



**TOWN OF CEDAR POINT
PLANNING BOARD MEETING
6:30 P.M. - TUESDAY, JANUARY 10, 2023
CEDAR POINT TOWN HALL**

1. Call to Order
2. Roll Call
3. December 6, 2022 Meeting Minutes
4. New Business
 1. Proposed Text Amendments
 2. Rezoning Proposal
5. Public Comments
6. Comments from Board Members
7. Adjourn

The next regularly scheduled meeting will be Tuesday, February 7, 2023 at 6:30 PM

Tab 3 December 6, 2022 Minutes



Town of Cedar Point
Planning Board Meeting
December 6, 2022

The Town of Cedar Point Planning Board held their regularly scheduled monthly meeting on Tuesday, December 6, 2022 at 6:30 PM. Chairman Riggs determined a quorum to be present and opened the meeting.

PRESENT: Chairman Riggs, Members Castellano, Marelo, Pittner and Smith, Town Manager Rief and Town Clerk Calhoun

ABSENT: Vice Chairman Williams

The Minutes from the November 1, 2022 meeting were presented for Board consideration and approval. Member Castellano noted an error in the Motion made to approve the Minutes. Member Pittner was noted making the and seconding the Motion to approve. Town Clerk Calhoun made the correction to read Member Pittner approved and Member Castellano seconded. Member. Castellano made a **Motion** to approve the November 1, 2022 Minutes. Member Marelo seconded. The Motion carried unanimously.

Under Old Business, the Final Plat for Cedar Point Crossing was presented for Board consideration. There was no Board discussion. Member Pittner made a **Motion** to recommend approval of the Final Plat for Cedar Point Crossing. Member Smith seconded, the Motion carried unanimously.

There was no public comment.

Member Marelo pointed out an ambiguity in the UDO on Page 100 concerning the Central Business Overlay District and building size limitations. Mr. Rief stated that this would be added to the list of items to be either amended or withdrawn from the UDO.

There being no further business, the meeting was adjourned. Member Castellano made a **Motion** to adjourn the meeting, Member Marelo seconded. The meeting was adjourned at 6:43 PM.

Jerry Riggs, Chairman

Jayne Calhoun, Town Clerk

DRAFT

Tab 4-1 Proposed Text Amendments

TOWN OF CEDAR POINT

Mayor
Scott Hatsell

Mayor Pro-Tem
John Nash

Board of Commissioners
Frankie Winberry
Pam Castellano
Gary Bray
Josh Reilly



Town Manager
David M. Rief

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January 4, 2023

MEMO TO PLANNING BOARD

Re: Proposed Text Amendments

Dear Planning Board Members,

Following is a series of proposed text amendments that I have been working on for a while, along with the proposed changes we have discussed related to the Permitted Use Table over the last few months. It is my intention to review these proposed changes with you at our meeting next week, but not to submit them to the Board of Commissioners until the February meeting in order to give you plenty of time to digest the proposals and to allow you an opportunity to submit additional proposals for consideration at the February Planning Board Meeting. I will probably have a few more proposals for review at the February meeting as well.

The revisions in this proposal can generally be categorized as follows:

1. Removal of Human Services Campus District language
2. Removal of Mixed Use District language
3. Revisions to the Permitted Use Table
4. Addition of Temporary Restroom language
5. Revisions to sign ordinances, primarily concerning maintenance
6. Revisions to buffer and landscaping requirements
7. Various minor changes elsewhere

Also, the proposed rezoning is being initiated by Town staff based on the proposal to remove the Human Services Campus District from the UDO entirely. This proposal is being made with the consent of the affected property owners. It is my intention to move forward with the rezoning this month so that no properties will be zoned HSCD when the Board reviews the proposed text amendment next month.

As always, please let me know if you have any questions. *David M. Rief*

Management Act, and state regulations for sewage treatment. This may require the following information:

- (a) A survey or scaled drawing showing the proposed work in relation to property lines and existing structures.
- (b) Flood zone(s) as determined by the latest FEMA flood insurance rate map
- (c) Coastal Area Management Act permit or CAMA exemption letter.
- (d) For Zoning Permits: Scaled construction drawings showing the structure height.
- (e) For Building Permits: Construction drawings showing foundation plan or piling schedule, floor plans, cross sections of wall and roof design with connections, elevations and proposed building height.
- (f) Current permit for a sewage system issued by the Carteret County Department of Environmental Health.
- (g) Location of areas subject to U.S. Army Corps of Engineers 404 wetlands protection as certified and dated by the USACE.
- (h) Receipts for payments of any fees imposed by the Town of Cedar Point.
- (i) Payment of the Building Permit and review fees in accordance with the currently adopted fee schedule of Carteret County.
- (j) No application shall be considered complete unless and until the entire application fee has been paid in accordance with the current fee schedule.
- (k) Independent appraisal of value of existing structures and proposed work, when necessary.
- (l) Water tap permit, when necessary.

B. COMMERCIAL BUILDINGS AND OTHER PERMITTED USES

Except as specifically authorized by the Board of Commissioners. ~~C~~ommercial use of a parcel without a principal structure is not permissible. The principal structure shall serve the dominant use of the property and shall have and maintain adequate utilities such as water, wastewater, electrical, HVAC, etc. to be considered a principal structure.

1. SITE PLAN REQUIREMENTS

Copies of the site plan shall be submitted to the Town no later than fifteen (15) days prior to the Planning Board meeting date at which the plan is to be reviewed. The number of copies required for review shall be determined by the Town Manager or his designee. All plans shall be prepared, stamped, and endorsed by a registered engineer, surveyor or other person duly authorized by the state to practice as such. All plans shall contain at least the following information:

- (a) Property and ownership information.
 - i. Present recorded owner and the map book reference of the site property.
 - ii. Owners, lot numbers or map book and page reference of all adjacent properties.
 - iii. Boundary of the entire lot by course and distance.
 - iv. Width of the existing rights-of-way.
 - v. Nature or purpose, location and size of existing easements.
 - vi. Iron pins three-eighths (3/8) inch in diameter and thirty-six (36) inches in length or concrete monuments shall be shown and installed at all lot

Chapter 5 – Zoning Districts

5.1 GENERAL PROVISIONS

A. TYPES OF ZONING DISTRICTS

All land within the Town of Cedar Point is classified by this Ordinance to be within one of the several Base Zoning Districts listed in *Section 5.2*.

B. OVERLAY ZONING AREAS AND RELATIONSHIP TO ZONING DISTRICTS

Land within any base zoning district may first be classified into one or more Overlay Zoning areas, as listed in *Section 5.9, OVERLAY ZONING DISTRICTS*. Regulations governing development in an overlay area shall supersede the regulations governing development in the underlying district.

C. COMPLIANCE WITH DISTRICT STANDARDS

No land within the Town shall be developed except in accordance with the zoning district use, development standards, and requirements of this chapter and all other regulations of this Ordinance, as applicable.

5.2 BASE ZONING DISTRICTS ESTABLISHED

Table 5.2.1, BASE ZONING DISTRICTS, sets out the base zoning districts established by this Ordinance.

TABLE 5.2.1 BASE ZONING DISTRICTS	
Abbreviation	Zoning District
RA	Rural Agricultural
R-20	Residential
R-15	Residential
R-	Residential
R-10	Residential
B-3	Planned Business
B-2	Marine Business
B-1	General Business
MC	Planned Mobile Home and RV Park
LIW	Light Industrial and Wholesale
IW	Industrial and Wholesale
HSCD	Human Services Campus District
MXD	Mixed Use District

5.3 RESIDENTIAL BASE ZONING DISTRICTS

A. RA RURAL AGRICULTURAL DISTRICT

1. INTENT

foot space must be left as access areas for fire trucks with a head clearance of at least sixteen (16) feet.

- (n) Connected buildings. In order to provide fire protection for buildings that house a group of stores within one (1) or more connected buildings, there shall be areas for fire protection so as to serve both the front and rear of such connecting buildings.
- (o) A pre-application conference shall be held between the Town Manager or his/her designee and the applicant.
- (p) Predominate exterior building materials on a façade visible from a public street shall be of brick, textured masonry unit, stucco, stone, wood, cement fiber material (such as "Hardie board"), glass or the equivalent. No concrete masonry units, such as concrete blocks or cinder blocks, are permitted when visible from a public street unless they are textured to give the appearance of rough stone. The applicant shall provide the Town with a visual rendition of the proposed development showing the building façade, parking areas, and all applicable landscaping for the development.
- (q) Fire Hydrant Requirement: Unless listed within the exceptions listed in Section 5.4(A)(2)(q)(a) & (b) of the North Carolina Fire Prevention Code (2012), where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a fire hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants shall be provided where required.
 - i. Uses listed under Group R-3 and Group U occupancies in the North Carolina Fire Prevention Code (2012) are permitted to be within 600 feet from a fire hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.
 - ii. b. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the North Carolina Fire Prevention Code (2012), the building(s) shall be no further than 600 feet from a fire hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building
- (r) A Traffic Impact Analysis (TIA) shall be required for commercial type developments proposed within Town of Cedar Point with an estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five-day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The TIA shall be developed in accordance with "Appendix A" of this Ordinance.

3. DIMENSIONAL REQUIREMENTS

Unless otherwise specified, the following dimensional requirements shall apply:

- (a) A minimum lot area of thirty thousand (30,000) square feet shall be required.
- (b) Minimum lot width shall be one hundred (100) feet.
- (c) Minimum depth of the front yard shall be forty (40) feet, ~~unless structure is mixed-use.~~

developments proposed within Town of Cedar Point with an estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five-day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The TIA shall be developed in accordance with "Appendix A" of this Ordinance.

2. DIMENSIONAL REQUIREMENTS

Unless otherwise specified, the following dimensional requirements shall apply:

- (a) A minimum lot area of fifteen thousand (15,000) square feet shall be required if only public water or only public sewer is available, twenty thousand (20,000) square feet shall be required if no public water or sewer is available. If both services are available, then a minimum lot area of ten thousand (10,000) square feet shall be required.
- (b) Minimum lot width shall be eighty (80) feet.
- (c) Minimum depth of the front yard shall be forty (40) feet, ~~unless structure is mixed use.~~
- (d) Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot or a lot adjacent to a residential zoning district or use, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way or a residential zoning district or use shall be no less than fifteen (15) feet.
- (e) Minimum depth of the rear yard shall be fifteen (15) feet.
- (f) Maximum height of structures shall be forty (40) feet.
- (g) Minimum amount of required open space shall be thirty-five (35) percent.
- (h) Maximum allowable project coverage area, to include all built upon areas, parking areas, and impervious surface areas, shall be sixty-five (65) percent.
- (i) Maximum square footage:
 - i. Any single commercial building construction, excluding schools, churches or government buildings, shall not exceed thirty-five thousand (35,000) square feet of total structural building area, whether on one floor or multiple floors, including all attached portions, on any single parcel of land; except any building and its use existing at the time of the adoption of this Ordinance shall be grandfathered and allowed to remain.
 - ii. Connected commercial buildings on a single parcel of land shall be limited to a maximum total square footage of fifty thousand (50,000).

C. B-1 GENERAL BUSINESS DISTRICT

1. INTENT

A business district intended for the use of general businesses, ~~mixed use~~, and other related uses.

- (a) Predominate exterior building materials on a façade visible from a public street shall be of brick, textured masonry unit, stucco, stone, wood, cement fiber material (such as "Hardie board"), glass or the equivalent. No concrete masonry units, such as concrete blocks or cinder blocks, are permitted when visible from a public street unless they are textured to give the appearance of rough stone. The applicant shall provide the Town with a visual rendition of the proposed development showing the building façade, parking areas, and all applicable landscaping for the development.

- (e) Minimum depth of the rear yard shall be twenty-five (25) feet
- (f) Maximum height of structures shall be forty-five (45) feet
- (g) A TIA shall be required for Industrial developments proposed within Town of Cedar Point with an estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five-day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The TIA shall be developed in accordance with “Appendix A” of this Ordinance.

B. I-W INDUSTRIAL AND WHOLESALE DISTRICT

1. INTENT

A district planned and established for the location of manufacturing and other related uses that would be incompatible with business and residential areas.

2. DIMENSIONAL REQUIREMENTS

Unless otherwise specified, the following dimensional requirements shall apply:

- (a) Minimum lot area necessary of one (1) acre is required for all uses.
- (b) Minimum lot width shall be one hundred (100) feet.
- (c) Minimum depth of the front yard shall be fifty (50) feet.
- (d) Minimum depth of the side yard shall be twenty (20) feet. In case of a corner lot or a lot that is adjacent to a residential zone or use, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way or residential zone or use shall be no less than thirty (30) feet.
- (e) Minimum depth of the rear yard shall be thirty (30) feet.
- (f) Minimum height of structures shall be forty-five (45) feet.
- (g) A TIA shall be required for Industrial developments proposed within Town of Cedar Point with an estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five-day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The TIA shall be developed in accordance with “Appendix A” of this Ordinance.

