *3.4.4 Adoption of a Designation Resolution*

Upon receipt of these reports and recommendations, the Board of Commissioners may proceed with review and approval or denial.

### **3.5 Revisions to Districts**

With respect to any changes in the boundaries of an adopted historic district subsequent to its initial establishment, the requirements and procedures contained in this Section shall apply.

## **SECTION 4.0 CERTIFICATE OF APPROPRIATENESS**

### **4.1 Rules & Regulations**

#### *4.1.1 Development Restriction*

From and after the designation of a historic landmark or district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the HPC. A Certificate of Appropriateness shall be required whether or not a building permit is required.

#### *4.1.2 Exterior Features*

In adopting a resolution, establishing a historic district, the Harnett County Board of Commissioners may provide that “exterior features” also include historic signs, color, and significant landscape, archaeological, and natural features of the area.

#### *4.1.3 Building Permit Restriction*

In adopting a resolution establishing a historic district, the County shall provide that no building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures shall be issued unless the HPC has first issued a Certificate of Appropriateness authorizing the construction, alteration, moving, restoration, or demolition. Any building permit or such other permit not issued in conformity with this Section shall be invalid. In approving a Certificate of Appropriateness, the HPC may attach reasonable conditions necessary to carry out the purposes of this ordinance.

#### *4.1.4 Protection of Character*

The HPC shall take no action under this Section except to prevent the construction,

reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features which would be incongruous with the special character of the landmark or district.

#### **4.2 Review Standards**

The HPC shall review the established guidelines prepared during the designation resolution process for the subject property. It is the intention of these guidelines to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

#### **4.3 Administrative Approval for Minor Works Allowed**

The Planning Department may issue a Certificate of Appropriateness for minor works, as listed in the Historic Property Commission's Rules of Procedure. No application for a minor works Certificate of Appropriateness may be denied without formal action by the HPC.

#### **4.4 Limitations on Interior Review**

Notwithstanding this Ordinance, jurisdiction of the HPC over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks, and of privately owned historic landmarks for which consent for interior review has been given by the owner(s). If an owner's consent for interior review has been filed with the Register of Deeds of Harnett County and indexed according to the name of the owner(s) of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The designation resolution establishing the historic designation shall specify the interior features to be reviewed and the specific nature of the HPC's jurisdiction over those features.

#### **4.5 Certain Changes Not Requiring a Certificate of Appropriateness**

- A. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or property located within a district that does not involve a change in design, material, or outer appearance thereof. See *Harnett County Design Guidelines: Harnett County Historic Properties Commission* for further information on maintenance and cleaning of such exterior architectural features.
- B. This Ordinance shall not be construed to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature when a building inspector or similar County official certifies to the HPC that such action is required for the public safety because of an unsafe or dangerous condition.
- C. Nothing herein shall be construed to prevent the property owner(s) from making any use of his property not prohibited by other statutes, ordinances, or regulations.
- D. Nothing in this Ordinance shall be construed to prevent the maintenance of or, in the event of an emergency, immediate restoration of any existing above-ground utility structure without approval by the HPC.

#### **4.6 Delay in Demolition of Designated Properties**

Except as provided below, the Historic Properties Commission (HPC) may not deny an application for Certificate of Appropriateness authorizing the demolition of a designated historic landmark or property located within a district.

- A. However, the HPC may delay the effective date of such a Certificate for a period of up to 12 months from the date of approval. The HPC may reduce the period of delay where it finds that the owner(s) would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such

property by virtue of the delay.

- B. During such period, the HPC may negotiate with the owner(s) and with any other parties in an effort to find a means of preserving the property, as provided in Article “Administration & Boards”, Section “Historic Properties Commission” of this Ordinance.
- C. The HPC may deny an application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Office to have statewide significance, as defined in the criteria of the National Register of Historic Places, unless the HPC finds that the owner(s) would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.
- D. If the HPC has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Board of Commissioners, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the HPC for a period of up to 180 days or until the Harnett County Board of Commissioners takes action on the designation, whichever occurs first. Should the Board of Commissioners approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness for demolition shall then be filed; however, the maximum delay period of 12 months shall be reduced by the period of delay while the designation was pending.

#### **4.7 Demolition by Neglect**

Demolition by neglect of any designated historic landmark or property located within a district shall constitute a violation of this Ordinance. The Board of Commissioners, and/or HPC with the expressed consent of the Board of Commissioners, may take appropriate actions to prevent demolition by neglect, provided such actions include appropriate safeguards to protect the property owner(s) from undue economic hardship.

#### **4.8 Required Procedures**

##### *4.8.1 Submittal of Application*

An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Department. Applications for Certificates of Appropriateness shall be considered by the HPC at its next regularly scheduled meeting, provided they have been filed, complete in form and content, at least 15 working days before the meeting; otherwise consideration shall be deferred until the following meeting.

##### *4.8.2 Contents of Application*

The HPC shall, by uniform rule in its Rules of Procedure, require information as is reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until the required information is included. An incomplete application shall not be accepted. Nothing shall prevent the applicant(s) from filing with the application additional relevant information bearing on the application.

##### *4.8.3 Notification of Affected Property Owners*

Before considering an application for a Certificate of Appropriateness, the HPC shall notify by mail the owner(s) of any adjacent property. The mailed notices are for the convenience of the property owner(s) and occupant(s) and any defect or omission therein shall not impair the validity of issuing a Certificate of Appropriateness, or any following action.

##### *4.8.4 Public Hearing*

When considering an application, the HPC shall give the applicant(s) and stakeholder(s) of any property likely to be materially affected by the application, an opportunity to be heard at a public hearing.

#### *4.8.5 Reasons for Historic Properties Commission's Actions to Appear in Minutes*

The Historic Properties Commission (HPC) shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with modifications, deferral, or denial. The minutes shall also contain a summary of any citation to the evidence, testimony, studies, or other authority upon which it based its decision.

#### *4.8.6 HPC Action on Application*

When considering the application, the HPC shall apply the review guidelines required by Section “Conflicts with Other Laws or Regulations” of Article I “General Provisions”, and shall, before final action on the application, make findings of fact indicating the extent to which the application is or is not in compliance with the review criteria. The HPC's quasi-judicial action on the application shall be approval, approval with modifications, deferral, or disapproval.

#### *4.8.7 Time Limitation*

If the HPC fails to take final action upon any application within 180 days from the date the complete application is filed with the Planning Department, the application shall be deemed to be approved as submitted. This time period may be extended to an exact date upon mutual agreement between the HPC and the applicant(s). A Certificate of Appropriateness shall expire 180 days after the date of issuance, or in the case of a demolition Certificate of Appropriateness, the effective date, if the work authorized by the Certificate has not been commenced. If the work has been discontinued for a period of 12 months after commencement, the Certificate shall immediately expire.

#### *4.8.8 Submission of New Application*

If the HPC denies a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

#### *4.8.9 Appeals of the Historic Properties Commission's Decision*

An appeal may be made to the Harnett County Board of Adjustment regarding the HPC's action in approving or denying any application for a Certificate of Appropriateness. Appeals shall be filed with the Harnett County Board of Adjustment within 30 days following the Commission's decision. Appeals shall be in the nature of certiorari. The Board of Adjustment's decision in any such case may be appealed to the Superior Court of Harnett County.

### **4.9 Publicly Owned Buildings & Structures**

Designated historic buildings, structures, sites, areas, or objects in the HPC's jurisdiction owned by State of North Carolina or any of its political subdivisions, agencies, or instrumentalities shall be subject to the regulations imposed by this Ordinance, in accordance with North Carolina General Statutes.

### **4.10 Remedies**

In case any building, structure, site, area, or object designated a historic landmark or any property

located within a historic district is about to be demolished as the result of deliberate neglect or otherwise, materially altered, remodeled, constructed, or removed, except in compliance with this Ordinance, the Board of Commissioners, the HPC, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, material alteration, remodeling, or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such historic property.

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## **ARTICLE IX. AIRPORT HEIGHT CONTROL**

### **SECTION 1.0 GENERAL**

#### **1.1 Application of the Height Control Regulations**

##### *1.1.1 New Uses or Construction*

After March 16, 1998, all new construction or use of land shall conform to the height requirements for the district in which it is to be located.

##### *1.1.2 Existing Conforming Situations*

After March 16, 1998, land or structures which then conform to the regulations for the district in which it is located, may be continued, provided that any structural alterations or change in use shall conform with the regulations herein specified.

##### *1.1.3 Existing Nonconforming Situations*

After March, 16, 1998, pre-existing lots, or structures which would be prohibited under the regulations for the district in which it is located shall be considered as nonconforming. Nonconforming structures or uses may be continued, provided they conform to the provisions of this Section.

#### **1.2 Use Restrictions**

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any airport zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. The owner of any existing nonconforming structure or tree or other vegetation is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Harnett County Airport Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Harnett County.

### **SECTION 2.0 AIRPORT ZONES**

In order to carry out the provisions of this Section, there are hereby created and established certain airport zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Harnett County Airport. Such zones are shown on the "Harnett County Airport Height Control Map". An area located in more than one (1) of the following airport zones is considered to be only in the airport zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

#### **2.1 Nonprecision Instrument Approach Zone (for runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile)**

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

#### **2.2 Transitional Zones**

The transitional zones are the areas beneath the transitional surfaces.

### **2.3 Horizontal Zone**

The horizontal zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

### **2.4 Conical Zone**

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward there from from a horizontal distance of 4,000 feet.

## **SECTION 3.0 AIRPORT ZONE HEIGHT LIMITATIONS**

Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any airport zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

### **3.1 Nonprecision Instrument Approach Zone (for runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile)**

Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

### **3.2 Precision Instrument Runway Approach Zone**

Reserved

### **3.3 Transitional Zones**

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 199 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

### **3.4 Horizontal Zone**

Established at 150 feet above the airport elevation or at a height of 349 feet above mean sea level.

### **3.5 Conical Zone**

Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, (549 feet above mean sea level).

### **3.6 Excepted Height Limitations**

Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

## **SECTION 4.0 PERMITS**

### **4.1 Future Uses**

Except as specifically provided in A. and B. below, no material change shall be made in the use of land which results in creation of an aviation hazard, no structure shall be erected or otherwise established, and no tree shall be planted in any airport zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with this Ordinance.

- A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 5,300 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this Section except as set forth in Subsection “Excepted Height Limitations” of Section “Airport Zone Height Limitations.”

#### **4.2 Existing Uses**

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the March 16, 1998 or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

#### **4.3 Nonconforming Uses Abandoned or Destroyed**

Whenever the Airport Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent (80%) torn down (or damaged more than 80 percent (80%) of the current Harnett County tax value), physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

#### **4.4 Variances**

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply to the Board of Adjustment for a variance from such regulations in accordance with the provisions of this Ordinance. The Procedure for application and review of variance requests can be found in Article XII “Interpretations, Amendments, Hearing Procedures, Appeals, & Variances”.

#### **4.5 Obstruction Marking and Lighting**

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose

of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit Harnett County, at its own expense, to install, operate and maintain the necessary markings and lights.

#### **4.6 Airport Zone Disclosure Statement**

The following statement shall be included on all development related plats/plans for those properties located in “Airport Zones”, as described by this Article. In no case shall a permit be issued for a plat/plan unless such statement is included thereon.

“All or a portion of property shown on this plat/plan is within a Harnett County Regional Jetport Airport Zone, subject to the height requirements for such zones, as regulated by the Harnett County Unified Development Ordinance.”

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## **ARTICLE X. NATURAL RESOURCES**

In addition to the regulations contained in this Article, all other local, State, and Federal requirements regarding natural resources shall be met, including those of the North Carolina Department of Environment and Natural Resources and the US Army Corps of Engineers. Below is a table illustrating important regulations regarding stormwater and other natural resource controls.

<b>LOCATION</b>	<b>REGULATION, LAW, OR ORDINANCE</b>	<b>BUFFER REQUIREMENT</b>
High Quality Waters	15A NCAC 02H .1006	30 foot wide stream buffer
All Areas of the County Outside the Watershed Protection Area or High Quality Waters	North Carolina Session Law 2006-246, Section 9. Proposed amendments and rule adoptions to 15A NCAC 2H .0100 and 2H .1000 incorporate S.L. 2006-246.	Built-upon areas to be located at least 30 feet landward of all perennial and intermittent surface waters.
Watershed Protection Area	Harnett County Unified Development Ordinance	Within the WS-IV-PA Watershed District, a minimum of a 100 foot stream buffer for development activities that exceed the low density standards as established in this Ordinance is required; otherwise a minimum of 30 foot stream buffer is required in the Watershed District.
Conservation Zoning District	Harnett County Unified Development Ordinance	Single family dwelling yard adjacent to surface water: Minimum Yard for Cape Fear: 250 ft. Minimum Yard for Black River: 150 ft. Minimum Yard for Other Creeks: 100 ft.

### **1.1 Standards for Effluent & Emissions**

All effluent and emissions into the air, surface, or ground waters from development permitted by this Ordinance shall be in conformity with applicable Federal, State, or County health and environmental quality regulations.

### **1.2 Soil Erosion & Sedimentation Control**

The developer(s) shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented in accordance with plans and specifications and within such time periods approved by the DRB.

Where applicable, erosion and sedimentation control provisions shall be in conformity with the appropriate State regulations.

## **SECTION 2.0 STORMWATER MANAGEMENT**

### **2.1 Purpose**

The purpose of these requirements is to provide criteria in addition to other ordinances, rules, regulation, and law to control and minimize the adverse impacts of stormwater runoff from new development and redevelopment.

### **2.2 Applicability**

Development shall comply with the requirements of this Section if any:

- A. New residential or nonresidential development or redevelopment disturbs more than one (1) acre of land; and/or
- B. Nonresidential development that adds more than 22,000 square feet of disturbed area.

### **2.3 General**

For areas inside the water supply watershed, development shall be in accordance with Section “Water Supply Watershed” of this Article. For areas of the County that are within one (1) mile of and drain to waters classified as High Quality Waters, development shall be in accordance with 15A NCAC 02H .1006.

All other areas of the County are subject to Phase II Post-Construction Stormwater Requirements as established in North Carolina Session Law 2006-246. A stormwater permit issued by North Carolina Department of Environment and Natural Resources (DENR), Division of Water Quality is required for new development and redevelopment activities that will result in a cumulative disturbance of one (1) or more acres of land.

This Section outlines stormwater requirements for new development and redevelopment. Redevelopment is defined as any development on previously-developed land , other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development. The requirements of this Section are not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. For additional information, please see NCDENR’s *Stormwater BMP Manual*.

### **2.4 Predevelopment Conference**

Prior to submission of a conceptual plan, the Developer shall consult with the following to determine if an initial conference will be necessary:

- 1. County Engineer
- 2. Planning Department

If the scope of the proposed development, in the opinion of the County Engineer or Planning Department, is such that an initial conference will be beneficial prior to the development of plans and specifications, the developer or his engineer shall present at the time of this conference, conceptual schematic or layout of the proposed stormwater management system.

### **2.5 Stormwater Management Statement**

A preliminary subdivision plat or site plan (except for minor site plans as defined by this Ordinance) for a commercial or residential subdivision shall include a stormwater management statement, submitted as part of the required Conceptual Plan. A stormwater management statement shall include the following:

- A. Development name and location
- B. Developer/owner and consultant contact information
- C. Site description including the following:
  - 1. Vicinity map
  - 2. USGS Topographic Map and Harnett County Soil Survey indicating area of development
  - 3. Description of all water courses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows

- D. Statement noting whether the site is located within the conservation zoning or a watershed district.
- E. Impervious area calculations
- F. A description of the proposed stormwater management system including:
  - 1. Best Management Practices (BMPs) and preliminary sizes and locations, including post development drainage map delineating the flows diverted to each BMP.
  - 2. Description and concept for diversion of off-site stormwater
  - 3. Pre-development and post-development discharges for the 10 year and 25 year storms. If the increase in the pre-development discharge is less than 10 percent (10%), then an additional may not be required unless deemed necessary by the DRB.
- G. Downstream Analysis, if required:
  - 1. Provide topography with the following identified:
    - a. Drainage areas for the development
    - b. Drainage areas for downstream drainage structures
    - c. Provide photographs of downstream structures
  - 2. For existing streams and ditches, the analysis should focus on increases in velocity and flooding within the stream.
  - 3. For existing culverts, the analysis should focus on increases in headwater and flooding at the structure.
  - 4. Identify the point at which the drainage area of the development or redevelopment becomes less than 10 percent (10%) of the total watershed.
  - 5. All negative impacts of existing improvements and developments shall be identified, if there are no negative impacts, the analysis specifically state and demonstrate that there are not adverse impacts in the increase in site runoff.
  - 6. If downstream measures are found to be inadequate, detention or other improvements will be required to minimize downstream impacts.

**2.6 Stream Buffers/Setbacks**

Stream buffers/setbacks shall be required water features as noted in the following table:

<b>LOCATION</b>	<b>REGULATION, LAW, OR ORDINANCE</b>
High Quality Waters	15A NCAC 02H .1006
All Areas of the County Outside the Watershed Protection Area or High Quality Waters	North Carolina Session Law 2006-246, Section 9
Watershed Protection Area	Harnett County UDO, Article X “Natural Resources”
Conservation District	Harnett County UDO, Article IV “Zoning Districts”

**2.7 Stormwater Control Requirements**

All structural stormwater Best Management Practices (BMPs) shall meet the minimum design requirements of this Section, as well as those established in the most current edition of the North Carolina Department of Environment and Natural Resources, Division of Water Quality’s *Stormwater Best Management Practices Manual*. The use of environmentally friendly water quality controls, such as storm drain trays and pervious tree surrounds, are encouraged.

- A. All structural stormwater BMPs shall be designed to be aesthetically pleasing (or the extent that the

BMP type allows, and as defined by compliance with this Ordinance, and shall not include fencing unless approved by the County Engineer.

1. Fencing may be permitted or required due to site conditions and/or under special circumstances where the public health and safety is a reasonable concern. The following are examples of site conditions which may necessitate fencing: within 50 feet of public right(s)-of-way, driveway, or parking area, and/or if the structural BMP is three (3) or more feet deep.
  - a. All fences shall meet the requirements of this Ordinance, as applicable.
  - b. In cases where chain link fencing is permitted, such fencing shall be coated.
- B. Drought tolerant species of vegetation and warm weather grasses shall be utilized on the BMPs. Vegetation shall be required around perimeter slopes but shall not be planted on the structural BMP dam. Plantings shall be in a single row when medium sized trees are used and shall be in two (2) rows when small trees and shrubs are utilized.
- C. Side slopes shall be stabilized with vegetation and with a slope no steeper than 3:1 ratio.
- D. As-built drawings shall be submitted to the County for review prior to issuance of a certificate of occupancy for the site.

## **2.8 Operation & Maintenance of Stormwater Control Measures**

2.7.1 When stormwater control measures are installed voluntarily or are required by this Ordinance but not by the State, such as through the downstream analysis process, the following criteria shall be adhered to. As required by this Section, the operation and maintenance agreement shall be submitted with the final plat or site plan as part of the submittal materials, as applicable. Failure to comply with the requirements of this Section, or maintain those improvements required by this Section, shall be deemed a violation of this Ordinance. *Operation & Maintenance Agreement Required*

The permit applicant(s) shall enter into the binding Operation and Maintenance Agreement (O&M Agreement) between the all interests in the development. Said Agreement shall require the owner(s)/applicant(s) to maintain, repair, and if necessary, reconstruct the stormwater control structure in accordance with the operation management plan or manual, as provided. The owner(s) shall file the operation and maintenance agreement with the Harnett County Register of Deeds. The obligations incurred as part of the required O&M Agreement by owner(s) and applicant(s) are appurtenant and run with the property, and shall be binding upon all subsequent owners, successors, and assigns of the project or any parcel thereof.

### *2.7.2 Operation & Maintenance Plan Required*

An operation and maintenance plan or manual shall be provided by the owner(s) for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the operations maintenance agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

### *2.7.3 Landscaping & Grounds Maintenance*

Landscaping and grounds management shall be the responsibility of the owner(s). However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.

### *2.7.4 Repair or Reconstruction*

Except for general landscaping and grounds management, the owning entity shall notify the Harnett

County Engineer and North Carolina Department of Environment and Natural Resources (NCDENR) prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owner(s), the County Engineer shall inspect the completed improvements and shall inform the owner(s) of any required additions, changes, or modifications and of the time period to complete said improvements.

#### *2.7.5 Amendments to Plans & Specifications*

##### A. Minor Amendments

Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the County Engineer, provided that the changes do not involve a change in the size or location of the structure. Proposed changes shall be prepared by a Professional North Carolina Engineer or landscape architect (to the extent that the General Statutes Chapter 89A allows) and submitted to and reviewed by the County Engineer.

1. If the County Engineer approves the proposed changes, the owner(s) of the stormwater control structure shall file sealed copies of the revisions with the Administrator and County Engineer.
2. If the County Engineer disapproves the changes, the proposal may be revised and resubmitted as a new proposal.

##### B. Major Amendments

Proposed changes shall be prepared by a Professional North Carolina Engineer or landscape architect (to the extent that the General Statutes Chapter 89A allows) and submitted to, and reviewed by the County Engineer and NCDENR. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual that involve a change in the size or location shall be approved by the County Engineer and NCDENR.

#### *2.7.6 Revision of Plan Required if Found to be Inadequate*

If the County Engineer finds that the operation and maintenance plan or manual is inadequate for any reason, the Administrator shall notify the owner(s) of any required changes. Once the revised plan or manual has been deemed adequate, the owner(s) shall prepare and file copies of the revised agreement with the Harnett County Register of Deeds, the County Engineer, and the Administrator of this Ordinance.

#### *2.7.7 Inspection by County Engineer*

The stormwater control structure shall be inspected by the County Engineer, after the owner(s) notifies the Administrator that all work has been completed and prior to issuance of a Certificate of Occupancy (CO). At this inspection, the owner(s) shall provide:

- A. The signed deed, related easements, and survey plat for the stormwater control structure ready for filing with the Harnett County Register of Deeds.
- B. A certification sealed by an Professional North Carolina Engineer or landscape architect (to the extent that the General Statutes Chapter 89A allows) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

#### *2.7.8 Annual Inspection Required*

- A. All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. It shall be the responsibility of

the property owner(s) to ensure such inspection is performed. Records of inspections shall be maintained on forms approved or supplied by the North Carolina Division of Environment and Natural Resources. Annual inspections shall begin within one (1) year of the filing date of the deed for the stormwater control structure.