~~5.7 HUMAN SERVICES CAMPUS BASE ZONING DISTRICTS~~

~~A. HSCD HUMAN SERVICES CAMPUS DISTRICT~~

~~1. INTENT~~

~~The Human Services Campus District (HSCD) is established to encourage the permanent development of land uses focused on providing recreational and educational services and opportunities to members and guests of the owner of the property developed under this section, and also to provide living accommodations for individuals who may need an increased level of specialized care or attention such as assisted and independent living facilities for the elderly and disabled, as well as recreational amenities for children and the elderly. To qualify for HSCD zoning designation all property shall be in single ownership and the owner will also be responsible for the maintenance and perpetual care of the property. No portion of the required land area can be subdivided into separate ownership for development by an outside developer.~~

~~2. USER FEES AND MUNICIPAL SERVICE FEES~~

~~All entities, including non-profits, residing in the Human Services Campus District are subject to a Municipal Service Fee to be determined by the Town. The fee's amount shall be calculated by building square footage and usage of public safety services, garbage, water, and sewer.~~

~~3. DIMENSIONAL REQUIREMENTS~~

~~Unless otherwise specified, the following dimensional requirements shall apply:~~

- ~~(a) Minimum District Area: Sixty (60) acres.~~
- ~~(b) Minimum District Width: None.~~
- ~~(c) Minimum Front Setback: Twenty (20) feet.~~
- ~~(d) Minimum Side Yard Setback: Ten (10) feet.~~
- ~~(e) Minimum Rear Yard Setback: Twenty (20) feet.~~
- ~~(f) Maximum Allowable Height: Forty five (45) feet~~
- ~~(g) Minimum Required Open Space: Thirty five (35) percent of total district area~~
- ~~(h) Maximum Impervious Surface Area: Sixty five (65) percent of total district area~~
- ~~(i) Minimum Single Family and Duplex Space Requirements: Each parcel designated for either single family or duplex use shall adhere to the following dimensional and setback requirements from each identified parcel line:
 - ~~i. Area:
 - ~~Single Family: Twenty thousand (20,000) square feet.~~
 - ~~Duplex: Thirty thousand (30,000) square feet.~~~~
 - ~~ii. Setbacks: These setbacks shall be observed from the individual single family or duplex lots designated for the use:
 - ~~Minimum Front Yard Setback: Twenty (20) feet.~~
 - ~~Minimum Side Yard Setback: Ten (10) feet.~~
 - ~~Minimum Rear Yard Setback: Twenty (20) feet.~~
 - ~~Minimum Parcel Width: Eighty (80) feet.~~~~~~
- ~~(j) Minimum Space Requirements for other developments: All other developments within the district shall observe the following area and setback requirements from identified parcel lines:
 - ~~Minimum Parcel Area: Fifty thousand (50,000) square feet.~~
 - ~~Minimum Front Yard Setback: Thirty (30) feet.~~
 - ~~Minimum Side Yard Setback: Ten (10) feet.~~
 - ~~Minimum Rear Yard Setback: Thirty (30) feet.~~
 - ~~Minimum Parcel Width: One hundred (100) feet.~~~~
- ~~(k) A TIA shall be required for residential developments proposed within Town of Cedar Point that have an estimated trip generation of 2,000 vehicles per day or greater during an average weekday based on a five day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The TIA shall be developed in accordance with "Appendix A" of this Ordinance.~~

~~5.8 MIXED USE BASE ZONING DISTRICTS~~

A. ~~MXD MIXED USE DISTRICT~~

1. ~~PURPOSE~~

~~For the purposes of this ordinance is MXD to provide innovative opportunities for integrating diverse but compatible uses into a single development that is unified by distinguishable design elements MXD characterized by connected, coordinated commercial development with a mix of residential development to provide residents in the development, as well as members of the public, convenient places to work and shop with amenities and walkways to increase pedestrian activity, decrease reliance on individual vehicles, foster transit usage, enhance the environmental quality and attractiveness of Cedar Point, improve the overall quality of life, and provide for the welfare of the citizens. As used in the section "MXD" shall mean the Mixed Use District established in this section.~~

2. ~~APPLICABILITY~~

- ~~(a) Mixed Use District regulations shall apply to all improvements on lots and open uses of land constructed, or reconstructed, or developed for the purpose of a mixed use development.~~
- ~~(b) There are two separate aspects of developing a property under this section. The first is placement of specified property in the MXD zone. This is accomplished through the procedures for a zoning map change for the property. The second is approval of a specific mixed use project under the provisions of this section. Where practical, the Town may allow an applicant to combine a re-zoning of property to the MXD with an application for approval of an MXD project. If an applicant proceeds on this basis, and if it becomes apparent that the Town will not approve the project as presented, the applicant will be permitted to withdraw the re-zoning application without prejudice to the right to re-file in the future.~~

3. ~~MIXTURE OF USES~~

- ~~(a) Uses may be mixed within a building or within the development.~~
- ~~(b) Mixed use developments shall dedicate and feature a minimum of twenty-five (25) percent of the total acreage as residential use.~~
- ~~(c) Except on zoning parcels of less than five acres, the mixed use development must always contain a residential use, along with at least two (2) of the following use categories:
 - ~~i. Office.~~
 - ~~ii. Commercial.~~
 - ~~iii. Institutional, quasi public, public.~~
 - ~~iv. Entertainment and lodging.~~~~
- ~~(d) For mixed use developments containing residential plus two (2) use categories, the residential use shall occupy a minimum of twenty-five (25) percent. Each other use shall occupy a minimum of twenty (20) percent of the total acreage of the project. For mixed use developments containing residential plus three (3) or more use categories, the twenty (20) percent minimum is waived for all categories; however, residential use shall remain a minimum of twenty-five (25) percent. No use may occupy more than fifty (50) percent, and no two (2) uses combined shall occupy more than sixty (60) percent of the floor area of buildings or gross acreage.~~

- ~~(e) For phased projects, during construction of any phase prior to project completion or six (6) years from the initial foundation inspection, whichever is first, no single use shall exceed sixty (60) percent, and no two (2) uses shall exceed ninety (90) percent. Residential uses may occupy as much as seventy five (75) percent of the gross acreage, if that which is over sixty (60) percent is located in a mixed use building and located over first floor non residential use.~~
- ~~(f) For MXD projects developed in phases (as defined in this section), each phase shall be able to function as a standalone development and the project shall contain the required common space/open space at all times during the phases of construction. All MXD projects shall meet the minimum mix of uses requirements according to the following schedule:~~

Project Size (acres zoned MXD)	Time from first foundation inspection
0-1	12 months
1 to 10	24 months
10+	36 months

- ~~(g) If the mix of uses is not provided in this time, no certificates of compliance or occupancy will be issued for any part of the project other than single family detached residential developments and townhouse residential developments, not exceeding four (4) units per building until the mix is provided. All structures with a certificate of compliance or occupancy or for which foundations and footings have been installed may be considered part of the mix.~~
- ~~(h) Single family detached residential developments and townhouse residential developments not exceeding four (4) units per building may have up to four (4) years from the first foundation inspection approval before certificates of occupancy will be withheld for failure to provide the required mix of uses. The Board of Commissioners may grant a one year extension for a total of five (5) years if the property owner can provide evidence that a mix will be provided by the end of the additional year. The evidence may include but is not limited to tenant contracts, leases or other legal construction agreements with specific deadlines.~~
- ~~(i) Notwithstanding the foregoing provisions regarding phased projects, in the event that the developer has provided either the Town or the North Carolina Department of Transportation, whichever is applicable, with financial guarantees in a form suitable to the relevant entity to cover all off site~~

~~improvements related to uses other than residential and twenty (20) percent of the project's common space/open space has been fully constructed and is accessible, then the developer's failure to provide the nonresidential component for phased projects, within the applicable time periods set forth in the schedules above shall not preclude the issuance of certificates of compliance or occupancy for the residential portions of the project, provided all other conditions for obtaining the certificates have been met.~~

- ~~(j) For zoning parcels of less than five acres, the mixed use development must contain residential uses, but may contain only one other non-residential use category. Other than this provision e, all other provisions of this section apply to zoning parcels of less than five acres zoned MXD.~~

~~4. PERMITTED USES~~

- ~~(a) PRINCIPAL USES. All uses in this list shall be considered permitted uses in a MXD. The uses are arranged in categories to provide an appropriate mix of uses. Uses are placed in categories based on similar impacts and to ensure diversity of uses. The categories are not intended to follow standard classification of uses. The list of uses for the MXD is independent from the permitted uses for other zoning districts. At least residential along with two (2) other categories out of the five (5) listed below must be represented in the mixed use project.~~

- ~~i. Residential category:~~

- ~~a. Dwellings, single family.~~
- ~~b. Duplex.~~
- ~~c. Family care homes.~~
- ~~d. Group home supportive, medium, under prescribed conditions.~~
- ~~e. Group home supportive, large, under prescribed conditions.~~
- ~~f. Condominiums, Apartments, and Townhouses.~~

- ~~ii. Office category:~~

- ~~a. Banking services.~~
- ~~b. Offices, medical.~~
- ~~c. Offices (without outdoor operations or storage).~~
- ~~d. Offices with limited wholesale distribution (no assembly and storage permitted).~~
- ~~e. Radio and television broadcasting studios.~~

- ~~iii. Commercial category:~~

- ~~a. Convenience food stores without gasoline sales.~~
- ~~b. Lawn and garden stores.~~
- ~~c. Spas and health clubs.~~
- ~~d. Personal service establishments:~~
 - ~~(1) Beauty salons.~~
 - ~~(2) Barber shops.~~
 - ~~(3) Licensed professional therapists.~~
 - ~~(4) Clothing alterations.~~
 - ~~(5) Shoe repair shops.~~
- ~~e. Photography studios.~~
- ~~f. Restaurants without drive up windows~~

- g. ~~Retail sales establishments that are not otherwise regulated.~~
~~Farmer's markets.~~
 - h. ~~Artisan food and beverage producers.~~
 - iv. ~~Institutional, quasi-public use, or public use category:~~
 - a. ~~Clubs, lodges and indoor recreation facilities for use by nonprofit organizations.~~
 - b. ~~Colleges and universities.~~
 - e. ~~Nursing homes.~~
 - d. ~~Day care, adult or child.~~
 - e. ~~Government facilities, not to include correctional facilities.~~
 - f. ~~Hospitals.~~
 - g. ~~Religious institutions.~~
 - h. ~~Retirement centers and life care communities.~~
 - i. ~~Schools, primary or secondary.~~
 - j. ~~Assisted living residence.~~
 - v. ~~Entertainment and lodging category:~~
 - a. ~~Art galleries and studios.~~
 - b. ~~Cultural arts centers including theaters.~~
 - e. ~~Movie theaters except drive in.~~
 - d. ~~Museums.~~
- (b) ~~SUPPORTING USES. The uses listed below are considered supporting uses to the required categories. While the following uses are allowed by right, they shall not count towards the minimum required mixed-use categories. Even though the project may contain one (1) or more of the following uses, it must still include at least three (3) of the five (5) categories (residential, office, commercial, institutional/quasi-public/public, or entertainment and lodging) listed above to qualify as a mixed-use project.~~
- i. ~~Residential Storage Buildings.~~
 - ii. ~~Neighborhood Parks consisting only of grassy areas, walkways, landscaping features, and children's playground equipment.~~
- (c) ~~SPECIAL USES. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners. All special uses will be considered and approved according to the standards and provisions of Section 3.10 SPECIAL USE PERMIT.~~
- i. ~~Veterinary services with enclosed pens.~~
 - ii. ~~Convenience food stores with gasoline sales.~~
 - iii. ~~Nightclubs (nightclubs shall not locate adjacent to an existing place of worship or within one thousand five hundred (1,500) feet of existing residential uses or districts).~~
 - iv. ~~Laundry, dry cleaning, and laundromat services.~~
 - v. ~~Marinas.~~
 - vi. ~~Recreation facilities (both indoor and outdoor), private or public (excluding parks consisting only of grassy areas, walkways, landscaping features, and children's playground equipment).~~
 - vii. ~~Repair shops (without outdoor operations or storage).~~

- ~~viii. Automobile service shops (without outside storage or operations);~~
- ~~ix. Corporate Park uses limited to educational, scientific, and industrial research facilities, research laboratories and medical or dental laboratories;~~
- ~~x. Breweries, microbreweries;~~
- ~~xi. Amphitheater;~~
- ~~xii. Hotels and motels, including Restaurants and or bars/nightclubs that are located within the structure;~~
- ~~xiii. Meeting and events centers;~~
- ~~xiv. Accessory apartment, detached;~~
- ~~xv. Caretakers' dwellings;~~
- ~~xvi. Commercial parking facilities;~~
- ~~xvii. Public parks, playgrounds, and facilities;~~
- ~~xviii. Public and private transportation facilities;~~
- ~~xix. Public utility facilities, with or without outside storage;~~
- ~~xx. Home Occupations;~~
- ~~xxi. Restaurants with drive through windows;~~
- ~~xxii. *Adult Establishments Prohibited.* All adult establishments are specifically prohibited in the MXD.~~

~~5. GENERAL REGULATIONS.~~

- ~~(a) MINIMUM SITE SIZE: No MXD-zoned parcel shall be less than 15,000 square feet. There is no minimum lot size within an MXD development project.~~
- ~~(b) BUILDING HEIGHT: No buildings shall exceed forty five (45) feet in height.~~
- ~~(c) Buildings with heights of thirty five (35) feet or higher must be located in the middle third of the site between the side boundaries of the site but may be permitted on site perimeters if the adjacent property has a building greater than thirty five (35) feet in height.~~
- ~~(d) THOROUGHFARE REQUIREMENTS: All mixed use developments shall have at least one (1) direct access to and from an existing major or minor thoroughfare. Interconnection to other road classifications may be required. The Board of Commissioners may approve mixed use developments without direct access to a thoroughfare if a traffic impact analysis, performed and approved according to the Appendix A of this Ordinance, demonstrates:

 - ~~i. The impact of the project will not cause surrounding roadways to operate above capacity. The Board of Commissioners shall consider the impact of undeveloped land in the area when approving mixed use developments without access to thoroughfares;~~
 - ~~OR~~
 - ~~ii. The impact of the project will be less than or equal to the impact of a typical project developed under existing zoning. The typical project shall be determined by reviewing at least three (3) recent comparable projects developed within five (5) years of the project in the same zoning designation and shall not be a best case or worst case scenario. The list of comparable projects must be approved by the Town Manager.~~~~

- ~~(e) BORDER USE AREAS: To ensure compatibility with adjoining land uses a border use area twenty five (25) feet in width shall be established along the exterior property lines of the MXD where the exterior property lines of the MXD are adjacent to residential uses or lots within a residential zoning district. A vegetative buffer, at least fifteen (15) wide shall separate the residential uses or platted single family residential lots from the border use area.~~
- ~~i. If the exterior property line of the MXD is not adjacent to residential uses or platted residential lots, then no border use area will be required.~~
 - ~~ii. If a border use area is required, only residential uses or open space shall be permitted within that border area.~~
 - ~~iii. The maximum building height within any portion of the border use area shall be forty (40) feet.~~
 - ~~iv. The required building setback in the border use area shall be twenty five (25) feet.~~
 - ~~v. There shall be no non-residential accessory structures or parking located within the border use area.~~
 - ~~vi. In all instances, lighting shall be directed away from the adjacent residential use.~~
- ~~(f) BUILDING SETBACKS AND SEPARATIONS: Buildings located on the periphery of the MXD shall be set back a minimum of twenty (20) feet from the MXD boundary. All buildings in projects larger than five (5) acres shall be set back at least fifty (50) feet from U.S. and North Carolina numbered highways and major thoroughfares. All buildings in projects five (5) acres or less shall be set back at least twenty five (25) feet from U.S. and North Carolina numbered highways and major thoroughfares. There shall be no minimum interior setbacks and separation requirements. All internal nonresidential buildings are encouraged to be located within ten (10) feet of street rights of way to enhance the pedestrian orientation of the development. Buildings set back large distances from roads and pedestrian trails are strongly discouraged. However, all structures shall meet state building code requirements and all other requirements to protect the health, safety, and welfare of occupants.~~
- ~~(g) UNIFIED CONTROL/OWNERSHIP OF THE SITE: Mixed used developments shall be under single ownership or unified control or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this ordinance. The entire MXD site, including all phases and subdivided lots, shall be fully integrated through common design themes and pedestrian and vehicular connections. A unified mixed-use development is required regardless of whether the development is phased or subdivided.~~
- ~~(h) COMMUNITY PROPERTY OWNER'S ASSOCIATION: A community property owner's association shall be established for the MXD development and vested with the duty and authority to enforce any restrictions imposed by the Town in approving the MXD development.~~