- B. In the event that the County Engineer discovers the need for corrective action or improvements, he/she shall notify the Administrator who shall notify the owner(s) of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation plan or manual. After notification by the owner(s), the County Engineer shall inspect and approve the completed improvements.

## 2.9 Storm Drainage

The following guidelines shall be used for street and local drainage within the development of a subdivision:

- A. Proposed stormwater channels shall be designed in accordance with the most current edition of the *North Carolina Erosion and Sediment Control Planning and Design Manual*.
- B. Channels shall provide positive drainage. The minimum slope shall be one-half (1/2) percent (0.5%).
- C. The minimum pipe diameter allowed, including driveway pipe, is 15 inches.
- D. Acceptable pipe materials outside of NCDOT right-of-way include Class III reinforced concrete pipe and HDPE, AASHTO M294 – corrugated exterior/smooth interior pipe (Type S). No HDPE end treatments are allowed. Reinforced concrete pipe/headwall shall be used for all end treatments. Pipe shall be installed according to the manufacturer's requirements. Corrugated metal pipe is not allowed. Pipe inside NCDOT right-of-way shall be in accordance with *Subdivision Roads Minimum Construction Standards* published by the North Carolina Department of Transportation.
- E. Minimum cover for all pipes located outside traffic areas is one-half (1/2) feet. Minimum cover for all pipes located in proposed traffic areas is one (1) foot.
- F. At utility crossings, the minimum vertical separation between storm drainage and water and sanitary sewer lines shall be 24 inches or in accordance with 15A NCAC 2T .0305, whichever is more stringent.
- G. Storm structures are required where there is a change in pipe size, a change in grade, or changes in horizontal alignment greater than 45 degrees. All structures shall allow for access to the storm drainage system with a removable lid or grate.
- H. All local drainage systems shall be designed to convey the 10 year design storm.
- I. The minimum design storm frequency for cross drainage for streets shall be in accordance with the current edition of *Subdivision Roads Minimum Construction Standards* published by the North Carolina Department of Transportation.
- J. All curb and gutter shall meet the NCDOT, Division of Highways standards. Curb inlet and storm drainage design shall be in accordance with requirements outlined in the NCDOT's *Best Management Practices for Construction & Maintenance Activities*.

## 2.10 Construction Plan/Drawing

In addition to the construction plan requirements for water and sewer, stormwater management plans showing grading and drainage shall be submitted. One (1) complete set of development plans signed and sealed by a Professional North Carolina Land Surveyor or Engineer or North Carolina Registered Landscape Architect shall be submitted. The following information shall be provided on the site specific stormwater management plans:

- A. Erosion control measures and details.

- B. Detailed topographic information. A minimum of two (2) foot contours is required. Vertical datum shall be provided.
- C. Storm sewer profiles or design tables indicating the top of structure, invert elevations, and pipe slope.
- D. The 100-year flood plain boundaries and elevations from the most recent FIRM
- E. All jurisdictional wetland boundaries on site
- F. All proposed stormwater management facilities
- G. All existing stormwater management facilities should be shown. Existing structures shall be labeled with invert, size, and material.
- H. Construction detail for improvements
- I. Drainage easements

With the construction drawings, a revised stormwater management statement shall be submitted, if required. A copy of submittal for stormwater permit and the submittal for erosion control plan, if required, shall be submitted.

### **2.11 Stormwater Certification**

Certification shall be provided by a Professional North Carolina Land Surveyor or Engineer, or registered landscape architect, for the “as-built” plans. The certification to be made is provided by this Ordinance, and should be sealed signed and dated and submitted with “as-built” drawings and the final plat.

## **SECTION 3.0 FLOOD DAMAGE PREVENTION**

### **3.1 Statutory Authorization, Findings of Fact, Purpose, & Objectives**

#### *3.1.1 Statutory Authorization*

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 160D; and Part 121, Article 6 of Chapter 160D, all of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Board of Commissioners of Harnett County, North Carolina does ordain as follows:

#### *3.1.2 Findings of Fact*

The flood prone areas within the jurisdiction of Harnett County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplain causing increases in flood heights and velocities, and by the occupancy in flood prone areas of uses vulnerable to floods or hazardous.

#### *3.1.3 Statement of Purpose*

It is the purpose of this Section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by

provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and other development that may increase erosion or flood damage; and,
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

### **3.2 General Provisions**

#### *3.2.1 Lands to Which this Section Applies*

This Section shall apply to all Special Flood Hazard Areas within the jurisdiction of Harnett County.

#### *3.2.2 Basis for Establishing the Areas of Special Flood Hazard*

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Harnett County dated October 3, 2006, which are adopted by reference and declared to be a part of this Section.

#### *3.2.3 Warning & Disclaimer of Liability*

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of Harnett County or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

### **3.3 Administration**

#### *3.3.1 Designation of Local Administrator*

The Manager of Planning Services, herein referred to as the Floodplain Administrator, is hereby appointed to administer and implement the provisions of this Section.

#### *3.3.2 Certification Requirements*

##### A. Elevation Certificates

1. An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after the reference level is established. Within 21 calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Elevation certification shall be prepared by, or under the direct supervision of, a Professional North Carolina Land Surveyor or Engineer and certified by

same. Any work done within the 21 day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

2. A Final As-Built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by, or under the direct supervision of, a Professional North Carolina Land Surveyor or Engineer and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- B. If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a Professional North Carolina Engineer or Architect licensed by the North Carolina Board of Architecture and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- C. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per "Provisions for Flood Hazard Reduction" of this Section, Subsection "Specific Standards", Item "Manufactured Homes."
- D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- E. Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

1. Recreational Vehicles meeting requirements of "Provisions for Flood Hazard Reduction" of this Section, Subsection "Specific Standards", Item "Recreational Vehicles" (1);
2. Temporary Structures meeting requirements of "Provisions for Flood Hazard Reduction" of this Section, Subsection "Specific Standards", Item "Temporary Nonresidential Structures"; and
3. Accessory Structures less than 150 square feet meeting requirements of "Provisions for Flood Hazard Reduction" of this Section, Subsection "Specific Standards", Item "Accessory

Structure.”

### 3.3.3 *Duties & Responsibilities of the Local Administrator*

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Section have been satisfied.
- B. Advise applicant that additional Federal or State permits (wetlands, endangered species, erosion and sedimentation control, riparian and stream buffers, mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the development permit.
- C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of “Provisions for Flood Hazard Reduction” of this Section, Subsection “Standards for Riverine Floodplains with BFE but without Established Floodways or Non-encroachment Areas” are met.
- F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all utilities of all new or substantially improved structures, in accordance with Subsection “Certification Requirements”, above.
- G. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with Subsection “Certification Requirements”, above.
- H. Obtain Actual elevation (in relation to mean sea level) of all public utilities in accordance with Subsection “Certification Requirements”, above.
- I. When floodproofing is utilized for a particular structure, obtain certifications from a Professional North Carolina Engineer or Architect licensed by the North Carolina Board of Architecture and certified by same in accordance with Subsection “Floodplain Permit” of Article III “Development & Subdivision Review, Permitting, & Approval Requirements.”
- J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
- K. When Base Flood Elevation (BFE) data or floodway data has not been provided in accordance with Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “General Provisions” (above), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Item (B)(2) of Section “Standards for Floodplains without Established Base Flood Elevations” of this Section, in order to administer the provisions of this Section.
- L. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Subsection “Basis for Establishing the Areas of

Special Flood Hazard” of Section “General Provisions” (above), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Section.

- M. When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of this Section and make these records available for public inspection.
- O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Section and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Section, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- R. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of Article XIII “Enforcement & Penalties.”
- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and/or other official flood maps/studies adopted under Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “General Provisions” of this Section, including any revisions thereto including Letters of Map Change, issued by State and/or FEMA. Notify State and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

### **3.4 Provisions for Flood Hazard Reduction**

#### *3.4.1 General Standards*

In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- B. All new construction and substantial improvements below the regulatory flood protection elevation shall be constructed with materials and utility equipment resistant to flood damage;
- C. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- H. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this Section, shall meet the requirements for new construction as contained in this Section.
- I. Nothing in this Section shall prevent the repair, reconstruction, or replacement of a building or structure existing on or prior to September 18, 2006 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
- J. New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas, except by variance as specified in Subsection "Flood Damage Prevention Variance Procedures" of Article XII of this Ordinance. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Subsection "Certification Requirements", above, of this Section.
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

### 3.4.2 *Specific Standards*

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth by the provisions of this Section, in addition to Subsection “General Standards” (above), are required:

#### A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section “Natural Resources Definitions & Acronyms” of Article XIV “Definitions & Certifications” of this Ordinance.

#### B. Nonresidential Construction

New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section “Natural Resources Definitions & Acronyms” of Article XIV “Definitions & Certifications” of this Ordinance. Structures located in A, AO, AE, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A Professional North Carolina Engineer or Architect licensed by the North Carolina Board of Architecture and certified by same shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Subsection “Certification Requirements”, above, of this Section, along with the operational and maintenance plans.

#### C. Manufactured Homes

1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
3. All foundation enclosures or skirting shall be in accordance with Subsection “Elevated Buildings”, below.
4. An evacuation plan shall be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the Emergency Service Director.

#### D. Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for

parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

2. Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Shall include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings shall either be certified by a Professional North Carolina Engineer or Architect licensed by the North Carolina Board of Architecture and certified by same or meet the following minimum design criteria:
  - a. Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding;
  - b. The total net area of all openings shall be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - c. If a building has more than one (1) enclosed area, each area shall have openings to allow floodwaters to automatically enter and exit;
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade;
  - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

#### E. Additions & Improvements

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - a. Not a substantial improvement, the addition and/or improvements shall be designed to minimize flood damages and shall not be any more nonconforming than the existing structure.
  - b. A substantial improvement, both the existing structure and the addition and/or improvements shall comply with the standards for new construction.
2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - a. Not a substantial improvement, the addition and/or improvements only shall comply with the standards for new construction.
  - b. A substantial improvement, both the existing structure and the addition and/or improvements shall comply with the standards for new construction.
4. Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition shall comply with the standards for new construction.

F. Recreational Vehicles

Recreation vehicles placed on sites within a Special Flood Hazard area shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. Meet all the requirements for new construction, including anchoring and elevation requirements of Subsection "Certification Requirements" of "Administration" of this Section and Subsection "General Standards" and "Manufactured Homes", both above.

G. Temporary Nonresidential Structures

Prior to the issuance of a floodplain development permit, for a temporary structure, applicants shall submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed 12 months;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
5. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

H. Accessory Structure

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Accessory structures shall be used for human habitation (including work, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled.
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with Subsection "General Standards", above, Item (A);
6. All service facilities such as electrical shall be installed in accordance with Subsection "General Standards", above, Item (D); and
7. Openings to relieve hydrostatic pressure during a flood shall be provided below flood protection elevation in conformance with "Elevated Buildings", Item (1), above.
8. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with

Subsection “Certification Requirements” of this Section.

### 3.4.3 *Reserved*

### 3.4.4 *Standards for Floodplains without Established Base Flood Elevations*

Within the Special Flood Hazard Areas established in Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “General Provisions” of this Section, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section “Provisions for Flood Hazard Reduction”, Subsection “General Standards”, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a Professional North Carolina Engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on one (1) of the following criteria set in priority order:
  1. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in Section “Administration”, Subsection “Duties & Responsibilities of the Local Administrator”, Items (K) and (L).
  2. All subdivision, manufactured home park, and other development proposals located within Special Flood Hazard Areas shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than 50 lots or manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “General Provisions” of this Section to be utilized in implementing this Section.
  3. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated above the highest adjacent grade as required in the regulatory flood protection elevation definition.

### 3.4.5 *Standards for Riverine Floodplains with BFE but without Established Floodways or Non-encroachment Areas*

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards outlined in Section “Provisions for Flood Hazard Reduction”, Subsections “General Standards” and “Specific Standards”; and
- B. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a Professional North Carolina Engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

### 3.4.6 *Floodways & Non-encroachment Areas*

Areas designated as floodways or non-encroachment areas are located within the Special

Flood Hazard Areas established in Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “General Provisions” of this Section. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section “Provisions for Flood Hazard Reduction”, Subsections “General Standards” and “Specific Standards”, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless it has been demonstrated that:
  1. The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Administrator prior to issuance of floodplain development permit, or
  2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) shall also be obtained upon completion of the proposed encroachment.
- B. If Item (A), above, is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Section.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
  1. The anchoring and the elevation standards of Subsection “Manufactured Homes” of Section “Specific Standards”; and
  2. The no encroachment standard of Item (A), above, are met.

#### *3.4.7 Standards for Areas of Shallow Flooding (Zone AO)*

Located within the Special Flood Hazard Areas established in Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “General Provisions” of this Section, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section “Provisions for Flood Hazard Reduction”, Subsection “General Standards”, all new construction and substantial improvements shall meet the following requirements:

- A. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade plus a freeboard of two (2) feet if no depth number is specified.
- B. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in item (1) of Subsection “Specific Standards,” Section “Provisions for Flood Hazard Reduction” of this Part so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Subsection “Floodplain Permit” of Article III “Development & Subdivision Review, Permitting, & Approval Requirements” and Subsection “Nonresidential Construction” of Section “Specific Standards”, above.
- C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

## **SECTION 4.0 WATER SUPPLY WATERSHED**

### **4.1 Exceptions to Applicability**

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provision of the Harnett County Unified Development Ordinance; however, the adoption of this Section shall and does amend any and all ordinances, resolutions, and regulations in effect in Harnett County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- B. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- C. Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance. Expansions to structures classified as existing development shall meet the requirements of this Ordinance, however, the built upon area of the existing development is not required to be included in the density calculations.
- D. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Ordinance if it is developed for single-family residential purposes.

### **4.2 Development Regulations**

#### *4.2.1 Establishment of Watershed Areas*

The purpose of this Section is to list and describe the watershed areas herein adopted. For purposes of this Section, Harnett County is hereby divided into the following areas, as appropriate:

- A. WS-III-BW (Balance of Watershed)
- B. WS-IV-CA (Critical Area)
- C. WS-IV-PA (Protected Area)

#### *4.2.2 Watershed Areas Described*

- A. WS-III Watershed Areas - Balance of Watershed (WS-III-BW)

In order to maintain a low to moderate land use intensity pattern, single family detached uses shall develop at a maximum of three (3) dwelling units per acre. All other residential and nonresidential development shall be allowed a maximum of 24 percent (24%) built-upon area. In addition, nonresidential uses may occupy 10 percent (10%) of the watershed with a 70 percent (70%) built-upon area when approved as a Special Nonresidential Intensity Allocation (SNIA), as outlined in this Ordinance. Non-discharging landfills and sludge application sites are allowed.

- 1. Uses Allowed
  - 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 II.6101.0209).
  - c. Residential development
  - d. Nonresidential development excluding discharging landfills

2. Density & Built-upon Limits

- a. Single family residential development shall not exceed three (3) dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.
- b. All other residential and nonresidential development shall not exceed 24 percent (24%) built-upon area on a project by project basis, except that up to 10 percent (10%) of the protected area may be developed for nonresidential uses to 70 percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

B. WS-IV Watershed Areas - Critical Area (WS-IV-CA)

Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Section when located in the WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of three (3) dwelling units per acre. All other residential and nonresidential development shall be allowed at 24 percent (24%) built-upon area. New residual waste sites and landfills are specifically prohibited.

1. Uses Allowed

- a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).
- c. Residential
- d. Nonresidential development, excluding:
  - i. Landfills; and
  - ii. Sites for land application of sludge/residuals or petroleum contaminated soils.

2. Density & Built-upon Limits

- a. Single family residential development shall not exceed three (3) dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.
- b. All other residential and nonresidential development shall not exceed 24 percent (24%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

C. WS-IV Watershed Area - Protected Area (WS-IV-PA)

Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Section when located in a WS-IV Watershed. In order to address a moderate to high land use intensity pattern, single family residential uses shall develop at a maximum of three (3) dwelling units per acre. All other residential and nonresidential development shall be allowed at a maximum of 24 percent (24%) built-upon area.

1. Uses Allowed

- 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 II.6101-.0209).
  - c. Residential development
  - d. Nonresidential development
2. Density & Built-upon Limits
- a. Single family residential development shall not exceed three (3) dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre except within an approved cluster development.
  - b. All other residential and nonresidential development shall not exceed 24 percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed 36 percent (36%) built-upon area on a project by project basis.
  - c. Exception for Nonresidential Uses  
Up to 10 percent (10%) of the protected area may be developed for nonresidential uses to 70 percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

#### 4.2.3 Cluster Development

Clustering of development is allowed in all watershed areas under the following conditions:

- A. Minimum lot sizes should be in conformance with all other applicable sections of the ordinance.
- B. Density should not exceed the number of units per acre allowed for single-family detached developments in Article X “Watershed Areas Described.”
- C. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- D. The remainder of the tract shall remain in a vegetated or natural state. Title to the open space area shall be conveyed to:
  - 1. An incorporated homeowners’ association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds; or
  - 2. A local government for preservation as a park or open space; or
  - 3. A conservation organization for preservation in a permanent easement.

#### 4.2.4 Buffer Areas Required

Within the WS-IV-PA Watershed District, a minimum of a 100 foot stream buffer for development activities that exceed the low density standards as established in this Section is required along all perennial waters indicated on the most recent versions of the USGS 1:24,000 (7.5 minute) scale topographic maps; otherwise a minimum of 30 foot stream buffer is required. Desirable artificial streambank or shoreline stabilization is permitted. No new development is allowed in the buffer except that water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious areas, and public projects such as street crossings and greenways where no practical alternatives exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater Best Management Practices (BMP’s).

#### 4.2.5 *Rules Governing the Interpretation of Watershed Area Boundaries*

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

- A. Where area boundaries are indicated as approximately following either street, alley, railroad, or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- B. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a Professional North Carolina Land Surveyor may be submitted to Harnett County as evidence that one (1) or more properties along these boundaries do not lie within the watershed area. The Administrator shall determine such boundaries.
- C. Where the watershed area boundaries lie at a scaled distance more than 25 feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
- D. Where the watershed area boundaries lie at a scaled distance of 25 feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
- E. Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to the location of such boundaries. This decision may be appealed to the Harnett County Board of Adjustment, acting as the Watershed Review Board.

#### 4.2.6 *Application of Regulations*

- A. No building or land shall hereafter be used, and no development shall take place, except in conformity with the regulations herein specified for the watershed area in which it is located.
- B. No area required for the purpose of complying with the provisions of this Section shall be included in the area required for another building.
- C. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

#### 4.2.7 *Existing Development*

- A. Any existing development as defined in this Section, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development shall meet the requirements of this Section; however the built-upon area of the existing development is not required to be included in the density calculations.
- B. Reconstruction of Buildings or Built-upon Areas
- C. Any existing building or built-upon area not in conformance with the restrictions of this Section that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:
  1. Repair or reconstruction is initiated within three (3) months and completed within one (1) year of such damage; and
  2. The total amount of space devoted to built-upon area may not be increased.

### **4.3 Public Health Regulations**

#### 4.3.1 *Public Health in General*

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety, and welfare. Such conditions may arise from:

- A. Inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures;
- B. The improper storage or disposal of junk, trash or other refuse within a buffer area;
- C. The absence or improper implementation of a spill containment plan for toxic and hazardous materials;
- D. The improper management of stormwater runoff; or
- E. Any other situation found to pose a threat to water quality.

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## **ARTICLE XI. ADMINISTRATION & BOARDS**

### **SECTION 1.0 GENERAL**

It is the intention of this Ordinance that:

- A. All questions arising in connection with the enforcement of this Ordinance shall be presented first to the Administrator; and
- B. Such questions shall be presented to the Board of Adjustment only on appeal from the Administrator and within the time limits prescribed; and
- C. Any interested party may seek review of a decision of the Board of Adjustment in Superior Court in the nature of certiorari. Any appeal to the Superior Court shall be taken within 30 days after the decision of the Board of Adjustment.

### **SECTION 2.0 COUNTY BOARD OF COMMISSIONERS**

It is the intention of this Ordinance that the Board of Commissioners, in connection with the Ordinance, shall not include the hearing and passing of disputed questions that may arise in connection with the enforcement thereof or Special Use. The Board of Commissioners' duties shall include:

- A. The hearing of vested rights requests;
- B. The hearing of amendments to the Ordinance text and the Zoning Map; and/or
- C. The question of repeal of the Ordinance as provided by law.
- D. The hearing of amendments to approved comprehensive and land use plan.

### **SECTION 3.0 PLANNING BOARD**

#### **3.1 Establishment & Procedure of Planning Board**

- A. The Planning Board shall have all the powers and authority granted by NCGS153-A - 320 and subsequent provisions of law and any other powers and duties so delegated by the Board of County Commissioners.
- B. There shall be a quorum of three (3) members for the purpose of taking any official action required by this Ordinance.
- C. The Planning Board shall elect one (1) of its members as Chairman and another as Vice Chairman. It shall be the duties of the Chairman to conduct the meetings, address the County Commissioners as needed, sign documents as required, and function as the liaison with the Planning Department staff. In the absence of the Chairman, the Vice-Chairman shall perform all duties of the Chairman.
  1. At the regular meeting in January of each year, the Planning Board shall elect a Chairman and Vice Chairman from its regular membership as the first order of business during its regular meeting. The term of office shall last for 12 months, beginning in January. Officers may serve consecutive terms. Any member who has served at least 12 months prior to the date of the elections is eligible to hold either office. Election of officers may be by secret ballot or by nomination and voice vote.

#### **3.2 Membership**

The Harnett County Planning Board shall consist of five (5) regular members and two (2) alternates, for a total of seven (7) members. Members shall be appointed by the Harnett County Commissioners with terms of office being set according to the Rules of Procedure for the Board of Commissioners as they may exist from time to time. Each commissioner district should be represented on the Planning Board by a regular member. Membership should be distributed throughout the County in as much as is practical. Alternates shall be designated as Alternate #1 and Alternate #2 and shall, when feasible, rotate service on the Board.

### **3.3 Rules of Procedure**

The Board shall adopt rules and regulations as it may deem necessary to carry into effect the provisions of this Section. These rules and regulations shall be designated in the Harnett County Planning Board By-Laws, which shall be kept on file in the County Planning Department Office.