- ~~(i) UTILITIES: All electric, cable television and telephone facilities, fire alarm conduits, street lighting wiring, and other wiring conduits and similar facilities shall be placed underground by the developer or the appropriate utility company. If the developer uses a "package plant" for wastewater collection and treatment, that facility shall not be within one hundred (100) feet of any residential use or zoning district or any US or NC Highway and shall be screened so that it is not visible.~~
- ~~(j) MINIMUM LANDSCAPING: Landscaping and Buffering shall be in accordance with Sections 7.3 and 7.4 of this ordinance with the following conditions:~~
- ~~i. Unless otherwise noted, all trees planted as a function of fulfilling the requirements of this section shall be a minimum of two (2) to two and one half (2½) inch caliper for shade canopy trees, eight (8) to ten (10) feet in height for understory and multi trunk trees, and shrubs shall be a minimum of twelve (12) inches in height.~~
 - ~~ii. Credit towards landscaping requirements may be granted by the Town Manager for healthy trees of at least two (2) inch caliper preserved or transplanted by spading from within the limits of disturbance or within the improved area of the project boundaries.~~
 - ~~iii. Credit towards the street yard or parking lot requirements may be granted by the Town Manager provided an overall landscaped effect is maintained and the parking facility shading requirements are achieved.~~
 - ~~iv. Up to fifteen (15) percent of the area to be landscaped may be covered with surfaces specifically intended to afford intensive use and enjoyment by employees, residents or the public (such as walking paths, bench and table pads, etc.).~~
 - ~~v. Stormwater management systems shall be integrated into the landscaping plan by employing rain gardens, bioretention units, constructed wetlands, and infiltration areas, as combined landscaping/stormwater management features to the extent that soil permeability, depth to groundwater, or site encumbrances, such as utilities, allow.~~
 - ~~vi. All trees and shrubs shall be adapted locally to the area. Native species and related cultivars are encouraged.~~
 - ~~vii. Xeriscaping and use of drought tolerant landscape plantings is encouraged.~~
 - ~~viii. Plantings shall be installed in a manner that is in visual harmony with existing and surrounding vegetation and topography and ensures the availability of sufficient soil and water for healthy growth.~~
 - ~~ix. Stormwater runoff shall be directed to landscape islands and planting areas to reduce irrigation needs and to take advantage of water quality and water recharge benefits to the extent that soil permeability, depth to groundwater, or site encumbrances, such as utilities, allow.~~
 - ~~x. Street trees are required along all streets and shall be a minimum three-inch caliper and shall be located at a minimum fifty (50) feet on center. Mixed use developments shall provide at least the minimum square feet of landscaped area and number of trees required by this section.~~

- ~~xi. Additional landscaping in key areas. Provision of at least ten (10) percent greater amount (square feet) than minimum landscaping area on the project perimeter, at project entrances and in common spaces may be substituted for strict conformance to internal landscaping requirements.~~
- ~~(k) SIGNS: The following sign requirements shall apply to mixed-use developments:
 - ~~i. All internal signs in areas developed mixed-use shall be required to meet the requirements for signs in Section 7.16 of this ordinance.~~
 - ~~ii. Project entry signs shall be integrated into site entry features and meet the following standards:
 - ~~a. The sign area shall not exceed seventy-five (75) square feet and its vertical dimension shall not exceed four (4) feet.~~
 - ~~b. The maximum height of the overall entry structure shall not exceed six (6) feet.~~
 - ~~c. The sign and any structures shall be so located as to not obstruct the view of persons entering or leaving the development consistent with the sight triangle requirements.~~
 - ~~d. The main and secondary entrances shall be designated on the site plan. Two (2) signs are allowed at the main entryway, one (1) on each side of the road or driveway with a combined total area not to exceed one hundred fifty (150) square feet and with a maximum vertical dimension of four (4) feet. Secondary entranceways shall be restricted to one (1) ground sign, not to exceed eighteen (18) square feet in area and with a vertical dimension of four (4) feet. However, if secondary entry signs are incorporated with an entry wall or similar type feature, two (2) signs are allowed, one (1) on each side of the access road, not to exceed a combined total area of twenty-seven (27) square feet and a vertical dimension of four (4) feet.~~~~
 - ~~iii. Pole signs and outdoor advertising signs shall not be permitted in mixed-use developments.~~
 - ~~iv. Wayfinding signs are permitted within mixed-use developments. A wayfinding sign is a sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.
 - ~~a. The materials used for directional signs or wayfinding signs shall coordinate with the overall character and design of the mixed-use development.~~
 - ~~b. The maximum height of each sign pole or post is twelve (12) feet.~~
 - ~~c. The minimum clearance beneath wayfinding signs shall be seven (7) feet if the sign is located within a pedestrian area or bike path area. There is no minimum clearance if the sign is not located in a pedestrian area or bike path area.~~
 - ~~d. The maximum square footage per individual sign on the sign pole or post is four (4) square feet. The maximum total square footage on a pole or post is twenty (20) square feet.~~~~~~

- e. ~~The maximum number of individual signs per sign pole or post is five (5).~~
 - f. ~~No more than two (2) sign poles or posts per block face are permitted.~~
 - g. ~~External illumination of wayfinding signs is permitted. Internal illumination of wayfinding signs shall be prohibited.~~
 - h. ~~Wayfinding signs shall not be visible from roadways outside the development.~~
 - i. ~~A sign plan must be approved by the Town Manager prior to installation. The sign plan must include all proposed sign dimensions, square footage, location, materials, and colors.~~
- (1) ~~STREET AND PARKING DESIGN:~~
- i. ~~A general grid street system with multiple external road connections is encouraged. Multiple internal road connections are required.~~
 - ii. ~~Road connections to adjacent roads and developments:~~
 - a. ~~Connections to existing stubbed roads are required unless the connection would result in substantial degradation of an existing wetland or water body to the point that required permits cannot be obtained from the appropriate regulating bodies.~~
 - b. ~~Multiple connections are encouraged to limit the impact on any one (1) street.~~
 - c. ~~Each MXD project shall have sufficient external connections so that no one (1) site entrance will carry more than fifty (50) percent of the average daily trips to or from the site. This requirement may be waived if a site has insufficient frontage to be granted multiple driveway permits from the North Carolina Department of Transportation or the Town and adjacent site conditions prevent connections on other perimeters.~~
 - d. ~~A traffic impact analysis and street design plan shall be required to make the determination of adequate connectivity. The traffic impact analysis is required at the time of site plan submittal and shall be composed in accordance with Appendix A of this Zoning Ordinance. The interconnectivity requirements of this section shall be met for each phase of a mixed-use development.~~
 - e. ~~Connections to existing local roads shall not be direct through street access from collectors or arterials. Connections to local roads shall include landscaped islands, roundabouts or other features designed to calm traffic as it enters the existing neighborhood.~~
 - f. ~~Public amenities are encouraged to be located next to adjacent neighborhood connection points.~~
 - iii. ~~Pedestrian scale, tree lined streets with on street parking are encouraged.~~
 - iv. ~~Parking lots shall be located behind or to the side of buildings. Clearly defined rear building entrances are encouraged where parking is located behind buildings. The majority of parking is encouraged to be on street parking to reduce large parking lots.~~

- v. ~~Parking garages are discouraged on primary activity or collector streets. If a parking garage is located on a primary activity or collector street, the majority of the facade shall have a non-parking use.~~
- vi. ~~Alleys are encouraged.~~
- vii. ~~The maximum block perimeter in areas designated Mixed Use, shall be no more than one thousand eight hundred (1,800) feet. Alternatives to this standard may be considered through the mixed use development process, provided that pedestrian access is maintained at least every four hundred fifty (450) feet. Access may be provided through buildings or service alleys.~~
- viii. ~~Mixed use developments may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties and promote connectivity and dispersal of traffic.~~
- ix. ~~The Town may permit alternatives to the Town's Standards for Street and Parking Design under any one (1) of the following conditions:~~
 - a. ~~Safe and adequate access to and within the site is provided. All interior drives shall be designed so as to provide adequate access for emergency service vehicles, mass transit and solid waste pick up.~~
 - b. ~~Low impact development as described in the density bonus section is provided.~~
 - c. ~~Greater than fifty (50) percent of the total parking is on-street parking.~~
 - d. ~~Angled parking may be permitted on streets with speed limits of twenty (20) miles per hour or less.~~
- (m) ~~PARKING REQUIREMENTS: The following parking requirements shall apply to mixed-use developments:~~
 - i. ~~It is encouraged that a development use a parking garage for parking so to reduce the footprint of impervious surface within a project.~~
 - ii. ~~Maximum parking requirements shall be consistent with the parking requirements of Section 7.15 of this ordinance.~~
 - iii. ~~A maximum twenty five (25) percent of parking may be for small vehicles/compact cars subject to the standards of Section 7.15 of this ordinance.~~
- (n) ~~GENERAL SITE DESIGN: The following characteristics are essential for a quality mixed-use development. Each of these components shall be included in mixed-use developments. Each component in this section includes both required and optional site design elements and is intended to allow for flexibility. The site plan shall include a narrative describing how the project will incorporate these characteristics. All mixed-use developments shall contain a minimum fifty (50) percent of the elements of this section.~~
 - i. ~~Pedestrian accessibility/concentration of development (critical mass) in a compact, walkable area.~~
 - a. ~~Uses are encouraged to be sufficiently concentrated to promote convenient pedestrian access. Larger projects are encouraged to~~

- concentrate uses in multiple nodes. Concentration within a one thousand five hundred (1,500) foot perimeter is preferred.
- b. ~~Pedestrian circulation shall be clearly defined and shall connect all uses.~~
 - e. ~~Bicycle and pedestrian access to adjacent developments is strongly encouraged in areas where vehicular access is not provided.~~
 - d. ~~Sidewalks are required on each side of rights-of-way or private streets throughout the development and are encouraged to be located in front of businesses and houses and not concentrated in parking areas.~~
 - e. ~~Strip commercial development characterized by single story uncoordinated, unconnected buildings with large street frontage parking lots is specifically prohibited. Strip malls with uncoordinated, unconnected out parcels are prohibited.~~
 - f. ~~All structures shall be fully integrated into the mixed use project through common design themes (including, but not limited to, lighting, benches, landscaping, other decorative features but not necessarily building design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections and other features.~~
- ii. ~~Clearly defined common spaces for gathering/interaction and fostering a sense of community. Plazas, courtyards and other areas are necessary to provide for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art, and landscaping that further the design theme of the project and encourage interaction are required. Specific requirements are described in the common space and open space section of this chapter.~~
 - iii. ~~Integrated design of the project. Common architectural theme: Mixed-use projects require special attention to building design because of the intermixing of land uses in close proximity. Functional integration of residential and non-residential uses shall be considered during design of mixed-use projects. The following standards are intended to guide development of mixed-use projects:~~
 - a. ~~Physical integration of uses: All mixed-use developments shall be designed and developed to provide an appropriate interrelationship between the various uses and structures within the development.~~
 - b. ~~Residential and non-residential uses may be located within the same or adjoining structures providing appropriate health and safety regulations are followed.~~
 - e. ~~Design: Structures should provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Structures shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.~~

- (1) ~~Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.~~
- (2) ~~Design should provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.~~
- (3) ~~Design shall ensure privacy in residential developments through effective window placement, soundproofing, landscape screening, or orientation of outdoor living areas (e.g., balconies, porches, patios and etc.). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g., glazed, tinted and etc.) to protect privacy.~~
- d. ~~Housing diversity (size, type, and cost).~~
 - (1) ~~Mixed use projects should include attached and detached residential components with a range of prices and sizes.~~
 - (2) ~~Single family lot sizes shall be varied to provide a mixture of lot sizes.~~
- iv. ~~*Preservation of natural features and open space.* Permitted flexibility in lot sizes, setbacks, street widths, and landscaping shall be utilized to preserve natural features and provide open space consistent with the policies of the comprehensive plan. Specific requirements are described in the common space and open space section of this section.~~
- v. ~~*Connection to the surrounding community.* Mixed-use developments shall not be gated and shall be interconnected to surrounding, unrestricted, developments when possible. Mixed-use projects shall be designed as an integral part of the surrounding community and not as an isolated development.~~
- vi. ~~*Phasing.* Mixed-use projects may be phased. Site plan submittals meeting all requirements of this section shall be considered a phase. The first phase shall meet all requirements of this section. Additional phases shall become part of the existing development. The entire project, including the first phase and all subsequent phases, shall meet all ordinance requirements as a unified development at all times. The Town may require all external street interconnections, stormwater systems, utilities and other public improvements to be constructed in the first phase to ensure the phase can function as a standalone mixed-use development.~~
- (o) ~~RESIDENTIAL DENSITY.~~

~~The base density permitted for areas designated residential in the Mixed Use District shall be three (3) dwelling units per acre. Maximum residential density for areas within an MXD site shall be determined by adding base density to density bonuses but shall not exceed eight (8) units per acre.~~

~~Density bonuses shall be determined by application of performance measures described in this section. In order to be eligible for any bonus, the applicant shall utilize at least one category set forth below. Even though the total of density bonuses for categories would exceed eight units per acre, the maximum residential density is eight units per acre.~~

- ~~i. DENSITY CALCULATIONS. Density shall be calculated using residential land use categories.
 - ~~a. Mixed use density shall be calculated using only the total acreage (including streets, parking, common space/open space, and other features in the residential area) on an MXD site.~~
 - ~~b. If the applicant designates areas classified Resource Protection or Conservation as not to be developed, the density calculation for the more intense land classification category may be applied to the entire residential area.~~
 - ~~c. Land preserved for the purpose described in subsection *n.ii.*, above, shall only be eligible for full credit towards the minimum open space requirement if it is an integral part of the development. If the entire preserved area is located on the periphery of the development, the area shall only be credited for a maximum fifty (50) percent of the required open space. The purpose of this limit is to ensure open space is not isolated but is an integral part of the development.~~~~
- ~~ii. DENSITY BONUSES. In reviewing a preliminary and development plan for a mixed use development, the Town Manager shall determine if the applicant meets the requirements for receiving bonuses and will certify his findings to the Town Board. Density bonuses are grouped into seven (7):
 - ~~a. Environmental~~
 - ~~b. Community Design Standards~~
 - ~~c. Transportation Enhancements~~
 - ~~d. Mixed Use Buildings~~
 - ~~e. Pedestrian Facilities~~
 - ~~f. Public Water Access~~
 - ~~g. Public Parks~~Greater bonuses are awarded for items with more significant benefits to the community. The increases in density shall be subject to the following procedures:
 - ~~a. Environmental (three (3) Dwelling Units per Acre): Use of the following low impact development approach in site design to mimic the predevelopment site hydrology for the ten year storm. This approach has several steps that shall be integrated into the site design process. These steps are:
 - ~~(1) Define site constraints. Locate wetlands, floodplains, stream buffers, significant trees, well drained soils, etc.; define the development envelope; minimize disturbance; plan for~~~~~~