### **3.4 Powers & Duties**

#### **A. Review & Recommendation**

1. Zoning Map Amendments to Official Zoning Map
2. Text Amendments to Unified Development Ordinance
3. Text Amendments to Land Use Plan
4. Prepare and make recommendations on plans, studies, and other items, as outlined in *By-Laws Harnett County Planning Board*

#### **B. Final Decision-Making Body**

1. Appeal of the Development Review Board

Appeals of the Development Review Board (DRB) and Subdivision Administrator, below, shall follow the same procedure outlined in “Administrative Review”, Section “Board of Adjustment” of this Article.

2. Appeal of Subdivision Administrator
3. Planned Unit Development (PUD) Modification
4. Architectural Standard Design Alternative
5. Parking Landscaping Plan Alternative
6. Lighting Standard Plan Alternative
7. Alternative Buffers & Screening Plan
8. Office & Institutional Development Plan

## **SECTION 4.0 DEVELOPMENT REVIEW BOARD**

### **4.1 Establishment of Development Review Board**

- A. This board shall be officially known and cited as the Harnett County, North Carolina Development Review Board, although it may be referred to hereafter as the “DRB,” “this Board,” or the “Development Review Board.”
- B. The Development Review Board is hereby enacted under powers granted by the State of North Carolina.

## 4.2 Purpose & Intent

- A. To protect the character and the stability of the residential, business, and manufacturing areas within Harnett County and to promote the orderly and beneficial development of such areas;
- B. To prevent the overcrowding of land and undue concentration of structures, so far as possible and appropriate in each district, and to provide adequate light, air, privacy, and convenience of access to property;
- C. To encourage innovative and quality new residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings and by conservation and more efficient use of open space ancillary to such dwellings;
- D. Encourage pedestrian and vehicular connections between residential neighborhoods and between residential neighborhoods and nearby employment centers, shopping, and community services, such as parks and schools;
- E. To encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic, and other impacts of such development especially when adjacent to residential uses;
- F. To encourage quality, single-family and multifamily residential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic, and other impacts of such development especially when adjacent to residential uses; and
- G. To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, and for the approval of certain technical aspects of development proposals;

## 4.3 Membership

### 4.3.1 General Membership

- A. The Development Review Board shall consist of staff representatives from the following Harnett County Departments:
  - 1. Planning Department
  - 2. Public Health
  - 3. Public Utilities
  - 4. Fire Code Official's Office
  - 5. GIS Department
  - 6. County Engineer
- B. The general membership shall be responsible for reviewing, commenting, and voting on all technical aspects of applications for development submitted to the Board, taking into consideration the comments of advisory members, relevant to their area of expertise. In the absence of a DRB member, the completed staff report from the member's department shall serve as the decision for such department.
- C. To perform any other related duties that the Harnett County Board of Commissioners may direct.

### 4.3.2 Advisory Membership

- A. Depending upon the specific aspects of a development proposal, additional members of the DRB include representatives of the following agencies:
  - 1. NC Department of Transportation

2. NC Department of Environment and Natural Resources
  3. Fort Bragg, Master Planning Division
  4. Parks & Recreation
  5. GIS Department
  6. Harnett County Board of Education
  7. Private Utility Company(ies)
  8. Harnett County Finance Department
  9. Harnett County Legal Services
- B. The advisory members shall review and comment on all technical aspects of applications for development submitted to the Board relevant to their area of expertise.
- C. The advisory members shall not vote on application appearing before the Development Review Board.

#### *4.3.3 Chairperson*

The chairperson of the DRB shall be a general member. The Board shall select an alternate chairperson in the absence of the serving chairperson. All authority granted to the chairperson shall be carried over to the alternate chairperson.

### **4.4 Rules of Procedure**

#### *4.4.1 Meetings*

- A. The Development Review Board shall establish standard meeting dates, times, and a standard meeting location. The schedule for each calendar year shall be published in the Harnett County Planning Office and be available for public access.
- B. The chairperson may call for additional meetings or may cancel any meeting of the Development Review Board assuming that an announcement is made at the previous DRB meeting and good faith attempts are made to notify those who shall be present.

#### *4.4.2 Records*

The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

#### *4.4.3 Review & Approval*

- A. Complete applications or revisions shall be submitted to the Development Review Board via the Harnett County Planning Department.
  1. The Harnett County Planning Department shall establish criteria for a complete application. Any change in requirements shall be posted in the Planning Department office no less than 30 days prior to enforcement.
  2. The Harnett County Planning Department shall establish standard deadlines for complete applications. This information shall be made available to the public and shall be posted in the Planning Department Office.
- B. When an application first appears before the Board, the petitioner, or his duly appointed representative, shall make a brief presentation about the development proposal and provide time for the general and advisory members to ask questions and state concerns.
- C. The petitioner shall be granted the opportunity to revise the application based upon the

Development Review Board's comments. The petitioner is encouraged to contact each member's agency directly in regards to comments or concerns specifically relating to that members area of expertise.

- D. Once all comments have been exhausted, each general member shall vote to either 'approve', 'approve with conditions', 'hold', or 'deny' an application.
  - 1. 'Approve'

To approve an application means to accept the development entirely as presented on the application.
  - 2. 'Approve with Conditions'

To approve with conditions means to accept the development overall, but require minor changes between the time of approval and construction.
  - 3. 'Hold'

To hold an application means to find that the application does not conform to a number of existing regulations or development policies due to major changes that are required on the submittal. Any application placed on hold shall go through the DRB review process again once resubmittal is requested by the applicant.
  - 4. 'Deny'

To deny an application means to find that the application does not conform to the existing regulations or development policies, and/or the applicant is unwilling to conform to existing regulations or development policies. Any application that is denied shall go through the DRB review process as a new application once resubmittal is requested by the applicant.
- E. Any regular and special advisory members shall issue comments in writing on each development application to the Planning Department. These comments shall be forwarded on to the petitioner.
- F. The most restrictive vote that any DRB member renders shall be considered the final decision of the Board for an application.

#### **4.5 Powers & Duties**

##### **A. Final Decision-Making Authority**

The DRB shall have final review and decision-making authority over the following types of applications and submittals:

- 1. Major subdivision preliminary plans & plats
- 2. Major subdivisions final plans & plats
- 3. Neighborhood site plans
- 4. Community site plans
- 5. Regional site plans
- 6. Construction plan/drawing
- 7. Attached single family development
- 8. Multifamily development
- 9. Manufactured home parks

B. Appeals

The applicant may appeal the Development Review Board's decision to the Harnett County Planning Board by following the procedures in Article XII "Interpretations, Amendments, Hearing Procedures, Appeals, & Variances" of this Ordinance.

**SECTION 5.0 BOARD OF ADJUSTMENT**

**5.1 Establishment & Procedure of the Board of Adjustment (NCGS 160D-302)**

- A. The Chairman of the Board of Adjustment is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board. Any member of the Board, while acting as chairman, shall have and may exercise like authority.
- B. All meetings of the Board shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings, showing the decision of the Board upon each question, or if absent or failing to vote, an indication of such fact, and the final disposition of appeals shall be by recorded resolution indicating the reasons of the Board thereof, all of which shall be a public record.
- C. A concurring vote from the simple majority of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrator or to grant a Special Use permit.
- D. A concurring vote of four-fifths (4/5) majority of the Board shall be necessary to grant a variance from the provision of this Ordinance.

**5.2 Membership**

- A. The Board of Adjustment is hereby created, which shall consist of five (5) members and six (6) alternates, who shall all be citizens of Harnett County, North Carolina. These members shall be appointed by the Board of County Commissioners for staggered three (3) year terms. Alternates shall also be appointed to three (3) year terms.
- B. The Board of Adjustment shall elect one (1) of its members as chairman and another as vice-chairman and shall appoint a secretary to keep minutes of its proceedings. The Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this section. These rules and regulations shall be designated in the Harnett County Board of Adjustment By-Laws, which shall be kept on file in the County Planning Department Office.
- C. Initial appointment of the members shall be as follows:
  - 1. One (1) member for a term of three (3) years, two (2) members for a term of two (2) years, and two (2) members for a term of one (1) year.
  - 2. Vacancies shall be filled for unexpired terms only.
  - 3. Members shall be removed for cause by the Board of Commissioners upon written charges and after a public hearing.
  - 4. The members of the Board of Adjustment may receive for their services per diem compensation the amount of which shall be fixed by the County Board of Commissioners.

**5.3 Powers & Duties**

The Board of Adjustment shall have the following powers and duties:

- A. Administrative Review (Appeal of the Administrator)

The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance with the exception of those decisions related to the subdivision regulations of this

Ordinance, as well as decisions of the Development Review Board (DRB). Appeals from the enforcement and interpretation of this Ordinance shall be filed with the Administrator specifying the grounds thereof, within 30 days of the date the decision was made. The Administrator shall transmit to the Board of Adjustment all applications and records pertaining to such appeals and variances. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, giving notice to all participants by first class mail. The Board of Adjustment shall have the authority to waive penalties in cases where the Administrator's decision is overturned or amended, and if the penalty was assessed during the time period allotted for appeal.

B. Variance

To authorize upon appeal in specific cases such variances from the terms of the zoning and airport height control regulations contained within this Ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

C. Special Use Permits

The Board of Adjustment shall hear and decide to issue Special Use permits as prescribed in this Ordinance. Prior to the granting of any Special Use permit, the Board of Adjustment may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the Special Use as it deems necessary to secure compliance with the standards and requirements specified herein. In all cases in which Special Use permits are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the provisions of this Section have been met. Procedures for Special Use permit hearings shall be found in Article XII "Interpretations, Amendments, Hearing Procedures, Appeals, & Variances" of this Ordinance.

D. Abandonment of Special Use Permits

The Board of Adjustment shall have the authority to abandon a Special Use permit at the request of the permit holder, following the provisions of Article XII "Interpretations, Amendments, Hearing Procedures, Appeals, & Variances" of this Ordinance.

E. Revocation of Special Use Permits

The Board of Adjustment shall have the authority to revoke a Special Use permit upon request, following the provisions of Article XII "Interpretations, Amendments, Hearing Procedures, Appeals, & Variances" of this Ordinance.

F. Watershed Review Board

The Board of Adjustment shall serve as the acting Watershed Review Board.

G. Flood Damage Prevention Appeal Board

The Board of Adjustment shall serve as the acting Flood Damage Prevention Board.

## **SECTION 6.0 WATERSHED REVIEW BOARD**

### **6.1 Establishment of Watershed Review Board**

There is hereby created a Watershed Review Board which shall be the Harnett County Board of Adjustment, including its alternates, serving at the time of adoption of this Ordinance and its duly appointed successor Boards.

### **6.2 Rules of Procedure**

The Watershed Review Board shall operate consistent with the adopted by-laws for the Harnett County Board of Adjustment.

### **6.3 Powers & Duties**

The Watershed Review Board shall have the following powers and duties:

A. Administrative Review

The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Administrator in the enforcement of this Section.

B. Variances

The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Section as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Section will result in practical difficulties or unnecessary hardship, so that the spirit of this Section shall be observed, public safety and welfare secured, and substantial justice done. In addition, the Administrator shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

C. Special Nonresidential Intensity Allocation (SNIA)

The following criteria shall be used in determining whether a SNIA can be accepted by the Watershed Review Board. Projects shall:

A. Minimize built-upon surface area;

B. Direct stormwater away from surface waters; and

C. Incorporate Best Management Practices (BMP's) to minimize water quality impacts.

### **SECTION 7.0 FLOOD DAMAGE PREVENTION APPEAL BOARD**

The Board of Adjustment, as established by the Board of Commissioners, hereinafter referred to as the Appeal Board, shall serve as the Appeal Board, and hear and decide requests for variances from the requirements of the Flood Damage Prevention regulations of this Ordinance. Any person aggrieved by the decision of the Appeal Board may appeal such decision to Superior Court, as provided in the North Carolina General Statutes.

### **SECTION 8.0 HISTORIC PROPERTIES COMMISSION**

#### **8.1 Establishment of Historic Properties Commission**

The Historic Properties Commission (HPC) shall consist of five (5) regular members and two (2) alternate members appointed by the Harnett County Board of Commissioners. All members shall reside in Harnett County within the jurisdiction of the HPC, which shall include the area wherein the County has authority for planning and regulation of development. There shall be a minimum of one (1) member from each of the five (5) Board of Commissioner's districts. The members of the HPC may receive for their services per diem compensation the amount of which shall be fixed by the Board of Commissioners.

##### *8.1.1 Representation of Jurisdiction*

In making appointments to the HPC, the Board of Commissioners shall strive to appoint members geographically representing all areas of the HPC's territorial jurisdiction. The provisions of this Section shall apply to the unincorporated areas of Harnett County as specifically identified and delineated on the zoning map identified as The Official Zoning Map of Harnett County, North Carolina. In establishing the HPC and making appointments to it, the Board of Commissioners shall seek the advice of State or local historical agencies,

societies, or organizations as it may deem necessary. The HPC may appoint advisory bodies and committees as appropriate.

## **8.2 Membership**

### *8.2.1 Qualification of Members*

A majority of the members of the HPC shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

### *8.2.2 Terms*

HPC members shall serve overlapping terms of three (3) years, and until their successors have been appointed. Initially, the Board of Commissioners shall appoint three (3) regular members to a full term of three (3) years and appoint two (2) regular members to a two (2) year term. Alternate members shall be appointed to three (3) year terms. Thereafter, the Board of Commissioners shall appoint members to three (3) year terms. Any vacancy during the unexpired term of a member of the HPC shall be filled in accordance with the Rules of Procedure for the Board of Commissioners.

## **8.3 Rules of Procedure**

The HPC shall follow adopted rules of procedure, titled *Harnett County Historic Properties Commission Rules of Procedure*, necessary to the conduct of its affairs and in keeping with the provisions of this Section. The rules of procedure adopted by the HPC provide for the selection of its officers, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, the conduct of voting, the forms to be used in applying for and issuing or denying certificates of appropriateness, and a list of minor works for which the Harnett County Planning Department may issue Certificates of Appropriateness. These rules and procedures are on file in the County Planning Department Office.

## **8.4 Powers & Duties**

The Historic Properties Commission (HPC) is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this Section and the North Carolina General Statutes, including but not limited to the following:

- A. Undertake an inventory of properties of historical, prehistorical, architectural, archaeological, and/or cultural significance.
- B. Recommend to the Board of Commissioners individual buildings, structures, sites, areas, or objects within its zoning jurisdiction to be designated by designation resolution as "historic landmarks," and areas within its zoning jurisdiction to be designated by designation resolution as "historic districts."
- C. Recommend to the Board of Commissioners that designation of any area as a historic district or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause.
- D. Review and act upon proposals for alteration or demolition of designated landmarks and for alteration, demolition, or new construction within historic districts, pursuant to this Section.
- E. Conduct educational programs on historic landmarks and districts within the County.
- F. Cooperate with State, Federal, and local governments in pursuing the purposes of this Section. The Board of Commissioners, or the HPC when authorized by the Board of Commissioners, may contract with the State, or the United States of America, or any agency of either, or with any other organization,

provided the terms are not inconsistent with State or Federal law.

- G. Prepare and recommend the official adoption of a historic preservation element as part of the County's comprehensive plan, at the request of the Board of Commissioners.
- H. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any historic landmarks, land to which historic buildings or structures may be moved, or properties located within historic districts; hold, manage, preserve, restore and improve the interest; and exchange or dispose of the interest by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the HPC, Board of Commissioners, or other County agency shall be acquired in the name of the Harnett County unless otherwise provided by the Board of Commissioners.
- I. Restore, preserve, and operate such historic properties.
- J. Enter, at reasonable times, upon private property designated as a historic landmark, within a historic district or under review for such designation and make examinations or surveys as necessary to the performance of its official duties. The HPC shall make a good faith attempt to notify the property owner(s) or his duly authorized agent prior to entry.
- K. Negotiate at any time with the owner(s) of a building, structure, site, area or object for its acquisition or its preservation, when such action is reasonably necessary and appropriate.

## **SECTION 9.0 PLANNING DIRECTOR & PLANNING DEPARTMENT STAFF**

Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned by the County Manager to one (1) or more individuals. The person(s) to whom these functions are assigned shall be referred to herein as the Administrator. The term "staff" or "Planning Staff" may be used interchangeably with the term Administrator.

### **9.1 Director of Planning Services**

*Reserved*

### **9.2 Administrator**

The Administrator shall have the authority to administer the provisions of this Ordinance, as listed herein.

#### *9.2.1 Zoning Administrator*

The Manager of Planning Services, or his authorized agent, shall be the Zoning Administrator. The Zoning Administrator shall administer and enforce the zoning provisions of this Ordinance.

#### *9.2.2 Subdivision Administrator*

The Manager of Planning Services, or his authorized agent, shall be the Subdivision Administrator. The Subdivision Administrator shall administer and enforce the subdivision provisions of this Ordinance.

#### *9.2.3 Floodplain Administrator*

*Reserved*

#### *9.2.4 Water Supply Watershed Administrator*

The Harnett County Board of County Commissioners shall appoint a Watershed

Administrator, who shall be duly sworn in, herein referred to as “Watershed Administrator” or “Administrator.” It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:

- A. The Watershed Administrator shall issue, or cause to be issued, Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.
- B. The Watershed Administrator or his designee shall serve as clerk to the Watershed Review Board.
- C. The Watershed Administrator shall keep records of the County’s utilization of the provision that a maximum of 10 percent (10%) of the non-critical area of WS III-BW watersheds may be developed with nonresidential development to a maximum of 70 percent (70%) built-upon surface area. Records for each watershed shall include:
  1. The total acres of non-critical watershed area;
  2. Total acres eligible to be developed under this option;
  3. Total acres approved for this development option; and
  4. Individual records for each project with the following information:
    - a. Location;
    - b. Acres of site plan;
    - c. Use;
    - d. Stormwater management plan as applicable; and
    - e. Inventory of hazardous materials as applicable
- D. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of Harnett County. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.
- E. A description of all projects receiving a variance and the reason for granting the variance shall be submitted to the Environmental Management Commission on January 1, of each year.

#### *9.2.5 Communication Tower Regulations Review*

The County may, through contract, secure the professional services of telecommunications consultants to assist County staff in the implementation of the communication tower regulations of this Ordinance. Such professional, services include, but are not limited to:

- A. Review and evaluation of permit applications;
- B. Determination of compliance with existing and proposed Federal regulations;
- C. Minimization of the aesthetic impact;
- D. Review of the technical data; and/or
- E. Expert testimony, as needed.

#### *9.2.6 Enforcement Officer*

The Manager of Planning Services, or his authorized agent, shall be the Enforcement Officer, herein referred to as “Enforcement Officer,” “Administrator,” or “Zoning

Inspector”, . The Enforcement Officer shall administer and enforce the provisions of this Ordinance.

### **9.3 Powers & Duties**

The Administrator shall have the following powers and duties, in addition to those items included in this Section:

- A. Administration of the provisions of this Ordinance
- B. Set forth procedure deemed necessary and appropriate to ensure this Ordinance is properly administered and enforced
- C. Administrative Review of Alternative Buffer & Screening Plan
- D. Administrative Review of Alternative Prime Views & Open Vistas
- E. Administrative Variances

## **SECTION 10.0 OTHER DEPARTMENTS**

Harnett County, within its jurisdictional authority, shall serve as the review and approval body for additional ordinance, regulation, and policy relating to the Departments listed herein. In no case shall inclusion of or reference to those ordinances or policies within this Section be construed to intended that the Harnett County Planning Department be responsible for administration or enforcement of such.

### **10.1 Register of Deeds**

The Planning Board of Harnett County shall file a copy of this Ordinance with the Register of Deeds of Harnett County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the applicable territorial jurisdiction of Harnett County without the approval of the DRB and the County Commissioners, as required in this Ordinance. The filing or recording of a plat of a subdivision, without the approval of the DRB and the County Commissioners as required by this Ordinance, shall be null and void. The Clerk of Superior Court of Harnett County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

### **10.2 Review Officer**

#### *10.2.1 Review Officer Appointment*

Pursuant to GS 47-30.2, an appointed Harnett County Review Officer, shall review each map or plat required to be submitted for review prior to being submitted to the Register of Deeds Office for recording.

#### *10.2.2 Review Officer Location*

The Review Officer is located in the GIS Department.

### **10.3 Fire Code Official**

*Reserved*

### **10.4 E-911 Addressing**

The GIS Department shall be responsible for enforcement of Article VI “General Development Standards,” Section “Addressing” of this Ordinance.

**10.5 County Engineer**

*Reserved*

**10.6 Public Health**

*Reserved*

**10.7 Public Utilities**

*Reserved*

**SECTION 11.0 COURTS**

All matters of the Courts shall be in accordance with local and State regulations.

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## **ARTICLE XII. AMENDMENTS, HEARING PROCEDURES, APPEALS, & VARIANCES**

### **SECTION 1.0 RESERVED**

*Reserved*

### **SECTION 2.0 AMENDMENTS**

#### **2.1 General Procedures**

The Harnett County Board of Commissioners may amend, supplement, or change the text regulations and zoning district lines according to the following procedures:

Upon the filing of an application for a zoning change a stay shall go into effect for properties specified within said application, whereby the Harnett County Planning Department, Harnett County Environment Health Department, Harnett County Public Utilities Department, and Harnett County Inspections Department shall not accept applications for permits, requests for approval of minor subdivisions, preliminary plats for major subdivisions, and manufactured home parks within the proposed zoning area. This stay shall exist for 120 days from the date the application or petition is filed with the Harnett County Planning Department or until the petition is approved or disapproved by the Harnett County Board of Commissioners, whichever first occurs. However, those applications for permits, minor subdivision approvals, and preliminary plat approvals meeting all provisions of the proposed zoning district, and not in conflict with the current zoning, will be accepted and processed provided approval has been granted or recommended by the Administrator or his designee.

##### *2.1.1 Action by the Applicant*

The following actions shall be taken by the applicant:

##### A. Initiation of Amendments

1. Proposed changes or amendments to the Official Zoning Map may be initiated by the County Board of Commissioners, Planning Board, Board of Adjustment, Planning Department, or by the owner(s), or his agent, of property within the area proposed to be changed. Property not owned by the applicant(s) may be included as part of a proposed amendment to the Official Zoning Map. Applications by the owner(s) or his agent for changes or amendments to the Official Zoning Map may be submitted no more than once within a 12 month period for each individual parcel of property. This waiting period shall not apply to zoning map amendment requests initiated by the County Board of Commissioners, Planning Board, Board of Adjustment, or Planning Department.
2. Proposed amendments to the text of the Ordinance may be initiated by any interested party.