- lengthening of flow paths and disconnecting impervious surfaces.
- ~~(2) Hydrologic analysis for pre and post development conditions.~~ Use hydrologic modeling to analyze the site; evaluate time of concentration benefits from planning techniques (from step 1); evaluate integrated management practices and supplemental needs.
 - ~~(3) Develop the storm water management plan.~~ Using bioretention areas, infiltration, filter strips, vegetated swales, rain barrels, etc., evaluate the site for appropriate locations and measures through an iterative process; design supplemental controls as needed for meeting predevelopment runoff volume.
 - ~~(4) Long term maintenance.~~ Provide for long term maintenance of techniques and ensure the continuation thereof.
- ~~b. Community design standards (one (1) Dwelling Unit per Acre):~~ The applicant shall develop architectural design standards for the entire development consistent with the general site design requirements in this ordinance. The standards shall be maintained and enforced by the community property owners' association, be filed with the Town and any changes must be approved by the Board of Commissioners. If design review is at the sole discretion of the developer, the community property owners' association shall be permitted to comment on development. Development review shall be required to determine consistency with established standards for the life of the project.
 - ~~c. Transportation enhancements (one (1) Dwelling Unit per Acre):~~ Provision of private transit service. Service shall be provided to connect to the Carteret County Area Transportation System and local beaches, at a minimum. Service to major employment centers and shopping centers is encouraged. A minimum two year contract is required from project completion.
 - ~~d. Mixed use buildings (one (1) Dwelling Unit per Acre):~~ Inclusion of at least one (1) building that is designated for nonresidential use on at least the first floor and with at least one (1) floor of residential units above. Residential square feet shall be greater than the non residential square feet in the building Bonus item ~~(two (2) Dwelling Units per Acre):~~ Inclusion of at least two (2) buildings that are designated for nonresidential use on at least the first floor and with at least one (1) floor of offices above
 - ~~e. Pedestrian facilities (two (2) Dwelling Units per Acre):~~ Provision of an internal network of sidewalks in addition to those located along streets and buildings. These facilities shall be in addition to minimum requirements and shall be at least one thousand five hundred (1,500) linear feet. These additional facilities shall be walking trails in residential areas, trails connecting residential areas

to open space and mixed use areas or noninvasive trails through environmental preserve areas.

~~f. *Public Water Access (two (2) Dwelling Units per Acre):* The applicant shall reserve and specifically dedicate an area equal to the greater of one percent (1%) of the total project area or 10,000 square feet for Public Water Access.~~

~~(1) The applicant may increase their bonus to three (3) Dwelling Units per Acre if a pier is open to the public or boat access is constructed on that Public Water Access by the applicant. This reservation and dedication can also count for the required open space and/or common space reservation required under these regulations.~~

~~g. *Public Parks (one (1) Dwelling Unit per Acre):* The applicant shall reserve and specifically dedicate to the public a park consisting of an open grassy area with not less than 20,000 square feet of area suitable for picnics, and children's play. This reservation and dedication counts for the required open space and/or common space reservation required under these regulations.~~

~~(p) COMMON SPACE AND OPEN SPACE.~~

- ~~i. *Purpose:* It is intended that MXD developments be identifiable by functional common spaces and open space, including but not limited to natural wetlands, forested areas, atriums, parks, internal courtyards, plazas, or other undisturbed or improved spaces.~~
- ~~ii. Common spaces shall shape the design and character of the project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. The pedestrian spaces may include artwork, sculpture and water features to improve their appeal. These spaces shall be designed to create interaction among workers, residents, and shoppers. The spaces shall also attempt to provide a pleasant gathering place for transit usage.~~
- ~~iii. Open spaces can be natural or recreational. Natural open spaces are intended to protect the natural environment, protect water quality, and provide habitat for wildlife. Recreation open spaces are intended to provide outdoor active recreation facilities and other activity areas for residents, shoppers, and employees.~~
- ~~iv. Overlap between spaces considered common space and open space is possible. The definitions are not mutually exclusive. Each MXD project shall contain a minimum twenty (20) percent common space and a minimum ten (10) percent open space. The developer can propose the allocation of land to these categories. However, common space shall be primarily an area for social interaction and have more impervious surface. Open space shall be essentially unimproved pervious area with limited modifications.~~

~~a. *Common space:*~~

~~(1) At least twenty (20) percent of the acreage of the site shall be devoted to common spaces.~~

- ~~(1) Common space includes areas where the public is directly or indirectly invited to gather, browse, sit, interact, or congregate. Common spaces do not have to be publicly owned. Common areas may include walking paths, bicycle paths, courtyards, plazas, and other similar areas. Unimproved natural areas shall not be counted as common space.~~
- ~~(2) Common spaces shall be arranged as community spaces with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects.~~
- ~~(3) Common spaces are intended to be places for social interaction and may include impervious surfaces.~~
- ~~(4) Common space amenities shall include at least three (3) of the following:
 - ~~(i) Sidewalks with substantial ornamental treatments (e.g. brick pavers; change in materials, color, or texture; use of pervious materials when consistent with Americans with Disabilities Act).~~
 - ~~(ii) Sidewalk planters. Planters may be constructed to provide seating around the perimeter.~~
 - ~~(iii) Public art (e.g., sculpture, fountain, clock, mural, etc.).~~
 - ~~(iv) Street trees of a caliper fifty (50) percent wider than required by this chapter (may include preservation of healthy mature trees adjacent to sidewalks).~~~~
- ~~(5) Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a right-of-way or a public access easement.~~
- ~~(6) The size or capacity of pedestrian amenities should be proportional to their expected use, including use by employees, customers, residents, and other visitors.~~
- ~~(7) Amenities should be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained and have a reasonably long life cycle (e.g., ten (10) years before replacement).~~
- ~~(8) The walking areas of common spaces shall be surfaced with concrete, brick, tile, or another material approved by the Town Manager. The type of surfacing material shall be identified on the site plan.~~
- ~~(9) Construction of bus shelters along project perimeters shall be mandatory wherever the project includes or is adjacent to an existing or previously identified transit line extension~~

proposed in adopted documents by the Carteret County Area Transportation System, or another public transit provider.

~~(10) Parking area landscaping and buffer areas shall not be counted toward meeting this requirement.~~

b. ~~Open space: A minimum ten (10) percent open space shall be provided.~~

~~(1) Open space is any area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment. Open space may include active recreational facilities such as swimming pools, tot lots, ball fields and picnic tables (recreation open space). Open space may also include areas reserved for underground wastewater collection and treatment systems. However, improved recreational facilities, including golf courses, shall not exceed twenty five (25) percent of the minimum required open space.~~

~~(2) Parking area landscaping and buffer areas shall be excluded from this calculation.~~

~~(3) No more than fifty (50) percent of the open space shall be covered by water unless approved by the Board of Commissioners as part of an active recreation area or regional stormwater facility. Standard stormwater retention facilities that meet only minimum Town requirements shall not be counted as open space.~~

~~(4) Construction of greenways shall be mandatory whenever the project includes or is adjacent to existing greenways, trails, or sidewalks, to provide pedestrian connectivity off site.~~

~~(5) All open space shall remain undivided and no lot or unit owner or any other person shall bring any action for partition or division of any part thereof except as provided in G.S. Ch. 47C (Condominium Act). Active recreational facilities such as pools and tennis courts may be controlled by sub-associations for the residential components of the project. Each lot or unit owner's undivided interest in the use of reasonably maintained open space shall be preserved through covenants running with the land. Title to such areas shall be encumbered for the perpetual benefit of the public generally or the private properties in the development and all future use shall be consistent with the open space requirements. Improvements clearly incidental to the purpose of these provisions may be made within the open space.~~

~~(6) Access to open space: All residential lots or units created within the development shall have direct access to all open space and recreational facilities, as provided, by means of public streets or dedicated walkways or by the fact of~~

physical contiguity to other public land or lands in common ownership of all residents. The developer shall not place age, race, creed, sex, or economic restrictions (other than maintenance assessments) upon lot or unit owners for the use of said open space. Land which is restricted in any way so as to be for the use, benefit, or enjoyment of a select group within the development shall not qualify as open space.

(7) ~~Open space provisions: The developer shall file a declaration of covenants and restrictions running with the land that will govern the open space. This declaration shall be submitted prior to final plat approval. When a property owners' association or other such nonprofit ownership is established, the declaration shall include but not be limited to the following:~~

~~(i) The homeowners' association or the nonprofit organization shall be established before any lots are sold;~~

~~(ii) Membership shall be mandatory for each lot buyer and successive buyer;~~

~~(iii) The association shall provide for liability insurance, any taxes, and the maintenance of all grounds and facilities;~~

~~(iv) Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property.~~

~~6. PROCEDURAL REQUIREMENTS FOR THE ESTABLISHMENT OF AN MXD PROJECT. Proposals for a project in the MXD shall be processed in four (4) stages: 1) conceptual review, 2) application/preliminary site assessment; 3) development approval; and 4) final plan/site plan approval. Each stage shall be processed in the following order:~~

~~(a) Conceptual review:~~

~~i. This is a scheduled pre application conference held with the Town Manager to discuss requirements, standards, and policies.~~

~~ii. The general outline of the proposed MXD project (evidenced schematically by sketch plans or drawings showing the proposed location of the project adjacent land uses, major external streets, site conditions, land characteristics, available community facilities and utilities and other applicable information) shall be submitted by the applicant for conceptual review at the pre application conference. Conceptual review submittal shall include both one (1) printed copy and one (1) digital copy of the proposed plan.~~

~~iii. After holding the required conference, the Town Manager shall notify and provide a digital copy of the conceptual plan to the appropriate representatives of various Town agencies and neighborhood groups in order to obtain preliminary comments regarding the proposed MXD project. Any comments from Town agencies or neighborhood groups~~

~~must be submitted to the Town Manager no later than two (2) weeks after receipt of the plans for consideration. Upon receipt of these comments, the Town Manager shall furnish the participants with comments, including appropriate recommendations.~~

~~iv. For projects above two (2) acres, the applicant is strongly encouraged to meet with neighboring property owners to discuss the conceptual plan. A general summary of the meeting shall be provided to the Town Manager.~~

~~(b) Application/preliminary site assessment:~~

~~i. An application to review a preliminary site assessment for a MXD project shall be filed with the Town thirty (30) days prior to the next scheduled Planning Board meeting. An applicant may request that preliminary site assessment and actual development approval be considered by the Town at the same time if applicant makes a complete submittal for both. In such case, the planning board will proceed simultaneously on both. However, simultaneous consideration is discretionary by the Town Board.~~

~~ii. The application shall include:~~

~~a. A completed Traffic Impact Analysis of the proposed project according to Appendix A of this Ordinance.~~

~~b. One or more plats drawn to scale which specify existing site conditions, the appropriateness of the site for mixed use development, the location of proposed residential and non-residential areas within the MXD site, open areas, common areas, streets, sidewalks, pedestrian walk ways, buffers, border areas, utility plans, storm water systems, development phases, and all other features of the proposed site and proposed development on the site.~~

~~c. Sketch elevations and floor plans of buildings and structures proposed for construction on the site. (Note: For proposed single family detached dwellings sketches of typical architectural styles of the dwellings is required, but not floor plans.)~~

~~d. Submittals for application/preliminary site assessment shall include both one (1) printed copy and one (1) digital copy of all documents.~~

~~iii. At the option of the applicant, the application may include applications for any special uses applicant wishes to establish in the project; however, action on special use applications for the project will not occur until development approval.~~

~~iv. The Planning Board will review the application at its next regularly scheduled meeting; however, the chairman of the planning board may reschedule the meeting for up to two weeks to accommodate the schedules of planning board members. The planning board itself may schedule one or more special meetings to review the application within two weeks following the date on which it meets to review the application.~~

~~v. The planning board's review of the application will be to determine whether the application meets the development criteria of this section.~~

~~vi. Following its review, the planning board will:~~

- a. ~~Recommend preliminary approval to the Town Board of the project as submitted;~~
- b. ~~Recommend preliminary approval to the Town Board with conditions; or~~
- c. ~~Recommend rejection of the project specifying the reasons for the rejection;~~
- vii. ~~Within 45 days following the receipt of the Planning Board's recommendations, the Town Board will review the application to determine whether the application meets the development criteria of this section. The mayor, or the Board itself, for good cause may extend the date of the review by an additional 15 days.~~
- viii. ~~Following its review, the Town Board will:~~
 - a. ~~Give preliminary approval of the project as submitted;~~
 - b. ~~Give preliminary approval with conditions; or~~
 - c. ~~Reject the project specifying the reasons for the rejection.~~
- ix. ~~If the Town Board gives conditional approval, the applicant must agree to the conditions and incorporate them in the plats required for development approval.~~
- x. ~~If the Town Board rejects the application, the applicant shall have the right to modify the application to change the parts of the application the Town Board found non-compliant with the provisions of this section and re-submit to the Town Board for further review.~~

~~7. MXD DEVELOPMENT APPROVAL:~~

- (a) ~~Unless the applicant has done so during the preliminary site assessment, following preliminary approval he will submit a site plan prepared by a surveyor or professional engineer to standards for recording at the Carteret County Register of Deeds Office incorporating the elements of the project given preliminary approval by the Town Board. This site plan shall depict all aspects of the project including:~~
 - i. ~~Boundaries of the project~~
 - ii. ~~Location of residential and non-residential areas~~
 - iii. ~~Exact location of non-residential buildings and multifamily buildings~~
 - iv. ~~Approximate locations of single family detached dwellings~~
 - v. ~~Interior lot lines on lots that will be sold as separate parcels~~
 - vi. ~~Open areas and common areas~~
 - vii. ~~Streets, sidewalks, pedestrian walkways~~
 - viii. ~~Buffers and border areas~~
 - ix. ~~Utility plans~~
 - x. ~~Storm water systems~~
 - xi. ~~Phases in which the applicant is prepared to commence work~~
 - xii. ~~Location of future phases~~
 - xiii. ~~Uses within the future phases~~
- (b) ~~Unless the applicant has done so during the preliminary site assessment, following preliminary approval he will submit professionally prepared elevations and floor plans of buildings and structures proposed for construction on the site. (Note: For single family detached dwellings, elevations of typical architectural styles of the dwellings is required, but not~~

- floor plans.)
- ~~(e) The Planning Board and Town Board will consider the site plan, building elevations and floor plans within an equivalent schedule for preliminary site assessment.~~
 - ~~(d) Development approval by the Town Board is authority for the applicant to procure his building and other development permits and to commence construction of the part of the project approved by the Town Board. No construction, excavation or clearing shall be commenced, or any building permit issued until development approval is given by the Town Board.~~
 - ~~(e) The site plan, building elevations and floor plans given development approval by the Town Board are deemed the project's master plan.~~
 - ~~(f) The applicant shall not be required to submit a separate subdivision application.~~
 - ~~(g) Final Plat Approval: Upon substantial completion of the project, or a phase of the project, a final plat of the project, or a phase, prepared by a profession surveyor or engineer, incorporating all elements of the site plan given development approval by the Town and including shall be submitted to the Town Manager for delivery to the Planning Board and Town Board.