##### B. Application

1. An application shall be filed in the Planning Department Office, according to the filing schedule, for any proposed map change or text amendment. This application shall cite the area on the existing map or the portion of the existing Ordinance for which the change is requested.
2. The County Board of Commissioners shall set a fee, payable to Harnett County, North Carolina, to cover the necessary administrative costs and advertising of each proposed amendment or map change application. The set fee shall be posted in the County's Planning Department Office. The Planning Department, Planning Board, Board of Adjustment, and Board of County Commissioners shall be exempted from this fee.

### *2.1.2 Action by Planning Department Staff*

Planning Staff shall, upon receipt of an application for amendment, review such application for completion. Incomplete applications may be returned to the applicant(s) and/or delayed in review by applicable Boards due to insufficiencies. Upon receipt of a completed application, Planning Staff will review and compare to best available information and data used to evaluate appropriateness of amendment requests. Planning Staff will then make a recommendation on the amendment request, included as part of a staff report, which will be presented to the applicable Boards.

### *2.1.3 Action by the Planning Board*

The Planning Board shall consider and make recommendations to the County Board of Commissioners concerning each proposed text change or zoning district change. The following policy guidelines shall be followed by the Planning Board concerning text change or zoning district change and no proposed zoning district change will receive favorable recommendation unless the intent of the following statements are met.

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accordance with the comprehensive plan and sound planning principles.

In cases where a zoning district change request is recommended for approval by the Planning Board but does not correspond with the adopted Land Use Plan, the Planning Board shall further recommend that the Land Use Plan be amended as appropriate. See Subsection "Land Use Plan Amendments" of this Section, below, for additional information.

### *2.1.4 Action by the Board of County Commissioners*

The County Board of Commissioners may from time to time as they see fit, amend any provisions of this Ordinance according to the following procedure:

- A. Notice of Public Hearing
  - 1. No amendment or map change shall be adopted by the County Board of Commissioners until and after public notice and hearing. Such notice and hearing shall be as provided in NC Statute 160D-601 and 160D-601 as each may exist from time to time.
  - 2. Before taking such lawful action as it may deem advisable, the County Board of Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment or map change. If no recommendation is received from the Planning

Board within 30 days after public hearing by the County Board of Commissioners, the proposed amendment shall be deemed to have been approved by the Planning Board.

B. **Statement of Consistency**

As required, whenever the County Board of Commissioners makes a decision to adopt or reject an amendment, the Board shall approve a written statement describing whether the action is consistent with adopted plan(s). For purposes of this Ordinance, the required written statement shall be considered the staff report, unless otherwise specifically stated in the decision motion by the Board.

## **2.2 Zoning Map & Text Amendments**

Zoning map and text amendments shall follow the procedures outlined above.

## **2.3 Amendments to Historic Preservation Regulations**

No amendment shall receive recommendation from the Harnett County Planning Board unless the Historic Properties Commission has first been given the opportunity to make a recommendation on an application for any text, district, or designation change regulated by Article “Historic Preservation” of this Ordinance.

## **2.4 Amendments to Airport Height Control Regulations**

No amendment shall receive favorable recommendation unless the application for any text or map change located within the boundary created by the airport control regulations shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no amendment shall receive recommendation from the Harnett County Planning Board unless the Airport Committee has first been given the opportunity to make a recommendation on an application for any change regulated by Article “Airport Height Control” of this Ordinance.

## **2.5 Amendments to Water Supply Watershed Regulations**

The NC DENR will be informed of all amendments to this Section that represent major changes in land use regulations related to all water supply watersheds located in the jurisdiction of Harnett County.

## **2.6 Land Use Plan Amendments**

### *2.6.1 General Land Use Plan Amendments*

Amendments to the Land Use Plan shall be considered for approval following the same procedure for for filing a text amendment of this Ordinance, as outlined herein. For the purposes of this Ordinance, an amendment to the Land Use Plan shall be considered as such in regards to advertising, public hearings, and all other similar requirements. These amendments shall be considered twice a year with at least a two month staff review time period after an application has been received. Specific dates shall be published by Development Services at the beginning of the calendar year.

### *2.6.2 Land Use Plan Amendments Made in Conjunction with Zoning Map/Change Amendments*

Where a proposed zoning change petition conflicts with the Land Use Plan, the Planning Staff may also request a Land Use Plan amendment, to be considered simultaneously with

the zoning district change request, as outlined herein.

- A. In such a case, the Planning Board and County Board of Commissioners shall consider the plan amendment proposal and the zoning change petition separately, and shall vote separately on the two (2) items (though the votes may occur simultaneously).
- B. The Planning Board shall submit its report and recommendation regarding the Land Use Plan amendment to Board of Commissioners at the same time it submits its report and recommendation regarding the zoning change petition.
- C. For the purposes of this Section, Land Use Plan amendments will automatically be advertised in conjunction with the zoning district change request.

### **SECTION 3.0 HEARING & MEETING PROCEDURES**

#### **3.1 Evidentiary Hearing (Quasi-judicial) Procedures (Special Use Permit)**

##### *3.1.1 Evidentiary Hearing Notification Procedures*

The Chairman of the Board of Adjustment shall schedule an evidentiary hearing on the application for a Special Use permit to be held within 60 days after the application is filed.

##### A. Mailed Notice

Those property owners directly affected by a request heard as an evidentiary hearing shall be notified of the request and hearing by individual mailed notice. This notice shall be provided to all adjoining property owners. The property owners shall be determined using best available County tax records. Planning Department staff shall maintain a record of those property owners notified, a copy of the mailing itself, and the date on which the mailing was done. This notice shall be sent via first class mail, made at least 10 days but not more than 25 days prior to the evidentiary hearing, and shall include information regarding the proposed request, and the time and place of the hearing.

##### B. Posted Notice

A notice of the evidentiary hearing shall be posted on the affected site. The County shall determine an appropriate time and number of postings, so long as the posting provides reasonable notice to interested parties.

##### *3.1.2 Reserved*

##### *3.1.3 Action by the Board of Adjustment*

The Board of Adjustment shall approve, modify, or deny the application for Special Use permit following the evidentiary hearing. In granting a Special Use permit, the Board of Adjustment shall make written findings that the applicable regulations of the district in which it is located are fulfilled.

##### A. Findings of Fact

With due regard to the nature and state of all adjacent structures and uses, the district within which it is located, and official plans for future development, the Board of Adjustment shall also make required written findings of fact that the following provisions are fulfilled.

1. The requested use will not materially endanger the public health and safety;
2. The requested use meets, or will meet, all required conditions and specifications;
3. The requested use will not substantially injure the value of adjoining property, or, alternatively, the requested use is or will be a public necessity;

4. The requested use is in harmony with the surrounding area and compatible with the surrounding neighborhood; and
5. The requested use is in general conformance with the Harnett County Unified Development Ordinance (UDO), Land Use Plan, and other relevant adopted plans.

#### *3.1.4 Conditions of Approval*

The Board of Adjustment applies existing regulations of this Ordinance and does not have unlimited discretion to apply conditions on approval for a Special Use application unless those conditions are reasonable and specifically address one (1) or more of the required findings of fact. Special Use permit hearings are not the appropriate place to make policy; rather the Board is applying previously set policies to an individual case. The conditions can be general (for example, the activity shall not have a significant adverse effect on neighboring property values and the activity be compatible with the surrounding neighborhood), specific (for example, the use shall be located on a lot of at least 40,000 square feet), or a combination of general and specific standards.

Conditions placed upon a Special Use permit may include but are not limited to the following:

- A. Such conditions may include a time limitation.
- B. Conditions may be imposed which require that one (1) or more things be done before the use requested can be initiated. For example, “A solid board fence shall be erected around the site to a height of six (6) feet before the use requested is initiated.”
- C. Conditions of a continuing nature may be imposed. For example, “Exterior loud speakers shall not be used between the hours of 10:00 PM and 8:00 AM.”

#### *3.1.5 Abandonment of a Special Use Permit*

The Board of Adjustment shall have the authority to approve the abandonment of a Special Use permit at the written and signed request of the permit holder if it determines that:

- A. No construction or activity authorized by the Special Use permit has been started and the starting time limit has not yet expired; or
- B. The development or use authorized by the Special Use permit no longer requires a Special Use permit, and all conditions of the approval have been satisfied.

#### *3.1.6 Revocation of a Special Use Permit*

A Special Use permit may be revoked by the Board of Adjustment if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the Board of Adjustment.

- A. Before a Special Use permit may be revoked, all of the notice and hearing procedures of the Ordinance shall be complied with. The notice shall inform the permit holder of the alleged grounds for the revocation.
- B. The burden of presenting evidence sufficient to authorize the Board of Adjustment to conclude that a Special Use permit should be revoked for any reason shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
- C. A motion to revoke a Special Use permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

## **3.2 Public Meeting Procedures**

### *3.2.1 Public Meeting Notification Procedures*

Notification to the public for public meetings may be made via one (1) or more of the following methods.

- A. Notice of the public meeting shall be posted on the property.
- B. The public meeting shall be open to the public and all interested persons shall be given the opportunity to present evidence and arguments and to ask questions of persons who testify.

### *3.2.2 Public Hearing Notification Procedures*

Zoning amendments, both text and map amendments, shall be considered for approval only after a properly advertised public hearing is held, in compliance with the North Carolina General Statutes. Those procedures are outlined herein.

#### A. Published Notice

Notice of the public hearing shall be published in at least two (2) newspaper advertisements, in a publication of general circulation in the area affected. The first of the two (2) notices shall be published at least 10 days, but not more than 25 days, prior to the hearing. The second notice shall appear in a separate calendar week.

#### B. Mailed Notice

Those property owners directly affected by a zoning map amendment shall be notified of the request and hearing by individual mailed notice. This notice shall be provided to all adjoining property owners, as well as to the owners of the property to be rezoned. The property owners shall be determined using best available County tax records. Planning Department staff shall maintain a record of those property owners notified, a copy of the mailing itself, and the date on which the mailing was done. This notice shall be sent via first class mail, made at least 10 days but not more than 25 days prior to the public hearing, and shall include information regarding the proposed zoning change, and the time and place of the hearing.

#### C. Posted Notice

A notice of the public hearing for a zoning map amendment shall be posted on the affected site. The County shall determine an appropriate time and number of postings, so long as the posting provides reasonable notice to interested parties.

#### D. Large Scale Zoning Changes

When large scale zoning changes are proposed, those affecting more than 50 parcels with at least 50 different property owners, the County may have the option of providing an expanded published notice instead of individual mailed notices. With this alternative, the County shall run two (2) half-page newspaper advertisements for the hearing, post a notice on the site, and mail notice to those property owners who live outside of the newspaper's circulation area.

#### E. Additional Requirements

The County may establish notice requirements in addition to those required by the General Statutes.

## **SECTION 4.0 APPEALS**

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Administrator. Such questions shall be presented to the Board of Adjustment or Planning Board only on appeal of a decision of the Administrator or Development Review Board and within the time limits prescribed in this Ordinance. Recourse for

appeal of a decision of the Board of Adjustment or Planning Board shall be to the courts as provided by law. Appeals of the Administrator shall be made to the Board of Adjustment, except in cases of appeal of the Subdivision Administrator or Development Review Board, which are appealed to the Planning Board.

An appeal of the Administrator stays all proceedings in furtherance of the action appealed from unless the Administrator certifies to the Board of Adjustment or Planning Board that by reason of facts stated in the record a stay would, in his opinion, cause eminent peril to life and or property. In such a case proceedings shall not be stayed other than by an order from the Harnett County Superior Court.

#### **4.1 Appeal of the Administrator**

Review of a decision of the Administrator shall be made by the Board of Adjustment or Planning Board, in accordance with this Ordinance, upon request of the aggrieved party within 30 days of the date of the decision. A complete application shall be submitted to the County Planning Department Office, including all required information and applicable fees. Reviews by the Board of Adjustment or Planning Board of administrative appeals are quasi-judicial and shall follow the procedural standards for such.

#### **4.2 Appeal of the Development Review Board**

Review of a decision of the Development Review Board shall be made to the Planning Board upon request of the aggrieved party within 30 days of the date of the decision. A complete application shall be submitted to the County Planning Department Office, including all required information and applicable fees. The Planning Board shall conduct a de novo review of the Development Review Board decision.

#### **4.3 Appeal of the Watershed Administrator**

Any order, requirements, decision, or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

- A. An appeal from a decision of the Watershed Administrator shall be submitted to the Watershed Review Board within 30 days from the date the order, interpretation, decision, or determination is made. All appeals shall be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all proceedings in furtherance of the action appealed, unless the Administrator from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application of notice of the Administrator from whom the appeal is taken and upon due cause shown.
- C. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

#### **4.4 Appeal of the Board of Adjustment**

Any interested party may seek review of a decision of the Board of Adjustment in Superior Court in the nature of certiorari. Any appeal to the Superior Court shall be made within 30 calendar days after the decision of the Board of Adjustment has been filed. Such decision shall be filed with the Clerk to the Board of Adjustment in the County Planning Department Office.

## **SECTION 5.0 VARIANCES**

A grant of relief from the requirements of this Ordinance may be requested, following the provisions of this Section, where unusual circumstances specific to the property exist, and where literal enforcement would result in unnecessary and undue hardship; provided however that the need for the variance was not caused by the applicant or property owner. This Section does not provide for use variances or enlargement of existing nonconformities beyond what this Ordinance provides for. Notice of variance requests shall follow “Evidentiary Hearing Notification Procedures” of this Article.

### **5.1 Zoning Variance Procedures**

Zoning regulation variances may be granted in such individual case of unnecessary hardships only upon findings by the Board of Adjustment after a public hearing that the following conditions exist. Additionally, the existence of a nonconforming use on neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variances. Individual variances may be made subject to conditions, as imposed by the Board of Adjustment.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

As per S.L. 2013-126, when unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- A. 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.
- B. 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.
- C. 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.
- D. 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.

### **5.2 Subdivision Variance Procedures**

The Planning Board may vary from the design standards and improvements required by this Ordinance, after finding that the following conditions exist:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures.
- B. Granting the variance requested will not confer upon the subdivider(s) any special privileges that are denied to others.
- C. A literal interpretation of the provisions of this Ordinance would deprive the subdivider(s) of rights commonly enjoyed by others.

- D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- E. The special circumstances are not the result of the actions of the subdivider(s).
- F. The variance requested is the minimum needed.
- G. The burden of producing substantial evidence to support the required findings by the Planning Board is clearly upon the applicant(s). The Planning Board shall deny any request for a variance that is not directly supported by substantial and credible evidence.
- H. Land uses on adjoining property may be considered by the Planning Board during its deliberation. However ownership of any adjoining property by direct lineal descendants or direct lineal ascendants of the applicant(s) or subdivider(s) shall not be considered by the Planning Board.

No variance shall be granted which conflicts with any other local, State, or Federal statutes, Ordinances, or regulations. The subdivider shall submit a written request and justification for any such variance and the Planning Board may attach to the granting of such a variance any conditions necessary to insure that the purpose and intent of this Ordinance is not compromised.

### **5.3 Flood Damage Prevention Variance Procedures**

The following shall regulate application for variances from the flood damage prevention regulations of this Ordinance.

- A. Variances may be applied issued for when:
  - 1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; or
  - 2. Functionally dependant facilities if determined to meet the definition as stated in Section “Natural Resources Definitions & Acronyms” of Article XIV “Definitions & Certifications” of this Ordinance; or
  - 3. Any other type of development, provided it meets the requirements stated in this Section.
- B. In passing of variances, the Appeal Board shall consider all technical evaluations, all standards specified in other parts of this Section, and:
  - 1. The danger that materials may be swept onto other lands to the injury of others;
  - 2. The danger to life and property due to flooding or erosion damage;
  - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4. The importance of the services provided by the proposed facility to the community;
  - 5. The necessity to the facility of a waterfront location as defined under Section “Natural Resources Definitions & Acronyms” of Article XIV “Definitions & Certifications” of this Ordinance as a functionally dependant facility, where applicable;
  - 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - 7. The compatibility of the proposed use with existing and anticipated development;
  - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - 9. The safety access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. A written report addressing each of the above factors shall be submitted with the application for a variance, along with all other variance application requirements of this Ordinance.
- D. Upon consideration of the factors listed above and purposes of this Section, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.
- E. Variances shall not be issued within any designation floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
- F. Conditions for Variances:
1. Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
  2. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  3. Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship; and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced level elevation. Such notification shall be maintained with a record of all variance actions.
  5. Variances shall only be issued prior to development permit approval.
  6. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- G. A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
1. The use serves a critical need in the community;
  2. No feasible location exists for the use outside the Special Flood Hazard Area;
  3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation;
  4. The use complies with all other applicable Federal, State and local laws; and
  5. Harnett County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

## 5.4 Water Supply Watershed Variance Procedures

- A. Applications for a variance shall be made on the proper application, obtainable from the Watershed Administrator and shall include the following information:
1. A site plan, drawn to a scale of at least one (1) inch to 40 feet, indicating:
    - a. The property lines of the parcel upon which the use is proposed;
    - b. Any existing or proposed structures;
    - c. Parking areas and other built-upon areas;
    - d. Surface water drainage;
    - e. North point;
    - f. Name and address of person who prepared the plan;
    - g. Date of the original drawing; and
    - h. An accurate record of any later revisions.
  2. A complete and detailed description of the proposed variance together with any other pertinent information which the applicant(s) feels would be helpful to the Watershed Review Board in considering the application.
  3. The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and such other entities using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.
- B. Before the Watershed Review Board may grant a variance, it shall make the following three (3) findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:
1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board shall find that the five following conditions exist:
    - a. If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.
    - b. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardships.
    - c. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
    - d. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after January 1, 1994, and then comes to the Board for relief.
    - e. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

2. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
  3. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in respect impair the public health, safety, or general welfare.
- C. In granting the variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration, or use shall be in accordance with the approved site plan.
- D. The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
- E. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.
- F. If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing. The preliminary record of the hearing shall include:
1. The variance application;
  2. The hearing notices;
  3. The evidence presented;
  4. Motions, offers of proof, objections to evidence, and rulings on them;
  5. Proposed findings and exceptions;
  6. The proposed decision, including all conditions proposed to be added to the permit.
- G. The preliminary record shall be sent to the Environmental Management Commission for its review as follows:
1. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:
    - a. The property owner(s) can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted; and
    - b. The variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
  2. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:
    - a. The property owner(s) can secure a reasonable return from or make a practical use of the property without the variance; or
    - b. The variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed.

The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

### **5.5 Airport Height Control Variance Procedures**

The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Section. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Harnett County Airport through the Planning Department and Airport Administrator, or other designated County department head, for advice as to the aeronautical effects of the variance.

Variances shall be allowed where it is duly found that:

- A. A literal application or enforcement of the regulations will result in unnecessary hardship;
- B. Relief granted, will not be contrary to the public interest,
- C. Relief granted will not create a hazard to air navigation;
- D. Relief granted will do substantial justice; and
- E. Relief granted will be in accordance with the spirit of the Ordinance.

Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Administrator for advice as to the aeronautical effects of the variance. If, however, failure of the Airport Administrator to provide a recommendation within 45 days of his receipt of the variance request shall be considered a recommendation for approval.

### **5.6 Administrative Variance Procedures**

The Administrator shall have the authority to issue an administrative variance for the zoning regulations of this Ordinance following the regulations listed herein:

Encroachments of a principle building into any required yard up to a maximum of ten percent (10%) of the applicable required yard setback provided that:

- A. The request involves only one (1) encroachment into one (1) required yard per lot;
- B. The encroachment is a result of a construction error by the property owner or a person acting on his behalf;
- C. The encroachment cannot be corrected without substantial hardship and expense to the property owner; and
- D. The encroachment, if approved, will not substantially interfere with the convenient and enjoyable use of adjacent properties and will not pose any substantial danger to the public health and safety.

## **SECTION 6.0 JUDICIAL REVIEW**

Judicial review, as provided by the State of North Carolina, shall follow the procedures outlined by the North Carolina General Statutes.

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## **ARTICLE XIII. ENFORCEMENT & PENALTIES**

### **SECTION 1.0 ADMINISTRATION & ENFORCEMENT**

The Manager of Planning Services or his authorized agent shall be the Administrator. The Administrator shall administer and enforce this Ordinance, and shall set forth procedure deemed necessary and appropriate to ensure this Ordinance is properly administered and enforced. If the Administrator or his designee finds that any provisions of the Ordinance are being violated, notification shall be given to the property owner(s) indicating the nature of the violation and ordering corrective action.

#### **1.1 Duty to Investigate**

When the Administrator finds a violation of this Ordinance or receives a complaint alleging a violation of this Ordinance, it shall be his duty to investigate the complaint and determine whether a violation exists.

#### **1.2 Emergency Enforcement**

In cases where delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement of this Ordinance without prior written notice by invoking any of the penalties or remedies herein authorized.

### **SECTION 2.0 AUTHORITY**

Harnett County shall enforce this Ordinance under the authority of North Carolina General Statute 153A-123.

### **SECTION 3.0 VIOLATIONS**

#### **3.1 General**

It shall be unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy, or maintain any use, land development activity, or structure, including but not limited to signs, and buildings, that violates or is inconsistent with any provisions of this Ordinance or any other approval, or authorization issued pursuant to this Ordinance. Approvals and authorizations include, but are not limited to: Special Use permits, sign permits, certificates of compliance, variances, building permits, development plans, site plans, and conditions of such permits, variances, and plans.

#### **3.2 Approval Required**

It shall also be a violation to engage in any construction, land development activity, or use, without all approvals and authorizations required by this Ordinance.

#### **3.3 Separate Offense**

Each day that a violation continues after notification by the Administrator, such violation shall be considered a separate offense for purpose of penalties and remedies specified herein.

### **SECTION 4.0 INSPECTIONS & INVESTIGATIONS**

A program of inspection and investigations to determine compliance with this Ordinance and orders, plans, permits, and authorizations issued under this Ordinance is hereby authorized. This program

shall be conducted and carried out under the general authority of the Manager of Planning Services, or designee. Violations of this Ordinance that are deemed to be in violation of other local, State, or Federal agency regulations may be forwarded to those agencies for further review and action.

#### **4.1 Inspections on Private Property**

Inspections on private property to determine compliance may be made at any reasonable time with consent of the occupant or property owner upon presentation of credentials. Inspections may also be made when an administrative search and inspection warrant has been issued pursuant to NCGS 15-27.2 by a proper judicial official. To obtain a warrant, the Administrator shall show through facts supplied in a sworn affidavit that either:

- A. The inspection is being conducted as part of an administrative plan to inspect all properties of a certain type, and the determination of the properties to inspect was made in accordance with neutral criteria; or
- B. That there is probable cause for believing that a violation may exist.

### **SECTION 5.0 NOTIFICATION**

#### **5.1 General**

The Administrator shall notify the owner(s) of property and/or permittee(s) found to be in violation of this Ordinance in writing by personal delivery, electronic delivery, or first class mail. Notifications may be provided by similar means to the occupant(s) of the property or person(s) undertaking an activity found to be in violation. The notice of violation shall give a description of the violation and its location, the measures necessary to correct it, the possibility of civil penalties and judicial enforcement action, and notice of the right to appeal. The notice shall also state the time period allowed, if any, to correct the violation. Time period for compliance may vary depending on the nature of the violation.

#### **5.2 Posted Notice of Violation**

The Administrator may give notice by way of posting notice of the violation conspicuously on the property. The official providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud. The posting of the notice of violation is considered County property and removal of the posting shall be considered a criminal offense. Once the posting has been made, whether or not the posting has been removed, it shall be treated as official notice of the violation.

### **SECTION 6.0 REMEDIES**

In order to ensure compliance with the provisions stated in this Ordinance, the Administrator may utilize the following remedies to prevent, correct, or abate a violation. In a situation where a development approval is called to be revoked, the Administrator shall follow that same process as utilized for approval.

- A. Order the discontinuance of illegal use of land, buildings, or structures; or
- B. Order removal of illegal motor vehicles, signs, buildings, structures, additions, alterations, or structural changes thereto; or
- C. Order the discontinuance of any illegal work being done; or
- D. Call for denial or withhold approval of any permit provided for in this Ordinance that is sought for the

property on which the violation exists until such time that the violation is remedied; or

- E. Revoke any permit issued in conjunction with this Ordinance (see Article XII “Interpretations, Amendments, Hearing Procedures, Appeals, & Variances” for the procedure for revocation of Special Use permits); or
- F. Revoke any required certificate of zoning compliance due to failure to comply with this Ordinance; and/or
- G. Withhold any permit or certificate of compliance provided for in this Ordinance for a property, or property under development, that is in violation of this Ordinance, or any other State or Federal regulations.

**6.1 Forfeiture & Confiscation of Signs**

Any illegal sign installed or placed on public property or within the public right-of-way shall be subject to forfeiture to the public and confiscated. The County shall retain such illegal signs for a minimum period of seven (7) days at the Planning Department Office. Upon initial violation of this Section, the Planning Department shall make one (1) attempt to notify the property and/or sign owner(s). Notification of the initial violation shall be deemed sufficient and additional notification shall not be required for subsequent violations by the same owner. In addition to other remedies and penalties of this Ordinance, the County has the right to recover from the sign owner, or person who placed the sign, all applicable fees.

**6.2 Conservation Zoning District & Natural Resource Violations**

Any violation of Article X “Natural Resources” and/or Article IV “Zoning & Overlay Districts”, Subsection 6.2 “Conservation” shall be remedied by returning the subject area to the condition(s) prior to the violation.

**SECTION 7.0 COMPLIANCE PERIOD**

A specified time frame shall be given to render compliance to a violation as noted in the notice of violation. A mandatory re-inspection shall take place to evaluate the status of the violation at the end of the compliance period. An extension may be requested by the property owner in writing to the Administrator providing valid evidence as to the reason for failure to comply within the specified time. If compliance is not rendered nor an extension is granted, the Administrator shall proceed with the assessment of penalties as described in Subsection “Penalties” of this Section. Compliance periods shall be in conjunction with the severity of the violation.

**7.1 Compliance Period Table**

The Administrator shall have the ability to amend the specific time period for compliance due to the nature of the violation if considerable work has been done in an attempt to remedy the violation or if such violation is determined to be a potential risk to the public health, safety, and general welfare.

NATURE OF VIOLATION	SPECIFIED COMPLIANCE PERIOD
Junked/Abandoned Vehicles	5 Calendar Days
Abandoned Manufactured Homes	60 Calendar Days
Illegal Signs	0-5 Calendar Days
Manufactured Home Park / Certificate of Zoning Compliance	30 Calendar Days
Landscaping & Plantings	180 Calendar Days
Zoning, Subdivision, & Historic Preservation Regs.	30 Calendar Days

All Other Regulations	30 Calendar Days
Subsequent Violations	0 Calendar Days

**SECTION 8.0 PENALTIES**

The Administrator shall be authorized to use any one (1) or more of the methods described in this Section, or action authorized by law, to insure compliance with or to prevent a violation of the provisions of this Ordinance.

**8.1 Civil Penalties**

Any person who violates any provisions of this Ordinance may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

*8.1.1 Civil Citations*

A civil citation shall be issued to any person(s) failing to take corrective action within the specific compliance period given by the Administrator after receiving written notice from the Harnett County Planning Department. Each day such violation exists after the expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty in the amount of 100 dollars (\$100.00) per day until such violation has reached compliance. Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject themselves to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the Court.

*8.1.2 Citation Content*

A citation issues for a violation of this Ordinance shall, among other things:

- A. State upon its face the amount of the penalty for the specific violation if the penalty is paid within 15 days from and after issuance of the citation;
- B. Notify the offender that a failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the Court;
- C. Further provide that the offender may answer the citation by mailing the citation and the stated penalty to Post Office Box 65, Lillington North Carolina, 27546, or may pay the amount in person at the Harnett County Planning Department Office; and/or
- D. State that a citation following the original notice of violation shall be appealed to the Board of Adjustment.

*8.1.3 Settlement of Civil Claim*

The Harnett County Planning Department is authorized to accept payment in full and final settlement of the claim(s), right or rights of action which the County may have to enforce such penalty by civil action in the nature of debt. Acceptance of a penalty shall be deemed a full and final release of any and all claims, or right of action arising out of contended violations, only if the activities or non-activities which gave rise to the violations are abated or otherwise made lawful.

*8.1.4 Additional Penalty*

A penalty of 25 dollars (\$25.00), in addition to the one imposed for payment within 15 days, shall apply in those cases in which the penalties prescribed in this section have not been paid

within the prescribed 15 days period and in which a civil action shall have been instituted.

## **8.2 Injunction**

Enforcement may also be achieved by injunction. When a violation occurs the County may either before or after the institution of any other authorized action or proceeding, apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant, or in the case of counterclaims the plaintiff, to correct the unlawful condition or cease the unlawful use of the property.

## **8.3 Order of Abatement**

The County may apply for and the court may enter an order of abatement. An order of abatement may direct:

- A. The buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other moveable property be removed;
- B. That improvements or repairs be made; or
- C. That any other action be taken that is necessary to bring property into compliance with this Ordinance.

Whenever the party is cited for contempt by the court and the County executed the order of abatement the County shall have a lien, in the nature of a mechanic's and material man's on the property for the cost of executing the order of abatement.

## **SECTION 9.0 RIGHT OF APPEAL**

Any person aggrieved by the notice of violation has 30 days to appeal the action of the Administrator to the Board of Adjustment. Beyond the decision of the Board of Adjustment, recourse shall be to the courts as provided by law.

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## **ARTICLE XIV. DEFINITIONS & CERTIFICATIONS**

### **SECTION 1.0 GENERAL GUIDELINES**

#### **1.1 Interpretation**

Words and terms used in this document have their commonly accepted, dictionary meaning unless specifically defined or the context in which they are used in this document clearly indicates otherwise. In the construction of this Ordinance, the definitions contained in this Article shall be observed and applied, except when the content clearly indicates otherwise.

#### **1.2 Meaning of Common Words**

In further amplification and for clarity of interpretation of the context, the following shall apply:

- A. All words used in the present tense include future tense.
- B. All words in the plural include the singular, and all words used in the singular include the plural.
- C. All words used in the masculine gender include the feminine gender.
- D. The word “shall” is mandatory and not discretionary.
- E. The word “may” is permissive.
- F. The word “building” includes the words “structure,” and “structure and any part thereof”; and more specifically includes all structures of every kind, regardless of similarity to buildings.
- G. The word “lot” includes the words “plot,” “parcel,” “tract,” “piece”, and “site”.
- H. The word “person” includes the words “association”, “company”, “corporation”, “firm”, “individual”, “organization”, and “partnership”.
- I. The word “County” shall mean the “County of Harnett”, or “Harnett County, North Carolina”, the same being a creature of the General Assembly of the State of North Carolina having the powers bestowed upon it by Chapter 160D of the North Carolina General Statutes.
- J. The words “Board of County Commissioners” or “County Commissioners” shall mean the “Harnett County Board of Commissioners”.
- K. The words “ordinance” and “regulations” shall mean the “Unified Development Ordinance of Harnett County, North Carolina”.
- L. The words “Register of Deeds” shall mean the “recorder of deeds for Harnett County, North Carolina”.
- M. The word “street” includes the words “road”, “highway”, “avenue”, “boulevard”, “place”, “court” and “circle”.
- N. The word “development review board” or “DRB” shall mean the Harnett County Development Review Board.
- O. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

### **SECTION 2.0 GENERAL DEFINITIONS & ACRONYMS**

#### **2.1 General Acronyms**

AMPI	Abandoned Manufactured-home Planning Initiative
BOA	Board of Adjustment

BRAC	Base Realignment and Closure
CAMPO	Capitol Area Metropolitan Planning Organization
CC	County Commissioners
CO	Certificate of Occupancy
COG	Council of Governments
CP	Central Permitting
DENR	Department of Environment and Natural Resources
DRB	Development Review Board
DWQ	Division of Water Quality
FAMPO	Fayetteville Area Metropolitan Planning Organization
HPC	Historic Properties Commission
HUD	US Department of Housing & Urban Development
LUP	Land Use Plan
MOU	Memorandum of Understanding
NCAC	North Carolina Administrative Code
NCDCR	North Carolina Department of Cultural Resources
NCDOT	North Carolina Department of Transportation
NCGS	North Carolina General Statutes
PB	Planning Board
PUD	Planned Unit Development
RLUAC	Regional Land Use Advisory Commission
RPO	Regional Planning Organization
UDO	Unified Development Ordinance
UL	Underwriters Laboratories
USACE	US Army Corps of Engineers
USGS	United States Geological Survey

## **2.2 General Definitions**

### **Access way**

A way of approaching or entering a property across another property to their parcel that has a width of not less than 20 feet that is legally recorded in the Harnett County Register of Deeds. Access way also includes ingress, the right to enter, and egress, and the right to leave.

### **Adjacent**

Having property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a public or private right-of-way or easement. Also known as abutting or adjoining.

### **Agriculture**

The terms “agriculture”, “agricultural”, and “farming” refer to all of the following:

- A. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants;
- B. The planting and production of trees and timber;
- C. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing;
- D. Aquaculture as defined in GS 106-758;
- E. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation; and/or
- F. When performed on the farm, “agriculture”, “agricultural”, and “farming” also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm; and/or
- G. A public or private grain/crop warehouse or warehouse operation where grain or crops are held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain or crops.

### **Agritourism**

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

### **Airport**

A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

### **Alley**

A strip of land, publicly or privately owned, set aside primarily for secondary vehicular service access to the back or side of properties whose principal frontage is abutting a street right-of-way.

### **Apartment**

(See “Multifamily Residential Dwelling”)

### **Applicant**

Any person, whether or not the property owner, who submits any plans for review, or requests any administrative action, for approval under this Ordinance. Also known as petitioner.

### **Athletic Fields, Private**

Privately owned and operated facility that provides outdoor recreational fields for sports including but not limited to: football, baseball, softball, and soccer.

### **Automated Teller Machine (ATM)**

A stand-alone or attached automated device that performs banking financial functions at a location that may be separate from the controlling financial institution.

**Automobile**

A self-propelled, free-moving vehicle, typically with four (4) wheels, usually used to transport passengers and licensed by the appropriate state agency for such purposes.

**Automobile, Abandoned**

A motor vehicle which is left on private property, specifically not located within the public right-of-way, without the consent of the owner(s), occupant, or lessee of the property.

**Automobile, Junked**

A motor vehicle that is:

- A. Partially dismantled or wrecked; or
- B. Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- C. Does not display a current license plate.

**Automobile Repair Facility**

Any building, land area, or other premises, or portion thereof, used for servicing and repair of automobiles, and including as an accessory use, but not limited to: the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**Bar/Tavern**

An establishment in which alcoholic beverages are served as a primary source of income, alcoholic beverages are sold primarily by the drink, and where food or packaged liquors may also be served or sold. As deemed under the Alcoholic Beverage Control law in G.S. 18B-1000.

**Base Flood**

(See “Natural Resources Definitions & Acronyms”)

**Bed & Breakfast Residence**

A business in a private home of not more than eight (8) guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following criteria:

- a. does not serve food or drink to the general public for pay;
- b. serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home;
- c. includes the price of any meals served in the room rate; and
- d. is the permanent residence of the owner or the manager of the business.

**Berm**

A mound of earth with a minimum slope of 3:1 intended for landscaping or buffering purposes.

**Billboard**

(See “Sign, Outdoor Advertising”)

**Ethanol Diesel or Biofuel**

A renewable fuel manufactured from methanol and vegetable oil, animal fats, and recycled cooking fats, that comes in various forms, including B100 and B20.

**Block**

A tract of land, lot, or group of lots typically bounded by street right(s)-of-way.

**Board of Adjustment**

The Harnett County Board of Adjustment. See Article “Administration & Board” of this Ordinance.

**Boarding House**

A private residence where guests are provided meals and lodging, typically for a fee.

**Boarding Stable**

A structure designed for the feeding, housing, and exercising of horses, all of which may not be owned by the owner(s) of the premises, and for which the owner(s) of the premises may receive compensation.

**Bona Fide Farm**

Except as provided in GS 106-743.4 for farms that are subject to a conservation agreement under GS 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in GS 106-581.1. For purposes of this Section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a “Goodness Grows in North Carolina” product that is produced on a farm subject to a conservation agreement under GS 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- A. A farm sales tax exemption certificate issued by the Department of Revenue;
- B. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to GS 105-277.3;
- C. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return;
- D. A forest management plan; or
- E. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

**Buffer Strip**

A strip of land to be used for planting and/or open area, the purpose of which is to provide the minimum required separation of different uses of property or a naturally existing wooded area of sufficient width and density to provide a visual screen.

**Built-Upon Area**

Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel, streets, recreation facilities (e.g. Tennis courts), etc., but not including wooden slatted decks or swimming pools.

**Buffer**

A landscaped area, as required by this Ordinance, or solid fence or wall used to enclose, screen, or separate certain uses, as specified in this Ordinance. The design, composition, height, and location of such facilities shall be approved prior to installation.

**Building**

Any structure used or intended for supporting or sheltering any use or occupancy

**Building, Principal**

A building in which is conducted the principal use of the plot on which it is situated.

**Business Service Establishment**

A facility primarily engaged in rendering services to business establishments on a fee or contract basis, including but not limited to advertising and mailing, building maintenance, employment services, consulting services,

protective services, equipment rental and leasing, commercial research and development, and personal supply services.

**Car Wash**

Any building or premises used for washing motor vehicles, either performed by employees or by vehicle operators, and related accessory uses.

**Carport**

Prefabricated, roofed structure without any foundation, footings, enclosed walls, or sides, providing space for the parking of motor vehicles. When attached to a residential structure, a carport is considered part of the residential structure.

**Cemetery, Commercial Use**

Property used for the interment of the dead, generally with more than 10 burial plots, and intended for commercial purposes.

**Cemetery, Private Use**

Property used for the interment of the dead with 10 or fewer burial plots. Also referred to as a “family burial plot”.

**Certified Local Government (CLG)**

Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation officer as having met the requirements of the natural Historic Preservation Act of 1966 as amended in 1980.

**Childcare Facility**

(See “Daycare Facility”)

**Civic Center**

A building or complex of building that houses government offices and services (or is sanctioned by the government) and that may include cultural, recreational, athletic, convention, and entertainment facilities.

**Civil Penalty**

A monetary penalty assessed by the County for violation of this Ordinance and is treated as a debt owed to Harnett County but is not a fine. Civil penalties are generally imposed by means or in the form of a civil citation.

**Club or Lodge, Private**

A non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such “private club or lodge” are conducted by a board of directors, executive committee, or similar body chosen by the members.

**College or University**

An educational institution authorized by the State to award associate, baccalaureate, or higher degrees. (See “School”)

**Common Areas**

(See “Open Space”)

**Community Center**

A facility used for recreational, social, educational, and cultural activities, either privately or publicly owned.

### **Comprehensive Transportation Plan**

This plan serves to address present and anticipated multi-modal transportation needs within the County, including roadway, bicycle, pedestrian, and transit transportation needs. The plan provides for land reservation for future transportation corridors and helps guide decisions on setbacks and transportation improvements as development occurs today and into the future, and includes recommendations on roadway improvements, and bicycle and pedestrian and other facilities.

### **Conceptual Plan**

Requirement that development applications demonstrate that adequate public facilities be made available at prescribed levels of service concurrent with the impact or occupancy of development units.

### **Conditions**

Requirements to be met prior to subsequent action, typically required as part of approval by a board.

### **Conditional Zoning Districts**

A zoning district that is equivalent to the corresponding conventional zoning district, with additional conditions consented to by the applicant and approved by the Board of Commissioners in accordance with G.S. 160D-703(b) to ensure consistency with adopted plans and to address anticipated development impacts.

### **Construction**

Erection, alteration, excavation, demolition, or similar work on any development authorized by such permits.

### **Continuing Care Retirement Community (CCRC)/Facility**

An age-restricted development that provides a continuum of accommodations and care ranging from independent living to long-term bed care and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and often an entrance fee in excess of one (1) year of monthly fees.

### **Convenience Store**

A retail establishment of up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for on or off-premises consumption, and which may be used for the retail dispensing or sales of vehicular fuels. Convenience business establishments shall not be construed to encompass retail sales not geared toward neighborhood convenience.

### **Covenants**

Private land use controls that are attached to a deed and are not regulated or enforced by Harnett County.

### **Crematorium**

An establishment containing a furnace used for reducing a body to ashes by burning.

### **Critical Area**

(See "Critical Area" definition in "Natural Resources Definitions & Acronyms" Section)

### **Customary Home Occupation**

Any use, whether intended to produce income or not, conducted entirely within a dwelling and carried on by the occupants thereof, whose use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

### **Daycare Facility**

An establishment providing for the care, supervision, and protection of facility clients, by person(s) other than the guardians or full-time custodians of the client(s), or from persons not related to them by birth, marriage, or adoption on a regular basis of at least once per week.

**Daycare Facility, Adult Daycare**

Adult Daycare is a facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24 hour day.

**Daycare Facility, Childcare Facility**

Childcare Facility is a childcare arrangement, not in a residence where, at any one (1) time, there are three (3) or more pre-school-age children or nine (9) or more school-aged children receiving care.

**Daycare Facility, In-Home Childcare**

In-Home Childcare is a child care arrangement located in a residence where, at any one (1) time, there are between three (3) and eight (8) children receiving care.

**Dedication**

The object or the act of an owner(s) offering property or property rights to the public without any considerations being given for the transfer. Since a transfer of property rights is involved, dedications shall be written recordable instruments.

**Development Plan**

(See “Phased Development Plan” and Site Specific Development Plan”)

**Development Review Board**

Herein, the Harnett County Development Review Board. See Article “Administration & Board” of this Ordinance.

**Developer**

The owner(s), or his/her representative, of land proposed to be developed or subdivided. Consent shall be required from the legal owner of the premises.

**Display Area**

The area used for display of merchandise or goods available for purchase from the business located outside of a building. Said use shall be allowable only as an accessory to the primary use of the establishment.

**Distribution Center**

An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials including transshipment by boat, rail, air, or motor vehicle.

**Drainageway**

Any stream, watercourse, channel, ditch or similar physiographic feature draining water from the land.

**Drainage Easement**

A recorded easement that remains undisturbed except as may be necessary to accommodate:

- A. Streets, provided they cross at a horizontal angle at least 60 degrees;
- B. Utilities and their easements; and/or
- C. Greenways, pedestrian paths, and their easements.

Drainage easements are measured perpendicular to the flow of the drainageway banks, except when no drainageway banks exist, in which case, the centerline of the drainage swale is used.

**Dripline**

An imaginary ground line around a tree that defines the limits of the tree canopy.

**Driveway**

An access point that serves for ingress and egress from a public or private right-of-way or easement, most commonly used for vehicles.

### **Dwelling**

A building that contains one or two family dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. (See “Multifamily Residential Development” and “Single Family Dwelling”)

#### **Dwelling, Single Family**

A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

#### **Dwelling Unit**

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

### **E-911 Address**

A physical address assigned by the GIS Department for a structure or parcel of land.

### **Easement**

The right to use another person’s property, but only for a limited and specifically named purpose. The owner generally continues, but not including encroachments at the location of the easement, to make use of such land since he/she has given up only certain, and not all, ownership rights. An easement is typically a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

#### **Easement, Access**

A legally recorded, both by plat and deed, right of approach to physical entrance to a property, by vehicle or other means and specifically not dedicated to NCDOT.

### **Educational Services**

A college, university, or trade school authorized by the State to award degrees. University and college uses and ancillary uses typically associated with a university or college that are customary and subordinate to the primary educational function of that university or college use, including dormitories, stadium, enclosed arenas, auditoriums, and museums. Typical ancillary uses may also include uses with a direct relationship to a university academic use, such as university medical center uses, including teaching hospitals, medical schools, nursing schools, biomedical research facilities, and support space. Limited commercial uses, such as university-related bookstores, childcare facilities, and dining facilities located within other buildings shall be permitted to the extent that they are designed to serve on-campus population of the university and not to attract additional traffic to the campus.

### **Entertainment & Dance Venue**

An establishment that is either public or private in which people gather for dancing and/or listening to recorded or live entertainment and/or music, and which may include the sale and consumption of alcoholic beverages on premises.

### **Entrance**

An access point or driveway that serves for ingress and egress to a site or development. When included as part of a subdivision, each entrance or driveway onto a State right-of-way, whether for an individual property or for the entire development, shall be considered an entrance to the subdivision.

### **Evidentiary Hearing**

The formal hearing required to gather evidence prior to making a quasi-judicial zoning decision. All of the essential elements of a fair trial shall be observed, such as having witnesses under oath and subject to cross-examination, no gathering of evidence outside the hearing, written findings of fact, and substantial, competent,

and material evidence in the record to support the findings. Such meetings are held open to the public, for the purpose of providing and gaining information to and from the public, that may or may not have a bearing on the decision of the Board of Adjustment, and required by the North Carolina General Statutes.