 - ~~i. The Planning Board and the Town Board will compare the proposed final plat to the master plan and will act on the final plat in the schedule provided for final plat approval for subdivisions.~~
 - ~~ii. In the event the Town Board finds material discrepancies between the master plan and the proposed final plat, the developer will be advised of the discrepancies and will be required to correct the same.~~
 - ~~iii. When the Town Board determines that the final plat reflects the master plan as approved, and that the project, or phase thereof, has been constructed according to the master plan, it will approve the final plat for recording at the Carteret County Register of Deeds Office, and the Town Manager or the Town Clerk is authorized to sign the plat as evidence of the Town's approval.~~
 - ~~iv. The final plat will include the appropriate certificates set forth in *Section 7.6.F.15.(j)* with the words "mixed use development" substituted for "subdivision" in the certificates as required by context.~~
 - ~~v. The final plat will also include this certificate which will be signed by either the Town Manager or Town Clerk:
 "This development is approved and is subject to a master plan on file at Cedar Point Town Hall. No material changes to the development are permitted unless approved by the Town of Cedar Point."~~
 - ~~vi. No building or structure in the development, or a phase hereof, may be occupied until the final plat is recorded.~~
 - ~~vii. In the event of phased development, the developer will submit final plats for each phase as each phase is completed.~~~~

~~8. AMENDMENTS~~

- ~~(a) The Town may approve amendments to a master plan upon application of an owner of a property in the MXD development or an owner's association within the development.~~

~~(b) Amendments will be processed through the same procedures for initial approval of the project.~~

5.95.7 OVERLAY ZONING DISTRICTS

A. CBOD CENTRAL BUSINESS OVERLAY DISTRICT

1. General Requirements: The following general requirements will apply to the overlay district:
 - (a) For the purposes of this ordinance, an overlay district is a district that supplements the underlying zoning district established on the site. In addition to the requirements of the underlying zoning district(s), the requirements herein shall apply to all new construction, additions, alterations or expansions to existing buildings, parking lots or vehicular storage areas, unless explicitly exempted.
 - (b) All uses permitted in the underlying zoning districts are allowed as regulated by said districts.
 - (c) The specific development requirements of a particular overlay district shall apply uniformly to all property within said district.
2. Cedar Point Central Business Overlay District Established: The Cedar Point Central Business Overlay District is hereby established as an overlay district.
 - (a) Boundaries of the Cedar Point Central Business Overlay District: All parcels in their entirety shall be included in the overlay if any portion of the lot is located within a distance of 3,000 feet from the center intersecting node of North Carolina Highway 58 and North Carolina Highway 24 on the west side of the centerline of North Carolina Highway 58. In addition, when a proposed site plan is submitted containing multiple lots and any portion of any lot located within the overall development is within the boundaries of the overlay district, the entire development will need to meet the requirements of this regulation.
 - (b) Applicability:
 - i. Application: The Cedar Point Central Business Overlay District regulations shall apply to all principal buildings on lots or open uses of land constructed, reconstructed or established after March 28, 2006.¹
 - ii. Exemptions: The Cedar Point Central Business Overlay District regulations shall not apply to:
 - a. Single-family detached dwellings on their own lots.
 - b. A change in use that does not result in a building footprint change.
 - c. Those buildings and their accessory uses including parking or vehicular storage areas existing on March 28, 2006, whose gross square footage of building, parking area or open use of land is not expanded in excess of 3,000 square feet of that which existed on March 28, 2006.

¹ The original date of adoption of the regulation.

6.1.1 TABLE OF PERMITTED USES

Use	RA	R-20	R-15	R-15M	R-10	B-3	B-2	B-1	MC	LIW	IW	HSCD	MXD	Additional Standards
ABC Stores						S P	P S	P S				-	S	
Accessory Buildings	P	P	P	P	P				P			P	P	
Accessory Uses, Customary												P		
Aerobics Dance and Karate Class								P				-	P	
Agricultural Uses	P	P	P	P	P							-	-	
Alterations, Clothing and Shoes								P				-	P	
Amphitheatre												-	S	
Antique and Gift Stores						P S	P S	P				-	P	
Appliance Stores						P S	S	P				-	P	
Armories for Meeting, Military Training						S	S	S P				-	-	
Art Gallery, Studio								P				-	P	
Assisted Living Residence												P	P	
Auction House						S P	S	S P				-	-	
Automobile Sales and Rental						P S	S	P				-		
Bakery and Delicatessen						P	P	P				-	P	
Bakery Plant											P	-	-	
Banks, Financial Institutions						P	P	P				-	P	
Barber and Beauty Shops						P	P	P				-	P	
Bars, Night Clubs								S				-	S	6.2.A
Bed and Breakfast	S	S	S	S	S	P	P	S P				-	S	6.2.B
Billboards/Off-Premise Signs											S	-	-	
Billiard Rooms						S	S	P S				-	-	
Boat Building											P	-	-	
Boat Sales, Service and Repair						S	P	S P				-	S	
Boat Storage Yard										S		-	-	
Bona Fide Farm	P	P	P	P	P							-	-	
Bowling Alleys								P				-	P	
Breweries, Microbreweries								P		P		-	S	
Business and Vocational School						P						-	P	

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6.1.1 TABLE OF PERMITTED USES														
Use	RA	R-20	R-15	R-15M	R-10	B-3	B-2	B-1	MC	LIW	IW	HS	MX	Additional Standards
Cabinet and Woodworking Shop								SP		P	P	-	-	6.2.C
Campground/Camp, Seasonal									P			-	-	
Cemeteries	S											P	-	6.2.D
Clinic and Medical Laboratory						PS	S	PS				-	S	
Clothing Manufacturing										P		-	-	
Colleges and Related Facilities								S				-	P	6.2.E
Commercial Marine Facility							S					-	-	6.2.F
Commercial Displays						P	P	P		P	P			
Commercial Printing and Publishing						P						-	-	
Community Shopping Center						P		P					P	6.2.G
Condominium/Apartment	S	S	S	S	S	S		S				S		6.2.L
Contractor's Plant or Storage Yard										P	P	-	-	
Convenience Food Stores without gasoline sales						P	P	P				-	P	
Convenience Food Stores with gasoline sales						P	P	P					S	6.2.Q
Day Care, Adult								PS				P	P	6.2.H
Day Care, Child	S	S						PS				-	P	6.2.I
Dock, Private	P	P	P	P	P				P			-	P	
Docks and Piers, Commercial						P	P	P	P	P	P	-	S	
Drystack Boat Storage facility							S					-	S	6.2.J
Dwelling, Duplex	S	S	S	S	S							S	P	6.2.L
Dwelling, Efficiency Unit	PS	PS	PS	PS	SP							SP	P	6.2.K
Dwelling, Live Work					S	SP	SP	SP				-	S	6.2.M
Dwelling, Manufactured				P					P			-		6.2.N
Dwelling, Recreation Vehicle									P					
Dwelling, Single Family	P	P	P	P	P							P	P	
Dwelling, Townhouse	S	S	S	S	S	S						S	P	6.2.L
Electrical Repair Shop							P			P		-		

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6.1.1 TABLE OF PERMITTED USES														
Use	RA	R-20	R-15	R-15M	R-10	B-3	B-2	B-1	MC	LIW	IW	HS	MXD	Additional Standards
Electronic Machines, Equip. and Supp.										P	P	-		
Exterminating Services										<u>P</u>	<u>SP</u>	-		
Fabricating Shops										S	S	-		
Family Care Home	<u>SP</u>							<u>PS</u>					<u>P</u>	6.2.O
Farm Stand	P				P							-		
Fiberglass Manufacturing										<u>SP</u>		-		
Fish Camps									P			-		
Fishing Pier							P					-	<u>P</u>	
Fishing Ranch							P					-		
Funeral Home, Mortuary, Crematorium	S							S		S	S	-		6.2.P
Furniture Manufacturing Plants										S	P	-		
General Business and Retail Sales						P	P	P				-	<u>P</u>	
General Warehousing										P	P	-		
General Wholesaling										P	P	-		
Golf Course								S				-		6.2.R
Government Uses											S	-		
Grocery Stores						<u>SP</u>	<u>SP</u>	<u>SP</u>				-	<u>P</u>	
Group Care Facility	S							S				-	<u>P</u>	6.2.S
Group Retirement Facility												<u>P</u>	<u>P</u>	
Home Center						P						-	<u>P</u>	6.2.T
Home Occupations	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>							-	<u>S</u>	6.2.U
Hospitals						<u>S</u>	<u>S</u>	S				-	<u>P</u>	
Hotel and Motel						<u>SP</u>	<u>SP</u>	<u>SP</u>				-	<u>S</u>	6.2.V
Industrial Assembly, Sales and Repair										P	P	-	-	
Junk Yard												-		
Kennels	<u>PS</u>							<u>SP</u>		<u>P</u>		-	-	6.2.W
Lab: Research, Med., Dental, Optical						<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>		-	<u>S</u>	
Laundry, Dry Cleaning, Laundromats						S	<u>S</u>	<u>PS</u>				-	<u>S</u>	
Lawn, Garden, Greenhouses, Nurseries	<u>P</u>					<u>S</u>	<u>S</u>	<u>PS</u>		<u>P</u>	P	-	<u>P</u>	

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6.1.1 TABLE OF PERMITTED USES														
Use	RA	R-20	R-15	R-15M	R-10	B-3	B-2	B-1	MC	LIW	IW	HS	MX	Additional Standards
Library	S					P		P				-	P	6.2.X
Licensed Professional Therapists						P	P	P				-	P	
Livestock as pets	S	S	S	S	S									
Club Facilities, Public and Private	S					S	S	S				P	P	
Maintenance Buildings												P	-	
Mobile Home Park									P			-	-	6.2.Y
Marine Equipment Store							P					-	P	
Marine Railway Yard							P					-	-	
Marine Research Facility							P					-	S	
Meeting/ Event Center						S	S	S				S	S	6.2.Z
Mini-Storage facilities								S		P	P	-	-	
Motor Vehicle, RV Repair Garage								PS		P		-	S	6.2.AA
Museum								P				-	P	
Non-Profit Educational Cooperative						P		P						
Nursing/Convalescent Homes												P	P	
Offices						P	P	P				-	P	
Offices, Banking and Financial						P	P	P				-	P	
Offices, Contractor's						P		PS		P	P	-	-	6.2.BB
Offices, Facilities: Municipal, Fire, Police	S	S	S	S	S	P	SP	PS	S			-	P	6.2.CC
Offices, Government						P	P	P		S		-	P	
Offices, Health Services						P	P	P				-	P	
Offices, Professional						P	P	P				-	-	
Open Air Markets								s						6.2.DD
Overnight Camping Vehicle Storage									S	S		-	-	
Package Treatment Plant	S	S	S	S	S	S	S	S	S	S	S	S	S	
Parking Deck, Automobile						S	S	S		S	S		S	
Parks and Playgrounds, Private	P	P	P	P	P	P	P	P	SP	P	P	P	S	
Parks and Playgrounds, Public	P	P	P	P	P	P	P	P	P	P	P	P	S	6.2.EE
Parsonage/Caretaker's Quarters	PS	SP	SP	SP	SP			S				S		

6.1.1 TABLE OF PERMITTED USES														
Use	RA	R-20	R-15	R-15M	R-10	B-3	B-2	B-1	MC	LIW	IW	HS	MX	Additional Standards
Personal Service Establishments						P						-	-	
Pet Grooming Business						P		P				-	P	
Planned Unit Development (PUD)	S	S	S					S				-		6.2.FF
Plastic Manufacturing										S	<u>P</u>	-	-	
Prefabricated Cargo Shipping Containers						P	P	P						6.2.GG
Private Stables	PS													6.2.HH
Production and Repair Facilities						P						-	-	
Production, Sale: Leather Products										<u>S</u>	P	-	-	
Production, Sale: Lumber, Wood										<u>S</u>	P	-	-	
Production, Sale: Pottery, Porcelain										<u>S</u>	P	-	-	
Public Utility Facilities								S		S	S	-	S	6.2.II
Production, Sale: Stone, Glass, Concrete										S	P	-	-	
Radio, TV Broadcasting Studios								P				-	P	
Recreational Facility, Indoor						P		P		<u>P</u>	<u>P</u>	-	S	
Recreational Facility, Outdoor								P		<u>P</u>	<u>P</u>	-	S	6.2.JJ
Religious Complexes	S	S						SP				-	P	6.2.KK
Restaurant, Without drive-thru windows						S	S	S				-	P	6.2.LL
Restaurants, With drive-thru windows						S		S				-	S	6.2.LL
Schools, Public and Private	S	P	P			<u>S</u>		S				P	P	6.2.MM
Seafood Handling, Storage, Sales							SP			SP	SP	-	-	
Seasonal Camps												P	-	
Sexually Oriented Businesses								S				-	-	6.2.NN
Shooting Range, Indoor						S		<u>S</u>		S		-	-	
Signs: Manufacturing and Assembly						<u>P</u>		PS		P		-	-	
Skating Rinks						P	P	P				-	-	
Spa and Health Club						P	P	P				-	P	
Swimming Pool – Private	P	P	P	P	P				P			-	S	
Tennis Court – Private	P	P	P	P	P				P			-	S	
Textile Manufacturing										<u>S</u>	SP	-	-	

6.1.1 TABLE OF PERMITTED USES														
Use	RA	R-20	R-15	R-15M	R-10	B-3	B-2	B-1	MC	LIW	IW	HS	MX	Additional Standards
Theaters						P	P	P				-	P	
Trailer (Utility/Hauling) Sales and Rental								S		P	P	-	-	
Transportation Facilities, Private										P		-	S	6.2.OO
Transportation Facilities, Public												-	S	
Veterinary Clinic						P						-	S	6.2.PP
Wireless Telecommunication Towers								S		S	S	-	-	
Yacht and Boat Club							SP	P				-	P	

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to the Town, or the owner/operator fails to notify the town of any changes, amendments, or revisions in the information given in the application for a permit. The Town shall be notified within seven (7) days following any acts, events, or occurrences that would cause an amendment or change to be made in the information given on the driver's application.