### **Exterior Features**

The architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures.

### **Family Care Home**

A home with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than six (6) resident handicapped persons.

### **Fence**

A barrier constructed of material or a combination of materials, and erected to enclose, screen, or separate areas. Where applicable, such materials shall be limited to: chain link, wrought iron, wood, stucco, brick, stone, and/or vinyl.

### **Financial Institution**

An establishment such as banks, credit agencies, investment companies, brokers of and dealers in securities and commodities, and security and commodity exchanges.

### **Firearm Certification Facility**

A facility designed and utilized to perform instruction in areas associated with the concealment, possession, operation or discharge of a firearm which results in the granting of a level of certification issued by a licensed professional. Such facilities may or may not include a qualifying range for the purpose of illustrating practical skill levels associated with a level of certification.

### **Firing Range**

A specialized facility, either indoor or outdoor, that has been designed or utilized for the purpose of discharging projectiles from various sources such as firearms, archery equipment and other sources capable of propelling an object to impact a target.

### **Flea Markets, Rummage, Secondhand Sales & Activities, Indoor**

Indoor sales area in which typically more than one (1) space is set aside or rented, and is intended for use to sell a variety of articles such as those which are either homemade, hand-crafted, new, used, old, or obsolete.

### **Flea Markets, Rummage, Secondhand Sales & Activities, Outdoor**

Outdoors sales area in which typically more than one (1) space is set aside or rented, and is intended for use to sell a variety of articles such as those which are either homemade, hand-crafted, new, used, old, or obsolete.

### **Freight Handling**

The use of a facility or terminal with the capability of handling a large variety of goods, sometimes involving various forms of transportation and may provide multimodal shipping capabilities, including but not limited to rail to truck transfer.

### **Funeral Home**

A building used for the preparation of the deceased for burial and viewing of the deceased and rituals connected therewith burial or cremation.

### **Government Training Facilities**

Facilities owned and operated by a Federal, State or Local form of government that are designed and utilized for the purpose of training or aiding in the practical skills necessary to perform duties as assigned by a

governmental body or agency. Such agencies may include police, fire, rescue or other forms of public service and protection.

**Graveyard**

(See “Cemetery”)

**Grocery Store**

A retail establishment primarily selling food as well as other convenience and household goods.

**Group Care Facility**

An establishment qualified for a license by the State of North Carolina for a the provision of resident services of two (2) or more individuals of whom one (1) or more are unrelated, and who are either handicapped, aged, disabled, or who are runaway, disturbed, or emotionally deprived children, and who are undergoing rehabilitation or extended care, and who are provided services to meet their needs. For the purposed of this definition included in this are “group homes” for all ages, half-way houses, boarding homes for children, and convalescent homes.

**Gunsmithing**

The act of performing repairs, modifications, design or assembly of a firearm.

**Habitable**

A space in a building for living purposes, which includes working, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces and similar areas are not considered habitable space.

**Health & Training Center (Indoor & Outdoor)**

An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, massage rooms, and lockers. Health & training centers may also include facilities to assess individual’s nutritional and fitness levels, instructs them on the proper way to perform exercises, conducts individual and/or small group training at designated times, and advises individuals on their dietary needs. Such establishments are usually open only to members and their guests.

**Health Care Service**

An establishment providing support to hospitals and medical professionals and their patients, such as medical and dental clinics and laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

**Homeless Shelter**

A facility providing temporary housing to indigent, needy, or homeless persons.

**Homeowners Association (Property Owners Association)**

Legal entities that are responsible for the maintenance and control of common areas, and may include regulations within the development, shall be established in such a manner that:

- A. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied; and
- B. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities; and
- C. The association or similar legal entity has the power to compel contributions from property owners within the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

**Hospital**

One (1) or more buildings or structures located on the same lot or campus, primarily devoted to the rendering of health, medical, and nursing care to persons on an in-patient basis, and which provide facilities and services

of a scope and type customarily provided by hospitals, including facilities for intensive care, self-care, out-patient facilities, clinical, pathological and other laboratories, laundries, training facilities for nurses, interns, physicians and other staff members, food preparation and food service facilities, administration buildings, administrative facilities, medical office facilities owned and operated by the hospital for physicians who are members of the hospital medical staff, and other general hospital facilities.

### **Hotel/Motel**

An establishment which is open to transient guests, as distinguished from a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

### **Impact Fee**

A fee imposed on new development by Harnett County pursuant to this Ordinance in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of other required improvements.

### **Impervious Surface**

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

### **Incompatible Use**

A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

### **Industrial Park**

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

### **Junk**

Scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, or other scrap ferrous or nonferrous material and dismantled or used white goods or parts thereof.

### **Junkyard**

An establishment or place of business, or portion of a property, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard. Any lot containing more than three (3) unregistered and non-functional vehicles shall constitute a junkyard for the purposes of this Ordinance.

#### **Junkyard, Nonconforming**

An establishment or place of business, or portion of a property, fitting the definition of a "Junkyard", where the use for which was established prior to zoning in the same location. Nonconforming junkyards are typically identified as such using best available information to determine the intensity of the junkyard itself at the current time as well as at the time of adoption of zoning at the location.

### **Kenel**

An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation for purposes not primarily related to medical care.

**Kennel, Private Accessory**

An establishment in which dogs or domesticated animals are housed, groomed, bred, or trained, typically for personal use, not related to the primary use of the property, and where such animals are not primarily held for the purposes of sale or other profit.

**Land Clearing & Inert Debris (LCID) Landfill**

A lot, parcel, area, or facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood and yard trash by burying and covering with soil. This definition does not include the placing of any Land Clearing or Inert Debris on a lot, plot, or parcel that was generated on, or came from the property on which it was placed, by the owner of the property. (see Land Clearing Waste and Yard Trash)

**Land Clearing Waste**

Solid waste that is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.

**Landowner**

Any owner(s) of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner.

**Learning Center**

A facility used for educational purposes, including tutoring and administration of standardized testing, that occurs entirely indoors.

**Live/Work Development**

A building or group of buildings containing two (2) or more distinct uses, with each building including a combination of residential and office, financial, and/or retail uses.

**Lot**

A parcel of land occupied or to be occupied by a main building, or group of main buildings, and any accessory buildings, together with such yards, open spaces, lot width, and lot area as are required by this Ordinance.

**Lot, Corner**

A lot abutting two (2) or more public or private right(s)-of-way or easement(s) at the intersection of such.

**Lot, Double Frontage**

A contiguous (through) lot that is accessible from both streets upon which it fronts. Also known as “through lot,” and “reverse frontage lot.”

**Lot, Flag**

A lot that, in its shape, resembles a flag on a pole where the “flag” part is the main body of the lot and the “pole” part is the narrow portion of the lot that provides access from the street or easement .

**Lot, Interior**

A lot other than a corner lot with frontage on only one (1) street.

**Lot, Single-Tier**

A lot that backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

**Lot Area**

The total horizontal area included within lot lines.

**Lot Area (useable)**

Lot area suitable for septic fields. The area within the lot lines that is a contiguous area suitable for a septic field, well, house, and access. This area does not include areas such as: public right(s)-of-way, land on the opposite side of a public right-of-way from the location of the house site, or land within the flood hazard area.

**Lot Boundary Line**

A line that divides one (1) lot from another or from a right-of-way or easement.

**Lot Depth**

The average horizontal distance between front and rear lot lines.

**Lot Frontage**

The side of a lot abutting on a street or easement. Also referred to as the front lot line.

**Lot Improvement**

Physical changes made to raw land and structures on or under the land surface in order to make the land more useable for human activity. Typical improvements in these regulations include, but shall not be limited to: grading, street pavement, drainage ditches, and street name signs.

**Lot of Record**

A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Harnett County Register of Deeds, or, prior to April 4, 1977, a lot described by metes and bounds, and description of which has been recorded in the Office of the Harnett County Register of Deeds by the owner or predecessor in title thereto.

**Lot Width**

The average horizontal distance between the side property lines.

**Manufactured Home**

A home that:

- A. Consists of a single unit completely assembled at the factory or of two (double-wide) or three (triple-wide) principal components totally assembled at the factory and joined together at the site;
- B. Is designed so that the total structure (or in the case of double-wide or triple-wide, each component thereof) can be transported on its own chassis;
- C. Is over 32 feet long and over 8 feet wide;
- D. Is designed to be used as a dwelling and provides complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation;
- E. Is actually being used, or is held ready to use, as a dwelling; and
- F. Meets or exceeds the construction standards adopted by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

**Manufactured Home, Abandoned**

An abandoned manufactured home or mobile classroom that is:

- A. Not being occupied as a dwelling and does not provide complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation or a manufactured home that has not received the proper permits to be located within the County's jurisdiction; or
- B. A structure which is a manufactured/mobile home which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous condition constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities; or

- C. Any structure, which is manufactured/mobile home that was designed and intended for residential or other uses, which has been vacant or not in active use, regardless of purpose or reason, for the past two (2) year period, and has been deemed a nuisance due to public safety or public appearance by the Harnett County Planning Department or Harnett County Department of Public Health.

**Manufactured Home Lot**

A manufactured home lot is a piece of land within a manufactured home park whose boundaries are delineated in accordance with the requirements of the Ordinance, and that is designed and improved in accordance with the requirements of the Ordinance to accommodate a single manufactured home.

**Manufactured Home Park**

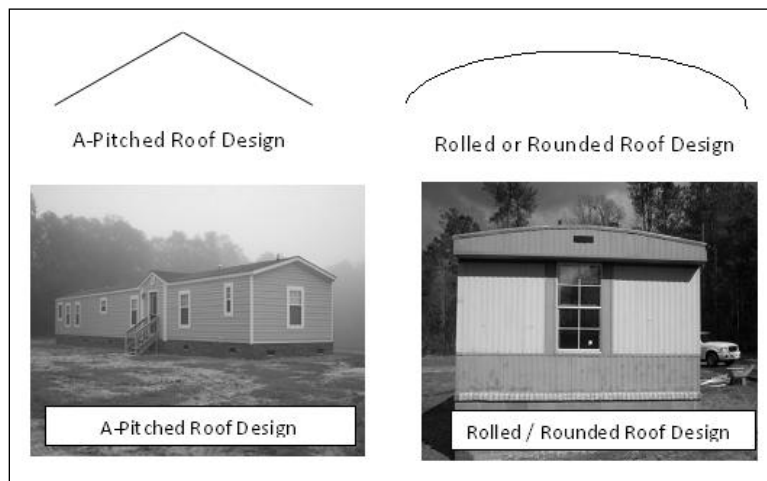
A manufactured home park is a parcel of land, adjoining parcels of land, or a group of lots within 500 feet of each other in single/same ownership designed to provide three (3) or more manufactured homes or spaces, or any combination of homes and spaces. One (1) lot, solely established for the primary residence of the park owner(s) may be established on a parcel adjacent to a permitted manufactured home park.

**Manufactured Home, A-Pitched Roof**

A roof that is designed to have a ridge or peak at the center of the structure and where the primary roof structure is generally made up of two (2) angled pieces which meet in the middle forming a degree of slope or pitch to the roof. See example below.

**Manufactured Home, Rounded or Rolled Roof**

A roof that is designed to cover a structure without the presence of a ridge or peak and are generally covered by materials that are connected in a vertical manner and do not intersect at the center of the structure. See example below.



**Manufactured Home Space**  
(See “Manufactured Home Lot”)

**Manufacturing, General**

The use of an establishment in the mechanical or chemical transformation of materials or substances into new products, in the course of any trade or business other than agriculture, such as creation of products, assembly and blending of materials, manufacturing of large items, and processing. Such establishments may include hazardous operations and the use of combustible materials. Materials utilized in such establishments include, but are not limited to oils, plastics, resins, or liquors.

**Manufacturing, Light**

The use of an establishment in assembly, processing, packaging, or finishing activities, in the course of any trade or business other than agriculture, that that are carried on without an unreasonable detrimental effect of noise, vibration, smell, fumes, smoke, ash, or dust onto the surrounding community. This is intended to function as a transitional use between the more intense general manufacturing and industrial uses and other less intense uses. Uses related to research and development, including laboratories and other facilities for basic or applied research and development, pilot plants, prototype production facilities, manufacturing uses with a high degree of scientific input, and facilities for organizations or associations that promote research. This includes the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.

### **Massage & Bodywork Therapist**

A person who holds a valid license issued by the North Carolina Board of Massage and Bodywork Therapy to engage in the practice of massage and bodywork therapy

### **Massage & Bodywork Therapy Practice, Licensed**

The application of massage and bodywork therapy to any person for a fee or other consideration. “Practice of massage and bodywork therapy” does not include the diagnosis of illness or disease, medical procedures, chiropractic adjustment procedures, electrical stimulation, ultrasound, prescription of medicines, or the use of modalities for which a license to practice medicine, chiropractic, nursing, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

### **Massage & Bodywork Therapy Practice, Unlicensed**

A place of business where a massage is offered for a salary or fee, and which is not licensed by the North Carolina Board of Massage and Bodywork Therapy.

### **Mausoleum**

(See “Cemetery”)

### **Mining**

The extraction of minerals, including solids, liquids, and gases and/or the excavating and removing material from the surface and/or subsurface.

### **Minor Works**

Those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or district as a whole. Used in reference to historic properties and districts.

### **Modular Unit**

A manufactured building designed to be used for nonresidential purposes, which has been constructed and labeled indicating compliance with the North Carolina State Building Code. This should include modular class rooms, construction offices, and the like.

### **Modular Home**

A manufactured building designed to be used as a single family dwelling unit which has been constructed and labeled indicating compliance with the North Carolina State Building Code for residential structures.

### **Monuments**

Markers placed on or in the land to identify property corners and other notable features. Metal pins not less than three-fourth (3/4) inches in diameter and 18 inches long or concrete monuments four (4) inches in diameter or square and three (3) feet long.

### **Mortuary**

A place for the storage of human bodies prior to autopsy, burial, or release to survivors.

**Motel**

An establishment which is open to transient guests, as distinguished from a boarding, rooming, or lodging house.

**Motor Home**

(See “Recreational Vehicle”)

**Motor Vehicle**

Includes any machine designed or intended to travel over land or water by self-propulsion or while attached to self-propelled vehicle.

**Multifamily Residential Development**

A building or development containing two (2) or more dwelling units, including units that are located over one (1) another in one (1) or more buildings on the same lot, or attached or detached units on separate lots at densities permitted by this Ordinance.

**Multifamily, Condominium Development**

A building or group of buildings in which dwelling units are owned individually and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis and meets the requirements of the NC Unit Ownership Act as specified in GS 47A-1 et seq.

**Multifamily, Duplex Development**

Is a development consisting of more than one (1) duplex, as defined herein, created as a single project.

**Multifamily, Townhome**

An attached single family dwelling on a fee-simple lot meeting the minimum front and rear yard setback requirements, fronting on a dedicated street, and sharing a common side(s) with adjoining units within a townhome complex.

**Multifamily, Two-Family Dwelling (Duplex)**

Is a residential use consisting of two (2) dwelling units within a single building on a single lot. Also commonly referred to as a “two-family dwelling.”

**Neo-Traditional Design**

An approach to land use planning and urban design that promotes the building of pedestrian friendly neighborhoods with a mix of uses, housing types and costs, lot sizes and density, architectural variety, a central meeting place , and defined development edges.

**Nonconforming Lot of Record**

A lot described by a plat or a deed that was recorded prior to adoption of zoning at the location of the lot and does not meet the minimum lot size or other development requirements of this Ordinance.

**Nonconforming Sign**

Any sign that does not meet the requirements of this Ordinance.

**Nonconforming Structure**

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption of zoning at the location of the lot and does not meet the requirements of this Ordinance.

**Nonconforming Use**

A legal use of a building and/or land that began prior to adoption of zoning at the location of the lot and does not conform to the regulations of this Ordinance.

### **Nursery**

The agricultural production or growth, storage, and sales of garden plants, flowers, trees, shrubs, and similar products that are grown on site, as well as the sale of fertilizer, mulch, and other related materials, garden tools, and similar accessory and ancillary products, to the general public. Said use shall not include those nurseries that are classified as a 'Bona Fide Farm', as defined herein.

### **Nursery, Retail**

The storage and sale of garden plants, flowers, trees, shrubs, and similar products that are not grown on site; as well as the sale of fertilizer, mulch, and other related materials, garden tools, and similar accessory and ancillary products, to the general public.

### **Nursing Home**

(See "Continuing Care Retirement Facility (CCRC)")

### **Office**

A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

### **Open Space**

An area of land or water designed and intended for public or private use. Said area is typically left in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities.

#### **Open space, Common**

Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

#### **Open Space, Greenway**

A linear park network left in its natural state except for the introduction of trails used by pedestrians and bicyclists.

#### **Open Space, Improved**

A type of open space wherein the land is not left in its natural state, but is developed, to varying degrees, for the enhanced enjoyment of the community, including but not limited to: golf courses, swimming pools, miniparks, and sheltered picnic areas.

#### **Open Space, Minipark**

A type of open space, typically between 2,000 and 30,000 square feet in size, intended to serve the immediate surrounding neighborhood within a development, including but not limited to: tennis courts, tot lots, and clubhouses.

#### **Open, Space Preserve**

Open space that preserves or protects endangered species, critical environmental features, viewsheds, or other natural elements including but not limited to nature, wildlife, and forests, and is specifically intended for preservation of native species.

#### **Open Space, Recreation Area**

An area of land and/or water resources that is developed for active recreation pursuits with various man-made features that accommodate such activities. Also referred to as 'Park'.

#### **Open Space, Recreational**

A type of improved open space whereby organized activities requiring equipment, often performed with others (including but not limited to basketball courts, swimming facilities, and tennis courts) are commenced.

**Open Space, Unimproved**

An area of land and/or water that is set aside for permanent preservation and left in its natural, undeveloped state.

**Open Space, Usable**

Any area that:

- A. Is not encumbered with any substantial structure;
- B. Is not devoted to use as a roadway, parking area (paved or peripheral), or sidewalk;
- C. Is left in its natural or undisturbed state, if such a state is compatible with use of the area or property planted and landscaped; (Facilities for the pursuit of passive types of recreation, such as picnic tables, are permissible.)
- D. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and
- E. Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.

**Outdoor Entertainment Venue**

A location where the primary purpose is for the display, presentation or performance of musicals, concerts, or other live stage entertainment

**Outdoor Storage**

The keeping of any inventory, goods, material, or merchandise, including raw, semi-finished, and finished materials for any period of time, and as an accessory to the primary use of the establishment, typically retail. Storage related to a residential use, required vehicular parking areas, nurseries, and the display of automobiles or other vehicles shall not be considered such.

**Pave**

To cover with concrete, asphalt, brick, stone slabs, or blocks (such as cobblestones), or other manufactured products (such as concrete blocks) having the characteristics of concrete, asphalt, brick, or stone.

**Pavement**

A created surface, typically asphalt but also concrete, brick, or stone, placed on the land to facilitate ingress and egress.

**Person**

Any individual or group of individuals, or any corporation, general, or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

**Personal Service Establishment**

A facility primarily engaged in providing services involving the care of a person or personal goods or apparel, including but not limited to a laundry mat, beautician, plumber, carpenter, electrician, or other trade establishment.

**Pervious Surface**

Any material that permits full or partial absorption of stormwater into previously unimproved land, or as otherwise determined by the State.

**Phase**

Sections of development on an approved site-specific plan, including detailed information pertaining to both the overall site and proposed division within the development, typically for a subdivision or planned unit development, as identified on such approved plan. For purposes of this Ordinance, the words 'section', 'phase,' and 'sub-phase' shall be considered the same.

**Phased Development Plan**

A plan which has been submitted to the County by a landowner for phased development which shows the type and intensity of use for specific parcel(s) with a lesser degree of certainty than the plan determined by the County to be a site specific development plan.

**Planned Unit Development**

A development constructed on a tract of at least 10 acres under single, corporation, firm, partnership, or association ownership planned and developed as a integral unit, and consisting of a combination of principal uses that could be combined only in a planned unit development.

**Plat**

A map or plan of a tract or parcel of land that is to be, or that has been subdivided.

**Pod**

Sections of proposed development types, including limited detail such as use, type, density, and a general layout of the transportation network, most often found on a planned unit development master plan. Phases are further divisions found within a pod.

**Portable Food Sales**

A temporary retail food establishment that operates at for a temporary period of time in connection with another event, including but not limited to a fair, carnival, concert, or other public gathering, and are most often an accessory to the principal permitted use. Portable food sales establishments shall include portable units, mobile food units, and temporary food establishments, as defined by the Harnett County Department of Public Health.

**Preliminary Subdivision Plat**

A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the compliance of the proposed subdivision of land with these regulations and not intended for recordation.

**Primitive Campground**

A designated tent site of an undeveloped character, provided at carefully selected locations typically in forested areas. The campground will be located so as to accommodate the need for shelter in a manner that is least intrusive to the surrounding environment. These campgrounds shall be developed without hookups for water, power, sewage, or many of the other amenities found at developed campgrounds.

**Principal Building**

A building in which is conducted the principal or main use of the property. Also referred to as "principal structure."

**Private Driveway**

A roadway serving two (2) or fewer lots, building sites, or other divisions of land and not intended to for public ingress or egress.

**Privately Owned Public Utility Structures & Facilities**

Any structures and facilities owned or operated by a privately owned electric, telephone, gas, cable, or water and waste water company.

**Property**

All real property subject to zoning regulations and restrictions and zone boundaries by the County.

**Public Hearing**

A meeting, open to the public, held for the purpose of providing and gaining information to and from the public, that may or may not have a bearing on the decision of the Board of Commissioners or decision making body, and required by the North Carolina General Statutes.

**Public Improvement**

Any improvement including but not limited to drainage ditch, roadway, sidewalk, lot improvement, and/or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the local government responsibility is established.

**Public Library**

A place containing books for reading, study, and research that is open for public use.

**Public Meeting**

A meeting, open to the public, held for the purpose of providing and gaining information to and from the public, but not required by North Carolina General Statutes.

**Publicly Owned Utility Structures & Facilities**

Any structures and facilities owned by Harnett County or its agencies, or any other local government entity, including, but not limited to: water lines, waste water lines, stormwater facilities, water treatment plants, waste water treatment plants, lift stations, pumping stations, booster stations, water tanks, and associated facilities.

**Public Sewage Disposal System**

A wastewater sewage system that is owned by any unit of government or authority, or by a private corporation, person, or association, and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed. This definition does not include individual sewage disposal systems that serve only one (1) lot.

**Public Water Supply**

Any water system furnishing potable water to the public that is owned by any unit of government or authority, or by a private corporation, person, or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional distribution lines be constructed. This definition does not include individual systems that serve only one (1) lot.

**Race Track**

An establishment either open to the public or organized groups, including both indoor and outdoor facilities, whereby participants race on a designated track and may or may not include a designated area for spectators. Race track uses include, but are not limited to, the following: radio controlled (RC) vehicles, motor vehicles, go-karts, all-terrain vehicles, animals, and other similar uses.

**Recreation & Amusement Services**

Any establishments engaged in providing entertainment for a fee and including such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; bowling alleys; billiard and pool establishments; and any coin or token operated machine for use as a game, entertainment, or amusement.

**Recreational Day Camp**

A camp providing care and recreational activities for participants, typically children, for a minimum of four (4) consecutive days and usually during the summer months.

### **Recreational Facility**

A place designed and equipped for the conduct of sports and leisure-time activities, including but not limited to commercial, personal, private, and public.

### **Recreational Facility, Indoor**

A permanent structure containing facilities for recreational activities including but not limited to: tennis, platform games, swimming, exercise rooms, handball, and/or similar activities, all of which shall be performed indoors.

### **Recreational Vehicle**

A vehicular, portable structure without permanent foundation that can be towed, hauled, or driven and is designed for travel, recreation, or vacation purposes, and is not designed to be used as a permanent dwelling unit. Recreational vehicles include, but are not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

#### **Recreational Vehicle (RV), Park Model**

A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is self-propelled or permanently towable by a light duty truck, and is generally used as temporary living quarters for recreational, camping, travel, and seasonal use.

### **Recreational Vehicle Park (RV Park)**

Any lot or parcel of land upon which three (3) or more sites and/or campsites are located, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes, and for which the owner(s) of the premises may receive compensation.

### **Recyclables**

Waste products capable of being reused or reprocessed into a new product and specifically excluding motor vehicles, motor vehicle parts, tires, batteries, accessories, petroleum products, or white goods.

### **Recycling Collection Centers**

Unmanned facilities used for the collection, separation, and short-term storage of recyclables but not on-site processing, and typically an accessory to another use.

### **Recycling Collection Centers & Solid Waste Container Sites**

Manned facilities, typically satellite locations provided for convenience to citizens, used for the collection of solid waste, and for the collection, separation, and short-term storage of recyclables but not on-site processing.

### **Recycling Plant**

A facility in which recyclables such as but not limited to: newspapers, magazines, books, or other paper products; plastics; glass; metal cans; and other similar products are recycled, reprocessed, or treated in order to return such products to a condition whereby they may be used again to make new products. This definition does not include junkyards or any other facility to reprocess motor vehicles, motor vehicle parts, tires, batteries, accessories, petroleum products, or white goods.

### **Religious Structure**

A place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

### **Repossession Storage Facility (Repot Lot)**

An establishment or place of business which is maintained, operated, or used for the temporary storage of repossessed automobiles, machinery, and other similar merchandise.

**Research Laboratory & Development**

A facility for investigation into the natural, physical, or social sciences, which may include engineering and product development. Research laboratories imply physical activities usually associated with “wet” labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, and/or use of animals or humans under controlled conditions. Uses related to research and development, including laboratories and other facilities for basic or applied research and development, pilot plants, prototype production facilities, manufacturing uses with a high degree of scientific input, and facilities for organizations or associations that promote research. This includes the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.

**Residence**

(See “Dwelling”)

**Restaurant**

An establishment where the primary use is preparation, serving, and consumption of food and drink, mostly within the principal building.

**Retail Sales**

Establishments including shops, stores, and service establishments, engaged in the selling or rental of goods or merchandise (usually to the general public for personal or household use) and in rendering services incidental to the sale of such goods, entirely within an enclosed building.

**Retail Sales, Outdoor**

Use of property for the display and sales of products and services, primarily outside of a building or structure, including but not limited to manufactured homes; burial monuments; swimming pools; and portable storage sheds, including related repair activities and sale of parts. Material sold is usually stored outdoors and typically a building is on site in which sales may be consummated or products displayed.

**Roadside Stands**

Sales of agricultural products grown on-site but not considered a bona fide farm for purposes of this Ordinance.

**Right-of-Way**

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

**School**

Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge that is licensed by the State and meets State requirements for either elementary or secondary education, but specifically not including those uses listed as otherwise by this Ordinance.

**Seasonal Sales**

Sales that are typically made in relation to seasonal, agricultural-related products, including but not limited to Christmas trees and pumpkins, and only for a limited duration of time.

**Setback, Building**

A line in the interior of a lot that is generally parallel to, and a specified distance from, the street right-of-way line; which creates a space between such lines in which no building shall be placed.

**Setback, Corner Side Yard**

The minimum horizontal distance between the sideline of a building or structure and the adjacent public right-of-way line. In cases where no public right-of-way exists, the setback shall be measured from the easement line.

#### **Setback, Front Yard**

The minimum horizontal distance between the front line of a building or structure and adjacent public right-of-way line. In cases where no public right-of-way exists, the setback shall be measured from the easement line, or property line if no easement exists.

#### **Setback, Rear Yard**

The minimum horizontal distance between the rear line of a building or structure and the rear property line or right-of-way line.

#### **Setback, Side Yard**

The minimum horizontal distance between the sideline of a building or structure and the side property line.

#### **Sexually-Oriented Business**

An establishment:

- A. Where more than 40 percent (40%) of its stock is characterized as relating to sexual activities or anatomical genital areas; or
- B. Either with or without a liquor license, offering adult live entertainment, which may include but is not limited to: topless and go-go dancers, strippers, or male or female impersonators; and/or
- C. That advertises or holds itself out in any forum as an adult or sexually-oriented business.

#### **Adult Bookstore**

A retail establishment having as its primary stock-in-trade books, magazines, periodicals, video tapes, films, or other items that are distinguished by their explicit emphasis on matter depicting, describing, or relating to sexual activities, genital areas, or erotic behavior and is intended to cause sexual excitement.

#### **Adult Motion Picture Theatre**

A theatre within a permanent indoor structure used for presenting films distinguished, characterized, or relating to sexual activities, genital areas, or erotic behavior, and is intended to cause sexual excitement.

#### **Adult Nightclub**

An entertainment establishment intended for patrons of legal age which presents shows or acts distinguished by an emphasis on but not limited to topless dancers, strippers, male or female impersonators, or similar entertainers for observation by the patrons.

#### **Shopping Center**

Two (2) or more commercial establishments having off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

#### **Sign**

An advertising device used to disseminate information concerning a person, place, or thing.

#### **Sign, Business**

Any device which directs attention to a business, profession, industry, or service located on the premises where such sign is displayed either indoors or outdoors, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

**Sign, Directory**

Any sign used for the purpose of listing the tenants or occupants of building or group of buildings and/or development and that may also indicate their respective location(s). Directory signs are similar to wayfinding signs typically found in municipalities; however directory signs are intended for identification of facilities located within a development.

**Sign, Ground**

A freestanding sign in which the sign and/or support is in contact with the ground. Ground signs include monument style and pole style signs, and may also include directory and/or directional style signs.

**Sign, Off-Site Directional**

Any sign limited to directional message for a business or nonprofit, and in some cases may include the name of such, as allowed by this Ordinance.

**Sign, Outdoor Advertising**

Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform any part of the advertising or information contents, to the public about a subject unrelated to the premises upon which the sign is located. For purposes of this Ordinance, the term “Outdoor Advertising Sign” and its definition shall be interchangeable with the following terms: outdoor advertising, outdoor advertising structure, outdoor advertising sign structure, and billboard.

**Sign, Portable**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Includes, but is not limited to:

- A. Signs designed to be transported by means of wheels, runners, castors, trailers, or other mobile devices;
- B. Balloons used as signs;
- C. Umbrellas used for advertising; and
- D. Signs attached to or painted on vehicles parked and visible from the public right(s)-of-way, unless said vehicle is regularly and customarily used in the normal day-to-day operations of the business.

**Sign, Salvageable Components**

Components of the original sign structure prior to the damage that can be repaired or replaced on site by the use of labor only. If any materials, other than nuts, bolts, nails or similar hardware, are required in order to repair a component, the component is not considered to be salvageable.

**Sign, Significantly Damaged**

A sign which has been damaged or partially destroyed due to factors other than vandalism or other criminal or tortious acts to such extent that the damage to the sign is greater than fifty percent.

**Sign, Street**

The sign designating the official name and/or number of the street and being of a design approved by the County and installed according to County guidelines.

**Sign, Wall**

A sign fastened to, or painted on, the wall of a building or structure, or canopy, awning, or marquee of such building, in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

**Site Plan (Site Specific Development Plan)**

A plan which has been submitted to the County by a property owner describing with reasonable certainty the type and intensity of use for parcel(s) of property. Such plan may be in the form of, but not limited to, any of the following plans or approvals: planned unit development plan, subdivision plat, preliminary or general

development plan, Special Use permit, or any other land use approval designation as may be utilized by the County. Refer to GS 160D-102.

**Site Plan, Community**

A plan which has been submitted to the County, describing with reasonable certainty the type and intensity of use for parcel(s) of property, meeting the requirements of this Ordinance, and which is intended for project or development between five (5) and 15 acres in size.

**Site Plan, Minor**

A plan which has been submitted to the County, describing with reasonable certainty the type and intensity of use for parcel(s) of property, meeting the requirements of this Ordinance, and which is intended for existing structures, or for new structures or expansions of existing structures of less than 600 square feet.

**Site Plan, Neighborhood**

A plan which has been submitted to the County, describing with reasonable certainty the type and intensity of use for parcel(s) of property, meeting the requirements of this Ordinance, and which is intended for projects or developments up to five (5) acres in size.

**Site Plan, Regional**

A plan which has been submitted to the County, describing with reasonable certainty the type and intensity of use for parcel(s) of property, meeting the requirements of this Ordinance, and which is intended for projects or developments larger than 15 acres in size.

**Sketch Plat/Plan**

A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the developer to save time and expense in reaching general agreement with the County as to the form of the plat and the objectives of these regulations and shall in no case be construed to garner vested rights.

**Skirting**

(See “Underpinning”)

**Solar Collector**

A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into usable energy.

**Solar Energy Facility**

A complete design or assembly for the purpose of transforming solar energy into usable energy, consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

**Solar Energy System**

A complete design or assembly for the purpose of transforming solar energy into electricity or for heating water, used exclusively for accessory purposes only.

**Solid Waste Disposal**

For purposes of this Ordinance, ‘solid waste disposal’ is unwanted or discarded material that cannot be salvaged or recycled, and shall refer to the following types of waste disposal:

- A. Construction & Debris (C&D);
- B. Land Application of Sludge, or Petroleum-Contaminated Soil;
- C. Land Clearing & Inert Debris (LCID) Landfill; and/or

D. Municipal Solid Waste (MSW).

Associated acronyms for certain types of facilities shall be deemed to refer to the appropriate facility type, as described herein, for purposes of this Ordinance.

**Stream**

A watercourse having a source and terminus, banks, and channel through which water flows at least periodically.

**Storage, Self Mini-Warehouse**

A building or group of buildings designed to provide separate access to individually rented storage units used exclusively for storing customer's goods or wares. No sales, service, or repair activities other than the rental of storage units and its related activities, are permitted within storage units.

**Street/Road**

A dedicated, and designed and installed for the purpose of acceptance by NCDOT, public right-of-way for transportation, including vehicular traffic and pedestrian circulation.

**Street, Alley**

A service street of 20 feet in width, providing a secondary means of access to adjoining property and not intended for general traffic circulation.

**Street, Artery**

A major street designed as part of a network/system of continuous routes and primarily to carry heavy volumes of through traffic. Expressways and boulevards are examples of roadways in the arterial system.

**Street, Half**

A street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

**Street, Local/Rural**

A road whose primary function is to provide access to abutting properties and to provide service to travel over relatively short distances as compared to collectors or other higher systems.

**Street, Major Collector**

Routes that provide services to large towns not directly served by the arterial systems and to other traffic generators of equivalent intracounty importance, and serve as important intracounty travel corridors.

**Street, Minor Collector**

Routes that collect traffic from local roads, bring all developed areas within a reasonable distance of a collector, provide service to smaller communities, and distribute that traffic to major collectors and arterials.

**Street, Private**

Any street or roadway not maintained by the NC Department of Transportation. An undedicated private right-of-way that affords access to abutting properties according to the standards of this Ordinance and in accordance with the North Carolina General Statutes. This is also any road or street that is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

**Street, Residential Local Subdivision**

Either cul-de-sacs, loop roads, roads that do not connect thoroughfares or serve major traffic generators Residential collector streets include the types of streets listed below.

- A. Dead-End Roads

These roads are no more than 2,500 feet in length, open at one (1) end only without special provisions for turning around, and have collector characteristics. For purposes of this Ordinance, dead-end roads with temporary turn-arounds shall be deemed to meet this definition.

B. Short Connecting Roads

These roads are normally one (1) block long or extend on a block-by-block basis and have no collector characteristics. .

C. Loop Roads

A road that has its beginning and ending points on the same route. It is more than one (1) mile in length and has no collector characteristics.

D. Other Roads

These roads do not connect thoroughfares or serve major traffic generators and do not have collector characteristics.

E. Cul-de-Sac Roads

These are very short roads, open at one (1) end only, with a special provision for turning around. They have a bulb end design with a specific turning radii and a limited number of lots.

**Street, Through**

A road which serves as a connecting road system between public right(s)-of-way.

**Thoroughfare, Major**

Consist of Inter-State, other freeway, expressway, or parkway roads and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

**Thoroughfare, Minor**

Perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through traffic movements and may also serve abutting property.

**Structure**

Anything constructed or erected, including but not limited to buildings, which requires location on land or attachment to something having permanent location on the land.

**Subdivider**

Any person who:

- A. Having an interest in land, causes it, directly or indirectly, to be divided; or
- B. Directly or indirectly sell, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or Development, any interest, lot, parcel, site, unit, or plat in a subdivision; or
- C. Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, of any interest, lot, parcel, site, unit, or plat in a subdivision; and/or
- D. Is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**Subdivision**

The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

**Subdivision, Major**

All subdivisions of land into six (6) or more residential lots, three (3) or more nonresidential lots, and/or any subdivision not classified as minor subdivisions.

**Subdivision, Minor**

A minor subdivision is:

- A. Any subdivision which creates a maximum of five (5) residential lots each of which front on a state maintained street; or
- B. Any subdivision which allows a maximum of six (6) residential lots to be created on a 50 foot easement abutting a State-maintained street, unless otherwise stated by this Ordinance.

**Subdivision, Phased**

Subdivision approval submitted pursuant to a master preliminary plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in two (2) or more individual phase(s), where each phase could be considered a major subdivision on its own, over a period of time.

**Subdivision Administrator**

The Manager of Planning Services in the Harnett County Planning Department, or his designee, who has administrative and enforcement duties related to the subdivision regulations included herein.

**Surety Performance Bond**

A promise to pay one (1) party a certain amount if the second party fails to meet some obligation, issued by an insurance company or bank to guarantee satisfactory completion of a project by a contractor.

**Swimming Pool**

Any permanent structure, chamber, and/or tank, either in or above ground, containing an artificial body of water at least four (4) feet deep at any point which is used for swimming, diving, wading, recreation or therapy together with all buildings, appurtenances and equipment used in connection with the body of water.

**System Development Fee**

Requirement of the developer to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

**Temporary Event**

An activity limited in duration and infrequent in occurrence, which is not part of the ordinary activities of the facility or site on which the event is located, including but not limited to carnivals, fairs, and festivals.

**Temporary Turn-Around**

Area for turning motor vehicles at the end of a street, which is constructed either within the dedicated right-of-way or upon a temporary easement, to be removed when said road is extended.

**Test Fire Berm**

A compaction of soil utilized solely for the purpose of conducting a test to establish the proper working order of a firearm or other device that has the capability of propelling a projectile. This earthen berm is generally located in an outdoor environment and must be constructed to a thickness that will allow for the projectile to be lodged within the berm without risk of escape and compacted to a minimum height of four (4) feet above target location.

**Test Fire Vault**

A structure designed and utilized solely for the purpose of conducting a test to establish the proper working order of a firearm or other device that has the capability of propelling a projectile. This type of structure is designed to receive and contain the projectile without risk of escape.

**Tie Downs**

Galvanized steel cables or strapping which “ties” a manufactured home and its steel frame to anchors embedded in the ground.

**Tract**

A piece of land whose boundaries have been described or delimited by a legal instrument or map recorded in the Office of the Register of Deeds.

**Trade School**

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade and meeting requirements of the State for certification.

**Truck Driving School**

A secondary or higher education facility primarily teaching skills that prepares students for jobs in the trucking or truck driving industry and meeting the requirements of the State for certification.

**Turkey Shoot, Temporary/Seasonal**

An establishment catering to guests who participate in a marksmanship contest using targets with compensation offered as a prize.

**Underpinning**

Skirting or curtain walls installed in good workmanship-like manner along the entire base of a manufactured home, except for ventilation and crawl space requirements, and consisting of the following one (1) of the following:

- A. Metal with a baked-on finish of uniform color;
- B. Uniform design and color vinyl, including artificial stone; or
- C. Brick and stone masonry.

**Unit Ownership Structure**

Any building or structure in which unit ownership has been created by the owners or co-owners of an express declaration of intent under the Unit Ownership Act of Chapter 47A-1 et seq. North Carolina General Statutes.

**Use**

The activity or function that actually takes place or is intended to take place on a lot.

**Use, Accessory**

A use or structure which includes, but is not limited to, freestanding gazebos, freestanding decks, sheds, and storage buildings, and are:

- A. Conducted or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance;
- B. Clearly incidental to, subordinate in purpose to, and serves the principal use; and
- C. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

**Use, Principal**

A use that is listed in the “Table of Use Types & Regulations” and is the primary use of the lot on which it is located.

**Use, Temporary**

A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period allotted.

**Variance**

A grant of relief to an applicant from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist, literal enforcement would result in unnecessary and undue hardship, and such relaxation of the regulations would not be contrary to the public interest. Provided however, that the need for the variance was not caused or created by the applicant or property owner.

### **Vehicle Sales**

Sales of automobiles, recreational vehicles, boats, farm equipment, and other similar products, typically in an open area, used for the display, sale, or rental of new or used vehicles in operable condition where no repair work is done. Small equipment shall not be considered a vehicle herein.

### **Vested Right**

The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or approved phased development plan.

### **Veterinarian Service**

A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital care.

### **Violation**

The establishment, creation, expansion, alteration, occupation, or maintenance of any use, land development activity, or structure, including but not limited to signs and buildings, that is inconsistent with any provisions of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

#### **Violation, Subsequent**

A violation, as defined herein, that occurs more than once on the same parcel(s) or by the same property owner(s) within any 12 month period.

### **Wall**

(See "Fence")

### **Warehouse**

A building used primarily for the storage of goods and materials.

### **Watercourse**

Any natural or artificial stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, or lake where water flows in a definite direction or course, either continuously or intermittently; has a definite channel, bed, and banks; and includes any areas adjacent thereto subject to inundation by reason of overflow or floodwater.

### **Watershed**

The entire land area contributing surface drainage to a specific point, such as the water supply intake.

### **Wholesale Trade**

An establishment or place of business primarily engaged in selling merchandise to other businesses, including but not limited to retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

### **Wind Energy Facility**

A system designed to provide energy, wherein the power is generated from wind turbines, towers, and associated control or conversion electronics.

**Wind Energy System**

A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities wherein the power generated is used primarily for on-site consumption. Such facilities consist of a single wind turbine, tower, and associated control or conversion electronics.

**Wind Turbine**

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires, and pad transformer. Also known as a “windmill.”

**Yard Sale**

The resale, sale, or offering for sale to the general public of items of personal property by the owner(s) or tenants of an improved lot in a residential zoning district, whether without or outside any building.

**Zoo & Petting Zoo**

A place where animals are kept, often in a combination of indoor and outdoor spaces, and are viewed by the public.

## **SECTION 3.0 AIRPORT HEIGHT CONTROL DEFINITIONS & ACRONYMS**

### **3.1 Airport Height Control Acronyms**

CFR	Code of Federal Regulations
FAA	Federal Aviation Administration
FBO	Fixed Base Operator
HRJ	Harnett Regional Jetport
ILS	Instrument Landing System
NCDA	NCDOT Division of Aviation
NTSB	National Transportation Safety Board
OFZ	Object Free Zone
REIL	Runway End Identifier Lights
ROFA	Runway Object Free Area
RPZ	Runway Protection Zone
RSA	Runway Safety Area
TSA	Transportation Security Administration

### **3.2 Airport Height Control Definitions**

#### **Airport**

Herein, all references to airport shall mean the Harnett Regional Jetport.

#### **Airport Elevation**

The highest point of an airport's usable landing area measured in feet above sea level.

#### **Approach Surface**

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section "Airport Zone Height Limitations", Article IX "Airport Height Control" of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

#### **Approach, Transitional, Horizontal, & Conical Zones**

These zones are set forth in Section "Airport Zones", Article IX "Airport Height Control" of this Ordinance.

#### **Conical Surface**

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one (1) for a horizontal distance of 4,000 feet.

#### **Expected Height Limitations**

Nothing in the Airport Height Control Section of this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.

### **Hazard to Air Navigation**

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

### **Height**

For the purpose of determining the height limits in all zones set forth in Airport Height Control Section of this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

### **Horizontal Surface**

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

### **Larger than Utility Runway**

A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

### **Nonprecision Instrument Runway**

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

### **Obstruction**

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section "Airport Zone Height Limitations", Article IX "Airport Height Control" of this Ordinance.

### **Precision Instrument Runway**

Reserved

### **Primary Surface**

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section "Airport Zones", Article IX "Airport Height Control" of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

### **Runway**

A defined area on an airport prepared for landing and take-off of aircraft along its length.

### **Runway Ends**

Refers to the existing physical end of the hard-surfaced asphalt runway on the southwest end (coordinates Lat. 35022'29.7" N, Long. 78044'16.5" W), and the future end of the runway on the northeast end after an extension to 5,000 feet (coordinates Lat. 35023'07.5" N, Long. 78043'36.4" W).