PP. VETERINARY CLINIC

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) All pens and kennels shall be in an enclosed, air-conditioned building.
- (b) No boarding of animals shall be allowed on-site unless in conjunction with a conforming and permitted kennel.
- (c) If a veterinary clinic operates in conjunction with a kennel, the operation shall be located on a lot that is at a minimum one (1) acre in area.
- (d) All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines.
- (e) No unenclosed runs shall be allowed at a veterinary clinic.

6.3 TEMPORARY USES.

A. Purpose.

It is the purpose of this section to recognize that there is a need for special allowances to be granted to certain temporary uses so that they may be permitted within the community. Because of the special problems related to temporary uses, it is also necessary to provide specific, separate and distinct guidelines and standards for them. It is the express intent of these provisions to minimize any potential adverse impact of such temporary uses by eliminating, to the greatest possible extent, any major problems, threats or dangers to the public health, safety or welfare as may exist with any or all of these temporary uses.

B. Permitted Uses.

Temporary uses shall be limited to a use or uses of land, buildings or structures not intended to be of a permanent duration. Such uses shall be limited to the following:

- 1. Circuses and/or carnivals.
- 2. Evangelistic and religious related congregation.
- 3. Outdoor bazaars, cookouts, and/or similar activities by eleemosynary, churches, or other nonprofit institutions and organizations.
- 4. Open lot sales area for Christmas trees or special fundraising sales for nonprofit organizations.
- 5. Contractors' offices and/or construction sheds including mobile offices for displaced persons or contractors during construction on the site.
- 6. Temporary real estate sales office.

7. Temporary restroom facilities

7.8. Temporary relocation manufactured housing, including recreation vehicles (RV), for displaced persons as a result of natural or man-made disasters or public sponsored redevelopment projects in a neighborhood or area.

8-9. Temporary use of prefabricated cargo shipping containers, off-chassis, and/or on-

chassis tractor trailer containers for:

- (a) Special Events not to exceed thirty (30) day in duration and not to be repeated for a period of twelve (12) months.
- (b) Construction/reconstruction of any structure as long as the container is removed within two (2) weeks after the construction is complete. If the construction/reconstruction exceeds a twelve (12) month period of time, the applicant must provide the Town Manager or his/her designee with a detailed Action Plan for the project included expected completion time.

~~9-10.~~ Other temporary recreational or entertainment related events or activities such as fairs or concerts.

~~10-11.~~ Temporary events in which livestock are used (i.e. goat yoga, horse/pony rides, etc.) with the following restrictions:

- (a) The event shall not last more than 3 consecutive days.
- (b) *Standards*. The following guidelines shall apply to all the allowable temporary uses:

~~11-i.~~ A letter of intent outlining the dates, location, use, duration of use, owner, operator and other pertinent information shall be submitted along with the other requirements of this section to the Town Manager or his/her designee prior to the beginning of the Temporary Use. Such letter, upon final acceptance, shall be the commitment to comply with the requirements contained herein and the conditions outlined therein by the responsible party of such use.

~~12-ii.~~ The Town Manager or his/her designee shall inspect and approve the installation of all temporary uses prior to any use of the facility.

~~13-12.~~ For circuses, carnivals, bazaars, evangelistic or religious congregations, open lot sales, fairs or special entertainment events and special sales, each permit applicant shall submit a parking and traffic plan which shall include the following:

- (a) Indication of area to be used by operator's vehicles and customers;
- (b) Designation of entrances and exits, traffic flow, and parking areas;
- (c) Total number of parking spaces available;
- (d) Estimated number of customers or participants;
- (e) Traffic control measures.

~~14-13.~~ Where a tent or similar structure is to be used, the following requirements or documentation shall be met:

- (a) A limitation on the number of occupants in a structure shall be observed as per the instruction of the Town Manager or his/her designee.
- (b) In conjunction with an occupancy limit, a seating plan, if seating is provided for an audience, must also be submitted and approved by the Town Manager or his/her designee.
- (c) If a tent is to be used for human occupancy, a certificate of insurance must be submitted which will cover liability on the part of the applicant or sponsor in the event of an accident.
- (d) A certificate of flame resistance shall be submitted which will provide assurance that the structure has been properly treated with flame retardant and has been maintained as such.

~~15-14.~~ Where temporary structures, tents, mobile offices, accessory uses, existing

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Temporary use of prefabricated cargo shipping containers, off-chassis, and/or on-chassis tractor trailer containers	Up to Two (2) weeks after completion of construction	All districts
---	--	---------------

~~17.16.~~ The following additional requirements shall apply:

(a) Temporary real estate office. The office or required accessory uses shall not be equipped or used for dwelling purposes including but not limited to sleeping and major cooking activities.

(b) Temporary Restroom Facility. A temporary restroom facility may only be used in conjunction with another temporary use allowed under this Section.

~~(b)(c)~~ Temporary offices or sheds during construction activity.

- i. Such uses shall not occupy the site for more than one (1) year except by variance authorized by the board of adjustment.
- ii. Temporary accommodations for the displaced shall be allowed only on the construction site and for the specific purpose of providing temporary relocation office or work/activity space required during construction activities involving renovation, expansion or reconstruction of an existing facility. Such temporary facilities for the displaced shall not apply to residential renovation, expansion or reconstruction except as allowed in this section and such facilities shall not be used for residential dwelling purposes.
- iii. Such use may be placed on the proposed construction site no earlier than one (1) month prior to construction and must be removed no later than one (1) month following completion of the construction.

~~(c)(d)~~ Fairs or related temporary recreational or entertainment events. Fairs or similar events which usually occur on an annual basis and are held in the following locations shall be allowed at these locations if in compliance with subsection (c):

- i. Public parks if authorized by the City Manager.
- ii. School or college grounds if authorized by the school superintendent or college president.

~~(d)(c)~~ Temporary housing; manufactured housing; nonpermanent facilities for the displaced as a result of a natural or man-made disaster or a publicly sponsored redevelopment or rehabilitation project in a neighborhood or area shall be allowed provided they meet the following requirements:

- i. The manufactured housing must be sited in accordance with the following dimensional requirements:
 - a. Each manufactured housing space shall have a minimum area of four thousand (4,000) square feet;
 - b. Minimum clearance between each manufactured housing unit shall be fifteen (15) feet;
 - c. Each manufactured housing unit shall have a minimum setback of fifteen (15) feet from any street right-of-way, as applicable;

review phase but may be amended at the time of an individual parcel development if the circumstances have changed.

Figure 7-1: REQUIRED BUFFER PLACEMENT



C. BUFFER TYPES

1. TYPE A BUFFERS

The minimum accepted methods of buffering include:

- A vegetative buffer of a minimum width of ten (10) feet that will reach a height of five (5) feet within three (3) years. Vegetation shall consist of two (2) rows of planting material at least four (4) feet apart. Within each row, plants shall be placed on five-foot centers; or
- Sand or earth berming that will not exceed a slope of three (3) to one (1) to a height of five (5) feet and which must be stabilized with American beach grass or other appropriate cover; or
- A combination of the above, designed to reach a minimum height of five (5) feet within three (3) years; or
- A fence at least six (6) feet tall constructed out of wood, vinyl, or masonry when the Town Manager determines that the development of a buffer would not be practical due to the topography of the subject parcel.

2. TYPE B BUFFERS

Type B buffers shall be a vegetative buffer that is no less than fifteen (15) feet in width and will reach a height of ten (10) feet within three (3) years. Vegetation shall consist of at least two (2) rows of planting material at least four (4) feet apart. Within each row, plants shall be placed on five-foot centers

3. TYPE C BUFFERS

Type C buffers shall be a vegetative buffer that is no less than twenty-five (25)

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feet in width that is bermed or planted to a minimum height of forty-two (42) inches and that will reach a height of ten (10) feet within five (5) years. There shall be a minimum of three (3) rows of plants that shall be placed eight (8) feet on centers and seventy (70) percent of which must be locally adapted live evergreen species, or the equivalent of these standards that incorporate existing vegetation and topography or other landscaping architecture designs that demonstrate compliance with these standards.

~~4. BUFFER YARD D~~

~~A vegetative buffer yard that is no less than fifteen (15) feet in width and will reach a height of ten (10) feet within three (3) years.~~

~~5. BUFFER YARD E~~

~~6. A vegetative buffer yard that is no less than twenty five (25) feet in width that is bermed or planted to a minimum height of forty two (42) inches and that will reach a height of ten (10) feet within five (5) years. There shall be a minimum of three (3) rows of plants that shall be placed eight (8) feet on centers and seventy (70) percent of which must be locally adapted live evergreen species, or the equivalent of these standards that incorporate existing vegetation and topography or other landscaping architecture designs that demonstrate compliance with these standards.~~

D. REQUIREMENTS

Any new use of land shall provide a buffer if required by this chapter in accordance with the following provisions:

- ~~1. When a buffer of a minimum width of five (5) feet is required, one (1) row of planting material shall be required.~~
- ~~2. When a buffer of a minimum width of ten (10) feet is required, two (2) rows of planting material at least four (4) feet apart shall be required.~~
- ~~3. Within each row, plants shall be placed on five-foot centers.~~

1. At a minimum, fifty (50) percent of the number of plants shall be locally adapted, live evergreen tree species that are a minimum height of three (3) feet and one (1) inch in diameter measured at one-half (1/2) foot above grade when planted and are expected to reach or exceed the specified height in the required time period. The remainder of the buffer may be live forbs and shrubs that are a minimum height of one and one-half (1 1/2) feet when planted and expected to reach or exceed the specified height in the required time period.

4.2. In the event that existing vegetation of the width required by the Buffer Yard Table in subsection J is of sufficient density to create an effective buffer, and such vegetation is left in an undisturbed natural state, the Board may approve the use of that natural vegetation to satisfy the requirements of the buffer prescribed for that location.

E. PROCEDURES

When site plan approval is required by the Town, the site plan shall contain, in addition to the information required in *Section 3.3*, the information listed in *I.* through *5.* below.

1. The existing and proposed plant material which will be used for buffering as

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required by this section; the location, species and height of new trees in planting areas to comply with this section; the location and dimensions of buffers; the number, spacing, size and species of planting material; the size of earth berms; provisions for watering, soil stabilization, plant protection and maintenance access.

2. The number, location, species, height and size in diameter, one-half (1/2) foot above existing grade of existing live trees and shrubs that will be used to meet the buffering requirements.
3. Areas designated for the preservation of existing vegetation.
4. The location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.
5. If the required buffering is not in place at the time of a request for a certificate of compliance and it can be determined by the Town Manager or his/her designee that, due to the unavailability of plant material or that by requiring the completion of the buffering at the time of such request, it would jeopardize the health of plant materials, or weather conditions prohibit the completion of the planting, the developer/owner may request an extension of time, not to exceed 180 days to allow for the installation of the required buffer. In the event that the buffer is not installed within the time set forth in the extension, the property will be deemed to be non-compliant to the approved commercial site plan and shall constitute a zoning violation in accordance with Chapter 4 of this Code. ~~shall give a cashier's check to the town in an amount equal to the total cost of the buffering improvements, as determined by a price quote or invoice which shall be supplied to the town with or before the cashier's check, plus twenty (20) percent of that amount. The amount of the cashier's check shall be determined by the town, based on a written contract from a landscape architect or firm, conditioned to hold the town harmless to the amount of the actual cost of the proposed buffering improvements up to the full amount of the cashier's check. In the event the developer/owner shall fail to complete installation of the buffering improvements in accordance with this section, the town, by an action of the Board of Commissioners may, in its sole discretion, complete said improvements utilizing the proceeds of the cashier's check.~~ All buffer planting areas shall be stabilized immediately upon planting and shall be maintained as provided in this section.

F. PRESERVATION OF EXISTING VEGETATION

For uses that are required to install buffers in accordance with the provisions of this chapter, the number of trees, forbs, and shrubs required within the buffer may be reduced through the preservation of significant specimens of existing native vegetation in accordance with the following provisions:

1. Areas designated for the preservation of existing vegetation shall contain examples of significant native vegetation, which may include clusters of live oaks, wax myrtle, yaupon, bayberry, or pine species. Areas designated for the preservation of existing vegetation shall be left undisturbed and in their natural state; however, invasive species, weeds, vines and similar ground vegetation should be removed, provided that no land-disturbing activity occurs and that the

leaf litter, mulch, top soil and similar material are left undisturbed.

2. The cumulative number of trees, forbs, and shrubs required by this section may be reduced by preserving a percentage of the area of the site in its natural state. The reduction schedule shall be as follows:
 - (a) If ten (10) percent of the area of the *site* is left undisturbed and in its natural state, the required number of planting material may be reduced by twenty (20) percent.
 - (b) If twenty (20) percent of the area of the *site* is left undisturbed and in its natural state, the required number of planting material may be reduced by thirty-five (35) percent.
 - (c) If thirty (30) percent of the area of the *site* is left undisturbed and in its natural state, the required number of planting material may be reduced by fifty (50) percent.
3. In no case may the required amount of buffering be reduced by more than fifty (50) percent.
4. Areas designated for the preservation of existing vegetation shall be marked on the *site* and inspected by the Town Manager or his/her designee prior to planning board review to ensure that the provisions of this subsection can be met.
5. If at any time the developer/owner desires to make a change in the percentage of *site* area designated for the preservation of existing vegetation, the developer/owner shall first receive written approval from the Town Manager or his/her designee, and the site plan for the development shall be amended, and approved by the Town Manager or his/her designee, to reflect the percentage of land diverted to the preservation of existing vegetation and the amount of required new buffering.

G. OWNERSHIP OF BUFFERS

1. No required buffer in a residential development shall be included within any single-family lot or be wholly owned (in fee simple absolute) by the owner of an individual residential building lot zoned for residential uses. Buffers in residential developments shall be owned by a homeowner's association or other entity charged with its preservation and the preservation of existing landscaping.
2. The required buffer for a non-residential ~~or~~ multi-family ~~or mixed-use~~ site may be owned by a property owner's association or by the property owner.

H. DEVELOPMENT WITHIN REQUIRED BUFFER

1. The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted by this Ordinance.
2. No grading, development, or land-disturbing activities shall occur within the buffer or within the tree protection area unless approved by the permit issuing authority.
3. Sidewalks, walkways, trails, and fences may be placed in buffers provided that damage to existing vegetation is minimized.
4. Utilities are not permitted in buffers unless no reasonable alternative exists.
5. If utilities are placed in a buffer, they shall be located and installed in a way that

minimizes disturbance of the buffer area. Utility lines may not run parallel to and within required buffers but may cross required buffers as near to perpendicular an angle as possible, and in any event at no less than a 60° angle. If utilities, storm water drainage channels or piping, and other similar features are placed in a buffer any way other than perpendicular or not less than at a 60-degree angle, the area making up the utility easement or area shall be replaced with an equal amount of buffer area. No canopy trees may be removed for utility installation unless no reasonable alternative exists. Storm water BMPs and impoundments may be placed within a required buffer and shall be integrated into the landscaping plan by employing rain gardens, bioretention units, constructed wetlands, and infiltration areas, as combined landscaping/storm water management features to the extent that soil permeability, depth to groundwater, or site encumbrances, such as utilities, allow.