### **Structure**

In reference to the Airport Height Control Section of this Ordinance, "structure" shall mean an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

### **Transitional Surfaces**

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a

distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

**Tree**

In reference to the Airport Height Control Section of this Ordinance, “tree” shall mean any object of natural growth.

**Utility Runway**

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

**Visual Runway**

A runway intended solely for the operation of aircraft using visual approach procedures.

## **SECTION 4.0 COMMUNICATIONS TOWER DEFINITIONS & ACRONYMS**

### **4.1 Communications Tower Acronyms**

ASR	Antenna Structure Registration
FAA	Federal Aviation Administration
FCC	Federal Communications Commission

### **4.2 Communications Tower Definitions**

#### **Alternative Structure**

A structure that is not primarily constructed for the purpose of holding antennas but on which one (1) or more antennas may be mounted, including buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

#### **Amateur Radio Tower**

Any tower used for amateur radio transmissions consistent with the FCC Part 97 Rules and Regulations for amateur radio towers.

#### **Ancillary Structure**

For the purposes of Subsection “Communications Tower (Microwave, TV, Telephone, Radio, & Cellular)”, Article V “Use Regulations” of this Ordinance, any form of development associated with a communications facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

#### **Anti-Climbing Device**

A piece or pieces of equipment, which are either attached to a tower, or which are freestanding and are designed to prevent people from climbing the structure, including fine mesh wrap around structure legs, “squirrel-cones,” and other approved devices, but excluding the use of barbed or razor wire.

#### **Antenna**

Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio, or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

#### **Antenna Array**

A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

#### **Antenna Element**

Any antenna or antenna array.

#### **ASR**

The Antenna Structure Registration Number as required by the FAA and FCC.

#### **Base Station**

The electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.

#### **Breakpoint Technology**

The engineering design of a monopole wherein a specified point on the monopole is

designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

### **Broadcast Facilities**

Towers, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.

### **Co-location**

The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.

### **Combined Antenna**

An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

### **Concealed**

A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two (2) types of concealed facilities:

#### A. Antenna Attachments

Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers, or other architectural features that blend with an existing or proposed building or structure and

#### B. Freestanding

Freestanding concealed towers usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.

### **Development Area**

The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.

### **Discontinued**

Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.

### **Equipment Compound**

The fenced-in area surrounding the ground-based wireless communication facility including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

### **Equipment Cabinet**

Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

### **Feed Lines**

Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

**Flush-Mounted**

Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

**Guyed Structure**

(See “Tower”)

**Geographic Search Ring**

An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

**Handoff Candidate**

A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first tier surrounding the initial wireless facility.

**Lattice Structure**

(See “Tower”)

**Least Visually Obtrusive Profile**

The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

**Mitigation**

A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with Subsection “Communications Tower (Microwave, TV, Telephone, Radio, & Cellular)”, Article V “Use Regulations” of this Ordinance, or improve aesthetics or functionality of the overall wireless network.

**Monopole Structure**

(See “Tower”)

**Non-concealed**

A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

**Personal Wireless Service**

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the *Telecommunications Act of 1996*.

**Public Safety Communications Equipment**

All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the County and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

**Radio Frequency Emissions**

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.

**Radio Frequency Propagation Analysis**

Computer modeling to show the level of signal saturation in a given geographical area.

## **Replacement**

(See “Mitigation”)

## **Satellite Earth Station**

A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

## **Streamlined Processing**

Expedited review process for co-locations.

## **Structure**

For purposes of Subsection “Communications Tower (Microwave, TV, Telephone, Radio, & Cellular)”, Article V “Use Regulations” of this Ordinance, “structure” shall mean anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

## **Tower**

Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, co-location on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. Types of support structures include “Guyed Tower”, “Lattice Structure”, and “Monopole Structure.”

### **Tower, Guyed**

A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

### **Tower, Lattice Structure**

A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

### **Tower, Monopole Structure**

A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building’s roof. All feed lines shall be installed within the shaft of the structure.

## **Tower Base**

The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a line perpendicular from the geometric center of the tower.

## **Tower Height**

The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting, or other equipment affixed thereto.

**Tower Site**

The land area that contains, or will contain, a proposed tower, support structures, collapse zone, and other related buildings and improvements.

## **SECTION 5.0 NATURAL RESOURCES DEFINITIONS & ACRONYMS**

The following definitions include those applicable to both the Flood Damage Prevention and Water Supply Watershed regulations, specifically, as well as all natural resources regulations, generally, of this Ordinance.

### **5.1 Natural Resources Acronyms**

A	Flood Zone A
AE	Flood Zone AE
AO	Flood Zone AO
BFE	Base Flood Elevation
BMP	Best Management Practices
FEMA	Federal Emergency Management Agency
FBFM	Flood Boundary & Floodway Map
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
HAG	Highest Adjacent Grade
LAG	Lowest Adjacent Grade
NFIP	National Flood Insurance Program
NAVD	North American Vertical Datum
NGVD	National Geodetic Vertical Datum
NPDES	National Pollution Discharge Elimination System
RFPE	Regulatory Flood Protection Elevation
SFHA	Special Flood Hazard Area
SNIA	Special Nonresidential Intensity Allocation
WS	Watershed
WSE	Water Surface Elevation
X	Flood Zone X
X500	Flood Zone X500

### **5.2 Natural Resources Definitions**

#### **Accessory Structure (Appurtenant Structure)**

A structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

**Addition**

An extension or increase in the floor area or height of a building or structure.

**Agricultural Use**

For purposes of the Water Supply Watershed Regulations of this Ordinance, “agricultural use” shall mean the use of waters for stock watering, irrigation, and other farm purposes.

**Animal Unit**

A unit of measurement developed by the US Environmental Protection Agency that is used to compare different types of animal operations.

**Appeal**

A request for a review of the floodplain administrator’s interpretation of any provision of Section “Flood Damage Prevention”, Article X “Natural Resources” of this Ordinance.

**Area of Shallow Flooding**

A designated Zone AO on the Harnett County Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard**

(See “Special Flood Hazard Area (SFHA)”)

**Basement**

Any area of the building having its floor subgrade (below ground level) on more than one (1) side.

**Base Flood**

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)**

A determination as published in the Flood Insurance Study of the water surface elevations of the base flood. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

**Best Management Practices (BMP)**

A structural or non-structural management based practice which uses singularly or combination of methods to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

**Buffer**

For purposes of the Water Supply Watershed Regulations of this Ordinance, “buffer” shall mean an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**Building**

For purposes of the Water Supply Watershed Regulations of this Ordinance, “building” shall mean any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property. The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one (1) building. (Also see “Structure”)

### **Built-Upon Area**

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities, etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

### **Chemical Storage Facility**

A building, portion of the building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

### **Cluster Development**

For purposes of the Water Supply Watershed Regulations of this Ordinance, “cluster development” shall mean the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes nonresidential development as well as single-family residential subdivision and multifamily developments that do not involve the subdivision of land. Any development with 10 percent (10%) or greater amount of open space.

### **Composting Facility**

A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.

### **Critical Area**

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than the remaining portions of the Watershed. The critical area is defined as:

- A. Extending either one-half (1/2) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or
- B. One-half (1/2) mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first).

### **Development, Flood Damage Prevention**

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

### **Development, Water Supply Watershed**

For purposes of the Water Supply Watershed Regulations of this Ordinance, “development” shall mean any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

### **Development, Existing Water Supply Watershed**

For projects that do not require a State permit, existing development shall mean a project that, at a minimum, has established a vested right under North Carolina zoning law as of the effective date of the Water Supply Watershed regulations of this Ordinance based on at least one (1) of the following criteria:

- A. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- B. Having an outstanding valid building permit as authorized by the North Carolina General Statutes (GS 160D-403); or
- C. Having an approved site specific or phased development plan as authorized by the North Carolina General Statutes.

**Disposal**

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**Dwelling Unit**

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Elevated Building**

A non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Encroachment**

The advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Erosion, Accelerated**

The increased rate and intensity of natural erosion caused by human made disturbances.

**Erosion, Natural**

The wearing away of the earth's surface by water, wind, and other natural agents under natural environmental conditions undisturbed by humans.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or,
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Boundary & Floodway Map (FBFM)**

An official map of Harnett County, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

**Flood Hazard Area**

The minimum area of the flood plain that, on the average, is likely to be flooded once every 100 years (i.e., that has a one percent (1%) chance of being flooded each year) as identified by the federal insurance administration on flood hazard area boundary maps dated September 18, 2006 or as amended.

**Flood Hazard Boundary Map (FHBM)**

An official map of Harnett County, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone AE.

**Flood Insurance**

The insurance coverage provided under the National Flood Insurance Program.

**Flood Insurance Rate Map (FIRM)**

An official map of Harnett County, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**Flood Insurance Study (FIS)**

An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**Flood Prone Area**

(See “Floodplain”)

**Flood Zone**

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**Flood Zone, A**

An area inundated by 100 year flooding, for which no BFEs have been established.

**Flood Zone, AE**

An area inundated by 100-year flooding, for which BFEs have been determined.

**Flood Zone, AO**

An area inundated by 100-year flooding (usually sheet flow on sloping terrain), for which average depths have been determined; flood depths range from one (1) to three (3) feet.

**Flood Zone, X**

An area that is determined to be outside the 100- and 500-year floodplains.

**Flood Zone, X500**

An area inundated by 500-year flooding; an area inundated by 100-year flooding with average depths of less than one (1) foot or with drainage areas less than one (1) square mile; or an area protected by levees from 100-year flooding.

**Floodplain or Flood Prone Area**

Any land area susceptible to being inundated by water from any source.

**Floodplain Administrator**

The individual appointed to administer and enforce the floodplain management regulations.

**Floodplain Development Permit**

Any type of permit that is required in conformance with the provisions of Section “Flood Damage Prevention”, Article X “Natural Resources” of this Ordinance, prior to the commencement of any development activity.

**Floodplain Management**

The operation of an overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Regulations**

The regulations contained in Section “Flood Damage Prevention”, Article X “Natural Resources” of this Ordinance, any other Section of this Ordinance, local or State building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

### **Floodproofing**

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

### **Floodway**

The channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood (100 year flood event) without cumulatively increasing the water surface elevation more than one (1) foot.

### **Freeboard**

The height added to the Base Flood Elevation (BFE) to account for watershed development as well as limitations of the engineering methodologies for the determination of flood elevations. The freeboard plus the Base Flood Elevation establishes the “Regulatory Flood Protection Elevation”.

### **Functionally Dependent Facility**

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

### **Hazardous Waste Management Facility**

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in the North Carolina General Statutes.

### **Highest Adjacent Grade (HAG)**

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

### **Historic Structure**

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program); or
- D. Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG Program).

### **Industrial Development**

Any nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

### **Landfill**

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility, or a surface storage facility in accordance with NCGS 130A-290. For the purpose of the Water Supply Watershed regulations of this Ordinance this term does not include composting facilities.

**Landfill, Discharging**

A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

**Lot**

A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory building together with such yards, open spaces, lot width, and lot area is required.

**Lot, Existing (Lot of Record)**

A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to the adoption of the Water Supply Watershed regulations of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the Water Supply Watershed regulations of this Ordinance.

**Lowest Adjacent Grade (LAG)**

The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building. For Zones AE and AO, use the natural grade elevation prior to construction.

**Lowest Floor**

Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section "Flood Damage Prevention", Article X "Natural Resources" of this Ordinance.

**Manufactured Home**

For purposes of the Flood Damage Prevention Regulations of this Ordinance, "manufactured home" shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Subdivision**

For purposes of the Flood Damage Prevention Regulations of this Ordinance, "manufactured home park or subdivision" shall mean a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**Manufactured Home Park or Subdivision, Existing**

For purposes of the Flood Damage Prevention regulations of this Ordinance, "existing manufactured home park or subdivision" shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before April 16, 1990.

**Market Value**

The building value, excluding the land value and that of any accessory structures or other improvements on the lot, established by independent certified appraisal, replacement cost depreciated by age of building and quality of construction (Actual Cash Value), or adjusted tax assessed values.

**Mean Sea Level**

For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing various elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

### **New Construction**

Structures for which the “start of construction” commenced on or after April 16, 1990 and includes any subsequent improvements to such structures.

### **Nonconforming Building or Development**

Any legally existing building or development which fails to comply with the current provisions of Section “Flood Damage Prevention”, Article X “Natural Resources” of this Ordinance.

### **Nonconforming Lot of Record**

A lot described by a plat or a deed that was recorded prior to the effective date of the Water Supply Watershed regulations of this Ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of Section “Water Supply Watershed”, Article X “Natural Resources” of this Ordinance.

### **Non-Encroachment Area**

The channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

### **Nonresidential Development**

All development other than residential development, agriculture, and silviculture.

### **Plat**

A map or plan of a parcel of land which is to be, or has been subdivided.

### **Post-FIRM**

Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

### **Pre-FIRM**

Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

### **Principally Above Ground**

At least 51 percent (51%) of the actual cash value of the structure is above ground.

### **Protected Area**

The area adjoining and up stream of the critical area of the Watershed IV (WS-IV). The boundaries of the protected area are defined as:

- A. Within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridge-line of the watershed; or
- B. Within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridge-line of the watershed.

### **Public Nuisance**

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

### **Recreational Vehicle (RV)**

A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;

- C. Designed to be self-propelled or permanently towable by a light duty truck; and,
- D. Not designed use as a permanent primary dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Reference Level**

The portion of a structure or other development that shall be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99, or AO, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

**Regulatory Flood Protection Elevation (RFPE)**

The elevation, in relation to mean sea level, to which the reference level of all structures and other development located within Special Flood Hazard Areas shall be protected. Where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. Where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

**Remedy a Violation**

To bring the structure or other development into compliance with State and Harnett County Flood Damage Prevention regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Repetitive Loss**

Flood-related damages sustained by a structure on two (2) or more separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

**Residential Development**

Buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, gazebos, and customary home occupations.

**Riverine**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Salvage or Junk Yard**

Any nonresidential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

**Single Family Dwelling**

For purposes of the Water Supply Watershed Regulations of this Ordinance, “single family dwelling” shall mean a site built structure, a modular structure to NC Building Code requirements, or a manufactured home built to HUD requirements located on individual lots or within manufactured home parks.

**Solid Waste Disposal Facility**

Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

**Solid Waste Disposal Site**

As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

### **Special Flood Hazard Area (SFHA)**

The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Subsection “Basis for Establishing the Areas of Special Flood Hazard” of Section “Flood Damage Prevention”, Article X “Natural Resources” of this Ordinance.

### **Start of Construction**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. Permanent construction does not include:

- A. Land preparation, such as clearing, grading, and filling;
- B. The installation of streets and/or walkways;
- C. Excavation for a basement, footings, piers or foundations, or the erection of temporary forms; and/or
- D. The installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

### **Stormwater Control Measure**

For the purpose of this Ordinance, a stormwater control measure shall be any effort taken to aid in containing or controlling existing, planned, or future drainage at a site, including but not limited to retention ponds.

### **Street (Road)**

A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

### **Subdivider**

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as defined by this Ordinance.

### **Surface Water**

Surface water is present if the feature is shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

### **Structure, Flood Damage Prevention**

For purposes of the Flood Damage Prevention Regulations of this Ordinance, “Structure” shall include but is not limited to a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground. For floodplain management purposes, principally above ground means that at least 51 percent (51%) of the actual cash value of the structure is above ground.

### **Structure, Water Supply Watershed**

Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

### **Substantial Damage**

Damage of any origin sustained by a structure during any one (1) year period whereby the cost of the restoring the structure to its condition before damaged would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred. See definition of “substantial improvement.”

### **Substantial Improvement**

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1) year period for which the cost equals or exceeds 50 percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any correction of existing violations of State or Harnett County health, sanitary, or safety code specifications which have been identified by the Harnett County Building Code Administrator and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

### **Toxic Substance**

Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth), or physical deformities in such organisms or their off spring, or other adverse health effects.

### **Variance**

For purposes of the Water Supply Watershed Regulations of this Ordinance, "variance" shall mean a permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

#### **Variance, Major**

For purposes of the Water Supply Watershed regulations of this Ordinance, "major variance" shall mean a variance from the minimum state wide water supply watershed protection rules that results in any one (1) or more of the following:

- A. The relaxation, by a factor of more than 10 percent (10%), of any management requirement that takes the form of a numerical standard; and/or
- B. Petitions to increase built upon percentage greater than 10 percent (10%).

#### **Variance, Minor**

For purposes of the Water Supply Watershed regulations of this Ordinance, "minor variance" shall mean petitions for the reduction of any standard by a factor of less than ten percent (10%), including residential density or built upon percentage.

### **Violation**

For purposes of the Flood Damage Prevention Regulations of this Ordinance, "violation" shall mean the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Subsections "Administration" and "Provisions for Flood Hazard Reduction" of Section "Flood Damage Prevention", Article X "Natural Resources" of this Ordinance is presumed to be in violation until such time as that documentation is provided.

### **Water Dependent Structure**

Any structure for which the use requires access to, proximity to, or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

### **Water Surface Elevation (WSE)**

The height, in relation to mean sea level (existing grade in case of Zone AO), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### **Watercourse**

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### **Watershed**

The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

### **Watershed Administrator**

An official or designated person of Harnett County responsible for administration and enforcement of the Water Supply Watershed regulations of this Ordinance.

## **Section 6.0 Military Corridor Overlay District – MCO**

### **Aircraft Noise Zones**

Areas that may be affected by noise associated with current aircraft operations and training, as set forth in the ICUZ Study. Pope Army Airfield Aircraft Noise Zones are depicted on the Official Zoning Map.

### **Airport Obstruction or Interference**

Any structure, object, or use of land the Fort Bragg commanding general determines impedes operations at Fort Bragg, in any manner described below.

1. A Potential Incompatible Development, or its anticipated impacts, protrude above the planes or surfaces as contained in Title 14, Part 77 CFR [Code of Federal Regulations] or above the established floor elevation of the aviation training routes associated with Fort Bragg;
2. A Potential Incompatible Development, or its anticipated impacts, interfere with pilot vision, communication, radar, or otherwise interferes with the safe and effective operation of military aircraft;
3. Structures are proposed within 10 feet of approach/departure or transitional surfaces or within 10 feet of the established floor elevation of the aviation training routes associated with Fort Bragg;
4. The Potential Incompatible Development produces steam, dust, smoke, light emissions, glare, or other visual impairments; has explosive characteristics; or otherwise interferes with pilot vision or the operation of military aircraft;
5. The Potential Incompatible Development produces electrical emissions that interfere with navigation equipment or radio communication between aircraft, Fort Bragg, or other air traffic control facility; or
6. The Potential Incompatible Development attracts wildlife into a Department of Defense Airport Imaginary Surface, pursuant to 14 C.F.R. 77.21, or into an aviation training route, which the Fort Bragg commanding general determines may create a hazard to military operations.

**Airspace Protection Area**

Lands within the zoning jurisdiction of Harnett County, situated beneath the Imaginary Surfaces associated with Pope Army Airfield or that are beneath or within one mile of Fort Bragg’s documented aviation corridors or aviation routes. The Airspace Protection Area is designated on the Official Zoning Map.

**Fort Bragg Coordinating Official**

The Executive Director of the Regional Land Use Advisory Commission (RLUAC) who acts as a liaison with Harnett County for the purpose of coordination under the provisions of this Ordinance. The Fort Bragg Coordinating Official reviews and, as applicable, provides comments related to Potential Incompatible Development in Harnett County and as otherwise required by this Ordinance, the RLUAC Coordination Agreement, or state law.

**Harnett County**

The Harnett County Board of Commissioners or an administrative designee of the Board of Commissioners.

**Harnett County Coordinating Official**

The Manager of Planning Services in the Harnett County Development Services Department Planning Division or the Manager of Planning Services in the Harnett County Development Services Department Planning Division designee.

**Imaginary Surfaces**

The Imaginary Surfaces associated with Pope Army Airfield, which include all of the land within the airspace depicted on the Official Zoning Map.

**Installation Compatible Use Zone (ICUZ) Study**

The most recent ICUZ Study or Studies, which identifies the military impacts and Military Influence Areas associated with Fort Bragg and Camp Mackall and identifies types of development considered incompatible with these impacts. As of this Ordinance’s original adoption date, the most recent ICUZ Study for Fort Bragg and Camp Mackall was titled “Fort Bragg Installation Compatible Use Zone Study,” dated September 2017.

**Military Influence Areas**

Those areas of land within the zoning jurisdiction of Harnett County that may experience the impacts of military training, including Aircraft Noise Zones, the Airspace Protection Area, and lands within 5 miles of the installations (for state-mandated coordination).

**Renewable Energy Facility**

A facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

1. Generates electric power by the use of a renewable energy resource.
2. Generates useful, measurable combined heat and power derived from a renewable energy resource.
3. Is a solar thermal energy facility.

**RLUAC Coordination Agreement**

A cooperative agreement, or agreements, between Harnett County, other local governments, and Fort Bragg. The RLUAC Coordination Agreement includes protocol for compliance with the requirements of this Ordinance and state law, as well as other cooperative efforts between the parties to the agreement, and may be amended from time to time.

**Wind Energy Facility**

A structure of any height that converts wind energy into electricity or other energy through the use of one or more turbines or other structures utilizing propeller blades.

## **SECTION 7.0 CERTIFICATIONS**

### **7.1 General Certifications**

Certifications listed herein include the certification title only. The text of all certifications listed are available at the Planning Department Offices. This list is provided as a reference only and may not include all certifications required as part of development or subdivision submittals.

Certification of Ownership, Dedication, and Jurisdiction

Certificate of Survey and Accuracy

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error or closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed shall be clearly indicated on the map and a statement included in the certificate revealing the source of information.

Certificate of Registration by Register of Deeds

Certificate of Notary

### **7.2 Subdivision Certifications**

Certification of Minor Subdivision Approval

Certification of Site Plan Approval by the Development Review Board

Certification of Preliminary Subdivision Approval by the Development Review Board

Certificate of Final Subdivision Approval by the Development Review Board

Certificate of Improvements Maintenance

Public Right-of-Way Plat Dedication Certification

### **7.3 Other Certifications**

Certification of Exempt Plat Approval

Certification of Site Plan Approval

Stormwater Certification

Duly adopted this 17th day of October, 2011.

HARNETT COUNTY BOARD OF COMMISSIONERS

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Timothy B. McNeill, Chairman

ATTEST:

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Margaret Gina Wheeler, Clerk to the Board