I. MAINTENANCE OF BUFFERS

1. Where a buffer is owned by a property owners association, the covenants for the development shall require that association to annually maintain the buffers and shall include a buffer maintenance plan.
2. For parcels that contain a buffer as part of a permit requirement, the property owner shall annually maintain the buffer.
3. The site will be inspected at the end of the second growing season following permit issuance for compliance and during any subsequent development review to ensure continued compliance.
4. All required landscaping and preserved areas shall be maintained in good condition so as to present a healthy and orderly appearance and shall be kept free from refuse and debris. This includes, but is not limited to, the replacement of plants damaged by insects, disease, vehicular traffic, and vandalism.
5. The owner shall be notified in writing by the Town Manager or his/her designee of the town of any required buffer not being maintained. Upon notification by the town for failure to maintain the buffering in a neat and orderly condition, the owner shall correct any defects in maintenance within ten (10) days of notification by the town. Failure to maintain the buffering in a neat and orderly appearance, free of refuse and debris as described above within the allotted time period shall be grounds to subject the owner to a civil penalty or penalties in accordance with Chapter 4.
6. Any dead, unhealthy, or missing plants must be replaced with vegetation that conforms with the initial planting standards of this section. All dead plants must be replaced as expeditiously as possible, within ~~six~~ (+6) year/months or the next planting season, whichever occurs first. In the event that a plant is severely damaged due to either, an unusual climatic weather occurrence as documented by the local agriculture extension agent or water-related emergency declared by the board of commissioners, the owner shall have two (2) years from the event to replant. Failure to replace dead or damaged vegetation as described above within the allotted time period shall be grounds to subject the owner to a civil penalty or penalties in accordance with Chapter 4.

<u>Use</u>	<u>Buffer Classification</u>
ABC Stores	C
Aerobic, dance, karate schools	A
Agriculture Farm Use	A
Antiques	C
Appliance Gift Stores	C
Armories	A
Assembly Production	BD
Auction House	A
Automobile repair Garage	BD
Automobile Sales Rentals	A
Automobile/Boat Sales	A
Bakery Plants	BD
Bakery/deli	A
Banks/Financial Institutions	A

<u>Use</u>	<u>Buffer Classification</u>
Barber Beauty Shops	A
Bed & Breakfast	A
Billiards/Off premise signs	BD
Boat Building	EC
Boat Sales Service repair	C
Boat Storage Yard	BD
Broadcast Studios/TV Radio	A
Business – General	A
Business Vocational School	A
Cabinet/woodworking facilities	DB
Campgrounds	BD
Cellular Towers	B
Cemeteries	A
Child Day Care Center	A

<u>Use</u>	<u>Buffer Classification</u>
Civic Center	CE
Clothing Manufacturing	BD
College/facilities	A
Community Shopping Center	A
Concrete, stone, clay, glass products	C
Contractor's office	A
Contractor's yard/offices/plant	BD
Cooperage Works/crafting services	A
Customary Accessory Uses	A
Dry Cleaning/Laundromats	C
Dry stack, Boat Storage	BD
Duplex Dwellings	N/A
Efficiency Dwelling units	N/A
Electrical Repair Shops	A

<u>Use</u>	<u>Buffer Classification</u>
Electronic Machine equipment Supplies	A
Exterminating Services	C
Fabrication Shop (wood metal etc.)	C
Family Day Care	A
Fiberglass manufacturing	EC
Financial Institution	A
Fishing Camps	A
Fishing Piers	A
Fishing Ranch	A
Flowers/Nursery	A
Food Stores	A
Fruit/vegetable stands	N/A
Funeral Home	A
Furniture manufacturing	BD

<u>Use</u>	<u>Buffer Classification</u>
Golf Courses	B
Governmental Offices	A
Governmental Uses	A
Greenhouses/Plant Nursery	A
Group Care Facilities	A
Handcrafting (small Items)	A
Health/Medical Clinic	A
Home Improvement Center	B
Home Occupations	N/A
Hotel/Motel	B
Industrial Sales/repair of equipment	C
Institutional	B
Kennel(s)	B
Laboratory, General Research	A

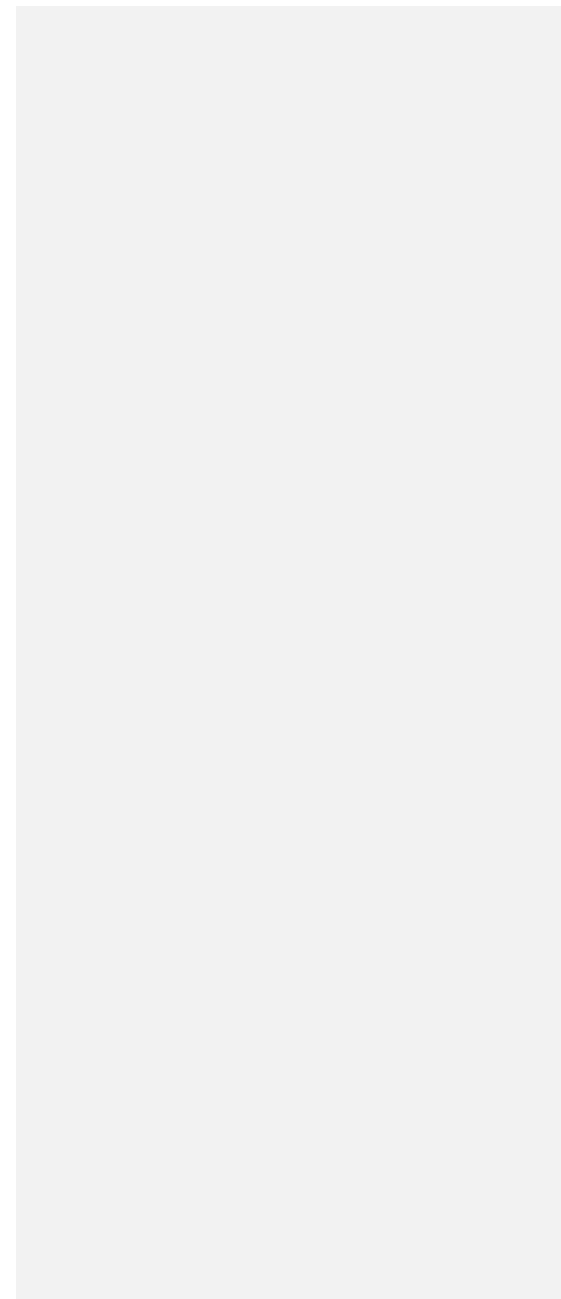
<u>Use</u>	<u>Buffer Classification</u>
Libraries	A
Manufactured Home Park	D B
Manufactured/Homes/Housing	N/A
Manufacturing Industrial	C E
Manufacturing Plastic	C E
Marine Equipment Yards	B D
Marine Railway Yard	C F
Marine Research Facilities	A
Marine, Commercial Facilities	B D
Medical, Dental, Optical Labs	A
Mini Storage Warehouses	C
Multifamily	C
Municipal Offices services	A
Newspapers/printing	A

<u>Use</u>	<u>Buffer Classification</u>
Offices	A
Parking lots	A
Personal Service Establishment	A
Private Parks/playground	A
Private Stables	A
Production glass/hearing aids/prosthetics	B D
Production sales of leather products	B D
Production sales of lumber wood products	B D
Production Sales of porcelain china pottery	B D
Production Sales of stone clay glass concrete	B D
Public/Private Clubs	C
Public Parks Playgrounds	A
Public Utility facilities	C
Public Utility substations	C

<u>Use</u>	<u>Buffer Classification</u>
Public Private schools	A
Recreational	A
Recreational activities outdoors	A
Recreational facility non-profit	A
Recreational Vehicle Storage	D B
Recreational Indoors	C
Religious Complex	C
Research Labs	A
Restaurant and drinking establishments	B D
Restaurant no drive in	D B
Restaurants	B D
Retail	A
Sales	C
Seafood Processing/Sales	A

<u>Use</u>	<u>Buffer Classification</u>
Seafood Storage & Sales facilities	C
Service Establishments	C
Service/Wholesales	C
Shoe Repair	A
Shooting Range Indoors	B
Sign sales and Manufacturing Centers	C
Single Family Dwellings	N/A
Storage Facilities	C
Storage Facilities Wholesale	B
Storage/Sales exterior	C
Textile Manufacturing	B
Theaters	A
Trailer (utility hauling) sales and rentals	C
Veterinary Clinic	A

<u>Use</u>	<u>Buffer Classification</u>
Warehousing General	DB
Wholesaling General	B
Yacht Boating Club	C



7.4 LANDSCAPING

A. PURPOSE AND INTENT

The Town of Cedar Point Planning Board and Board of Commissioners deem it necessary and desirable in the interest of public health, safety, and general welfare to enact regulations for the preservation, planting, and replacement of trees and shrubbery and to prevent the indiscriminate pruning and removal of trees in the town's jurisdictional area without denying the reasonable use and enjoyment of real property. The importance of trees and shrubbery is recognized for their shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of all real property and their contribution to the general well-being of the citizens of the town. Furthermore, this section is intended to:

1. Regulate and control the planting of trees and shrubbery on town property, developing private property to include commercial, industrial, and multi-family residential developments, and property clearing.
2. To conserve energy and retard storm-water runoff while aiding in noise, glare, and heat abatement.
3. To safeguard and enhance property value, to protect public and private investment through the protection of significant existing trees.
4. To provide visual buffering and enhance town beautification through landscaping standards.
5. To prevent the indiscriminate removal of trees and facilitate their replacement on public and private property for new and expanding developments.

B. EXEMPTIONS

1. The Board of Commissioners or Town Manager may waive the requirements of this section during an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other acts of God, following an on-site review.

~~2. The construction of single family residences in subdivisions prior to the recording of a final plat for the subdivision;~~

~~3.2.~~ The Town of Cedar Point shall have the authority to maintain trees and shrubbery planted on public rights-of-way or public property.

~~4.3.~~ Utility companies, electric suppliers, and governmental agencies in the course of constructing or maintaining easements for water, sewer, electric, gas, drainage, telephone or television transmissions, or rights-of-way shall be exempt from the provisions of this Ordinance.

C. TREE PLANTING ON PUBLIC PROPERTY

The town encourages the planting of trees and other approved vegetation by private individuals, groups, and businesses on public property and along street rights-of-way. However, to obtain maximum benefit from those efforts, all plantings on public rights-of-ways or public property owned by the town, its agents, boards, or commissions shall be done in accordance with predetermined guidelines set forth in this Chapter and approved by the Town Manager utilizing such professional criteria and technical assistance as deemed necessary.

D. TREES AND SHRUBBERY IN OR ALONG STREETS AND SIDEWALKS

1. Citizens may plant trees in front of their lots and along the sidewalks adjacent to their property under the supervision of the Town Manager or his/her designee but no trees or other plantings shall be planted in the streets, gutters, or ditches of the town. The Town Manager shall notify all persons having trees in front of their lots to have them properly trimmed either by a company engaged in the business of tree trimming or by the property owners themselves. During normal street right-of-way maintenance by the Public Works Department, all town employees involved in trimming of trees shall operate under the direction of the Town Manager or his/her designee. In addition, all other public service or utility companies shall notify the town prior to maintenance within the jurisdiction.
2. The cutting, trimming, destruction, lopping of branches of any manner of trees or shrubbery standing along, in, or extending over the street right-of-way of any municipal or state maintained street by any person is hereby prohibited, except when done under the supervision and according to the direction of the Town Manager or his/her designee.

E. STREET YARD LANDSCAPING

1. A street yard must be provided for new construction of principal structures or for expansions to such structures or ~~uses~~ whenever additional off-street parking is required. However, no such street yard improvements shall be required for those portions of lot frontage used for driveways.
2. Street yards shall be landscaped as follows:
 - (a) Minimum Standards – For every twenty-five (25) linear feet of frontage, or fraction thereof, the street yard shall contain one (1) tree, minimum two (2) inch caliper at planting; OR three (3) flowering trees, minimum one (1) inch caliper at planting.
 - (b) Creative standards – To promote creative designs, street yards may consist of trees and shrubbery, which cover at least fifty (50) percent of its area and are selected in accordance with Appendix B.
 - ~~(b)~~(c) The minimum depth of the street yard landscaping area shall not be less than fifteen feet (15') and shall be located within the Front Yard.
3. No more than fifteen (15) percent of the required street yard shall be covered with an impervious surface. This portion of the street yard may be used for walkways, fountains, walls, or fences, but not for parking or storage.
4. If there are existing trees in the proposed street yard area, the Town Manager or his/her designee may grant credit toward meeting the requirements for preservation of those trees provided their DBH is at least two (2) inches.
5. All street yards and buffers shall be landscaped with a combination of live vegetation, groundcover, grass, trees, and/or shrubs. The Town Manager or his/her designee shall utilize such professional criteria and technical assistance as deemed necessary to maintain continual growth of plantings.

F. LANDSCAPING FOR EXPANSIONS TO EXISTING COMMERCIAL PRINCIPAL STRUCTURES

1. For expanding existing commercial principal structures or for ~~renovations~~ to

existing commercial principal structures where the cost of renovation exceeds 50% of the current tax value, Table 7.4-1 shall be utilized in calculating the extent of the landscaping upgrade required for the previously developed portions of the site (up to the maximum landscaping requirements of this section). All newly developed portions of the site shall be subject to the full landscaping requirements of this section. For expansions where options are listed for street-yard and parking facility landscaping, the higher option shall be utilized except where Town Manager or his/her designee has determined that practical difficulties in site development exist in which the lower option is preferable.

2. When division of previously developed property occurs and a building permit for new construction is requested for any newly created tract within two (2) years of the effective date of the recordation, all parcels of the original tract shall be subject to the above provisions for expansions to existing structures or uses.
3. For consecutive expansion occurring within a two-year period, the amount of the expansions shall be summed and the maximum landscaping requirements for the total extent of the expansions shall be provided.
4. Notwithstanding the above requirements, expansions to existing structures or uses amounting to not more than a total increase of five hundred (500) square feet in gross floor area over a two-year period shall be exempted from meeting the street-yard and parking facility landscaping requirements.

Table 7.4-1

Amount of Expansion	Tree Preservation	Street Yard	Parking Facilities Landscaping (% of gross paved area of parking facility)
10-25% increase in gross floor area or 5-20 new parking spaces as required by zoning ordinance, whichever is more restrictive	15/acre	8 feet	4%
26-50% increase in gross floor area; or over 10,000 sq. ft. increase in gross floor area; or 21-50 new parking spaces as required by zoning ordinance, whichever is more restrictive.	15/acre	Full Width or 8 feet	6%

Greater than 50% increase in gross floor area; or over 20,000 sq. ft. increase in gross floor area; or more than 50 new parking spaces required by zoning ordinance, whichever is more restrictive	15/acre	Full width as required for new construction	8%
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G. TREE PROTECTION STANDARDS

Construction activities under the drip line of a protected tree are prohibited within the Town of Cedar Point Zoning Jurisdiction.

1. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the preservation, maintenance, and protection of the tree coverage area. Preservation of the tree coverage area helps to reduce carbon emissions and decrease the urban “heat-island” effect.

2. APPLICABILITY

Every application for a site plan ~~or~~ grading plan, ~~or Special Use Permit~~ or any modification to any of the listed permit types shall provide a tree inventory and protection plan. This plan shall also be included in the grading plan of the construction drawings for any of the review types listed. Applicants submitting a grading plan as part of a Zoning Compliance Permit application where no building or structure is proposed shall also provide a tree inventory and protection plan.

3. REQUIREMENTS

- (a) Grading and tree protection plans shall indicate the limits of the area to be disturbed. This limit shall be marked in the field with tree protection fencing and signs and shall be verified by the Town Manager before grading work begins.
- (b) Tree inventories shall identify all canopy trees on site including the diameter (dbh) and species. Plans shall clearly indicate the trees to be removed and those to remain.
- (c) For sites exceeding 20 acres, the applicant may provide 100’ X 100’ sample survey areas for each separate undisturbed portion of the site containing an acre or more.
- (d) When an application only approves the installation of infrastructure for a site and the creation of lots for single-family residential development, survey data is required within the disturbed areas of the site.
- (e) Applications shall clearly state, in table form:
 - i. the number of canopy trees to be removed
 - ii. an estimate of the number of canopy trees being retained
 - iii. the number of trees 24” or greater dbh to be removed
 - iv. the percentage of tree cover area before development
 - v. the percentage of tree cover area after development.

replacement of the vegetation (e.g., too hot or too cool for successful replanting), this requirement may be administratively waived until the seasonal conditions are more favorable.

- (b) Nonliving screening buffers shall be maintained, cleaned, or repaired by the owner of the property on which the buffer is located. Such buffers shall be kept free of litter and advertising.

8. TREES/SHRUBS CAUSING PROBLEMS WITH SAFE TRAFFIC MOVEMENT OR PEDESTRIAN MOVEMENT.

The Town Manager or his/her designee may order corrective action to prevent any unsafe condition over public right of ways from the over growth of trees or other types of plantings (i.e. shrubs and bushes), which block visibility from driveway egress, parking lots, or at intersections and no foliage shall be allowed to extend from public or private property into any portion of a street right-of-way below a height of eight (8) feet above the grade of the sidewalk at the property line.

9. RECOMMENDED TYPES OF VEGETATION/PLANTING

See Appendix B for recommended vegetation/plantings and consult with the Cedar Point Town Manager with questions on appropriate vegetation or trees within the Town of Cedar Point's jurisdictional area. To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:

- (a) When fewer than 20 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
- (b) When more than 20 but fewer than 40 trees are required to be planted on site, at least three different species shall be utilized, in roughly equal proportions.
- (c) When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.
- (d) A larger number of different species than specified may be utilized.
- (e) In no instance shall invasive species be utilized as landscaping materials to meet the requirements of this section.

10. LANDSCAPE PLAN

A landscaping plan shall be required on all ~~business, special-use, office-institutional, industrial,~~ multi-family; and non-residential uses ~~in a residential district~~. The plan must contain the following information (a required tree/landscape plan shall be incorporated into the site plan submittal process.)

- (a) A landscaping plan shall be submitted to the Town Manager or his/her designee for approval prior to site disturbance.
- (b) An accurate drawing of property boundaries.
- (c) A development summary including the total acres in development, proposed use(s), required parking and provided parking spaces and total building square footage
- (d) Calculations for total new and proposed impervious area on the site and for amount of landscape area.
- (e) The location of proposed buildings, driveways, parking areas, required

9. ROOF PITCH

- (a) Flat roofs shall be capped by an articulated parapet wall.
- (b) Sloped roof structures must maintain a pitch between 5:12 minimum and 12:12 maximum on all primary roof areas (Not including dormers, entry canopies, or similar elements)
- (c) Buildings with sloped roofs shall have roof overhangs between 6" and 18" deep.
- (d) The use of dormers and gables is encouraged on the front of buildings with sloped roofs.

10. STORAGE AND OUTBUILDINGS

- (a) Storage buildings and outbuildings shall be located behind the primary building.
- (b) Storage buildings and outbuildings shall be architecturally compatible with the primary building.

11. TRANSPARENCY

Glass that is installed on the first floor of the front façade of new buildings, within which the first-floor occupants are intended to be retail, restaurant or service business, will be transparent with low reflectivity.

12. MOBILE OFFICES

No mobile home, travel trailer or other mobile style structure shall be used as an office or in any manner for business or commercial purposes, except when used for temporary purposes, such as construction offices and must be removed within 72 hours after job completion.

~~7.8 — MXD SUBMITTAL REQUIREMENTS~~

- ~~A. A preliminary site assessment and necessary documents shall be submitted.~~
- ~~B. The preliminary site assessment shall be prepared by a multi-disciplinary team consisting of qualified practitioners in architecture, landscape architecture, planning, and engineering.~~
- ~~C. The preliminary site assessment shall be a series of drawings and written statements that provide information about existing conditions and the appropriateness of the site for mixed use zoning. At a minimum, the contents of the preliminary site assessment shall include the following:~~
 - ~~1. Scale not less than one (1) inch to forty (40) feet.~~
 - ~~2. North arrow.~~
 - ~~3. Vicinity or location map.~~
 - ~~4. Development name.~~
 - ~~5. Owner's name and address.~~
 - ~~6. Developer (if other than owner).~~
 - ~~7. Names of design team.~~
 - ~~8. Date.~~
 - ~~9. Boundary line of the proposed development.~~
 - ~~10. Existing topographic information with two-foot contour intervals.~~
 - ~~11. All water courses, special flood hazard area (100-year floodplain), mean high~~

- water lines, preliminary wetlands delineation (does not require Army Corps of Engineers approval) and unique natural features.
- ~~12. Generalized locations of existing trees or a color spot vertical aerial photograph flown in winter months (November to February).~~
 - ~~13. Adjacent external street pattern and proposed vehicular, bicycle and pedestrian interconnection points.~~
 - ~~14. A chart listing the base residential density permitted for any areas that will be designated specifically residential. The Town Commissioners shall consider the maximum densities permitted in the MXOD in considering the proposed development. To qualify for bonuses, the project must meet criteria at the time of site plan review.~~
 - ~~15. A chart listing the base mixed use density. The Town Commissioners shall consider the maximum densities permitted in the MXOD in considering the development. To qualify for bonuses, the project must meet criteria at the time of site plan review.~~
 - ~~16. All adjoining land uses and zoning districts.~~
 - ~~17. Fringe use areas.~~
 - ~~18. Total gross acres.~~
 - ~~19. Areas to be left undisturbed.~~
 - ~~20. Minimum area of open space.~~
 - ~~21. Boundaries of all land classification categories.~~
- D. The preliminary site assessment shall be accompanied by the following:
- ~~1. The names and addresses of each property owner within the proposed MXOD.~~
 - ~~2. A legal description of the proposed MXOD.~~
 - ~~3. A preliminary drainage plan showing the conceptual storm water management system. This plan is intended to show the general nature of the storm water management system including information such as the natural direction of flow, a statement about the use of pipes, open ditches or use of natural water features and creation of water features. This plan is not intended to be the final engineering plan required for construction release. The plan shall address in general terms how storm water will be managed for the entire site and any off site areas draining through the MXOD site.~~
 - ~~4. A preliminary utility plan showing general location of connections to existing and proposed municipal and nonmunicipal utility systems and infrastructure. This plan is not intended to be a utility plan showing on site infrastructure but shall indicate the general location and type of municipal and nonmunicipal utility systems located adjacent to the site that are intended to serve the site.~~
 - ~~5. A general traffic impact report. The Town recognizes that traffic impacts cannot be estimated in detail without specific uses and building sizes. This report shall provide estimates of minimum, maximum, and expected vehicles generated by the project. The report shall also include a general allocation of this traffic to external roadways. This report shall not be considered the traffic impact analysis required at the site plan stage.~~
 - ~~6. A statement of planning objectives including:~~

- (a) ~~Justification statements that define how the proposed MXOD zoning has greater public benefit than the existing zoning, how the proposed zoning is consistent with adjacent zoning and land uses, the adequacy of infrastructure to serve the proposed zoning, consistency with the purpose of the MXOD and consistency with the comprehensive plan and other Town policy documents; and~~
 - (b) ~~Other necessary information and evidence to support the creation of a MXOD in the Town.~~
7. ~~The following items described above shall be provided on a schematic drawing or series of drawings at a scale not less than one (1) inch equals four hundred (400) feet (1:400) and provided in both hard copy and digital format:~~
- (a) ~~All adjoining land uses and zoning districts.~~
 - (b) ~~Boundaries of land classification categories.~~
 - (c) ~~Fringe use areas (if any).~~
 - (d) ~~Natural direction of drainage flow.~~
 - (e) ~~General location and size (if applicable) of all adjacent municipal and non-municipal utilities.~~
 - (f) ~~Adjacent public and private street rights of way including the most current volume and capacity figures.~~
 - (g) ~~Any possible street interconnection points.~~
 - (h) ~~Adjacent bus stops and bicycle paths, if applicable.~~
 - (i) ~~All watercourses, special flood hazard area (100 year floodplain), preliminary wetlands delineation, and unique natural features.~~
 - (j) ~~Boundaries of the proposed MXOD.~~
- E. ~~Final plans/site plans required to be submitted for mixed-use (MXOD) developments shall show the following (other items may be required by the Town Manager):~~
1. ~~Scale no smaller than one (1) inch to two hundred (200) feet.~~
 2. ~~Vicinity or location map.~~
 3. ~~Name of designer, engineer, or surveyor.~~
 4. ~~North arrow.~~
 5. ~~Owner's name and address.~~
 6. ~~Developer (if other than owner).~~
 7. ~~Development name.~~
 8. ~~Date.~~
 9. ~~Boundary line of tract to be developed drawn accurately to scale with linear and angular dimensions.~~
 10. ~~A site data table that includes the following information:~~
 - (a) ~~Zoning of the site.~~
 - (b) ~~Tract size.~~
 - (c) ~~Existing building square feet.~~
 - (d) ~~Proposed building square feet in areas designated mixed use.~~
 - (e) ~~Aeres to be developed.~~
 - (f) ~~Total acres occupied by structures (buildings, street right of way, and parking).~~
 - (g) ~~Total acres and boundaries of land lying within the 100 year floodplain and below mean high water mark.~~

- ~~(h) Total acres within wetlands.~~
- ~~(i) Required open space.~~
- ~~(j) Proposed open space.~~
- ~~(k) Required common space.~~
- ~~(l) Proposed common space.~~
- ~~(m) Maximum parking allowed.~~
- ~~(n) Proposed parking.~~
- ~~(o) Required internal landscaping.~~
- ~~(p) Proposed internal landscaping.~~
- ~~(q) Tree survey including the number of existing regulated trees.~~
- ~~(r) Trees per acre existing.~~
- ~~(s) Preserved trees per acre proposed.~~
- ~~(t) Proposed trees per acre to be planted.~~

- ~~11. Community property owners' association proposed covenants.~~
- ~~12. Boundaries of all open space areas.~~
- ~~13. Location of all existing and proposed structures.~~
- ~~14. Total number of dwelling units to be constructed with number of bedrooms per unit.~~
- ~~15. Location and right-of-way widths of all streets and easements (and other areas to be dedicated to the public use).~~
- ~~16. Location and width of all private streets.~~
- ~~17. Street names and street designations (public or private).~~
- ~~18. Location and description of all recreation areas and facilities.~~
- ~~19. Location of natural features including topographical information (contour interval two (2) feet), watercourses, and approximate natural wooded areas.~~
- ~~20. Location and description of all common areas.~~
- ~~21. Final drainage and utility plans including, but not limited to, location, size and materials of all proposed utility and drainage systems and facilities.~~
- ~~22. Total acres of submerged land.~~
- ~~23. If the development includes conservation areas, then types, boundaries, areas and required setbacks shall be included for all conservation areas.~~
- ~~24. The approximate delineation of Corps of Engineers (Clean Water Act) Section 404 and Section 10 Wetlands.~~
- ~~25. Any required buffers.~~
- ~~26. Driveway locations and dimensions.~~
- ~~27. Parking lot locations.~~
- ~~28. A narrative description of how the project will incorporate the general site design characteristics defined in this section including any deed restrictions that will enforce design standards.~~
- ~~29. All projects developed in phases shall provide a narrative describing the plan for providing infrastructure including, but not limited to, storm water management systems, public utilities and internal and external roadway interconnections. This narrative shall describe how infrastructure will be provided during each phase to ensure consistency with the requirements and intent of the MXOD.~~

F. MODIFICATIONS TO PLANS

All amendments to the MXOD shall be processed pursuant to the general requirements of this section. All amendments to the final plan/site plan shall be consistent with the preliminary site assessment and shall be approved by the Town Manager.

7.97.8 -DRIVEWAY CONNECTIONS

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring that driveways shall be designed and located so as to minimize the number of conflict points among vehicular movements, to coordinate the location and the alignment of major driveway connections (ingress to or egress from heavy traffic generators such as shopping centers and supermarkets) and roadway intersections on opposite sides of the intersected street, to discourage dangerous vehicular movements, to minimize conflicts with pedestrian traffic, to avoid driveway connections at locations where adequate, safe sight distances cannot be provided, and to ensure driveway connections are designed to accommodate storm water runoff. The use of cross access easements connecting independent, adjacent developments is encouraged, so as to reduce the number of driveway curb cuts to the public right-of-way.

B. APPLICABILITY

These requirements shall apply to all development types, except one and two-family dwellings.

Figure 7-4: DRIVEWAY CONNECTIONS



C. DRIVEWAY REQUIREMENTS

1. No driveway shall be located within two hundred fifty (250) feet of the intersection of a public street with an arterial or collector street unless no other site access is legally practicable.

Support Structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the Administrative Approval process defined in *Section 7.12.B.1*; provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.

- (c) Substantial Modifications may be made to non-conforming Wireless Support Structures utilizing the Special Use Permit process defined in *Section 3.10*.

7.137.12 OPEN SPACE

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the dedication of a portion of land for the purpose of preserving open space and the protection of significant natural features and/or cultural resources.

B. APPLICABILITY

Every applicant for a ~~Special Use Permit~~ or Site Plan Approval for residential and/or non-residential purposes involving the creation of multiple lots from a parent parcel shall be required to dedicate a portion of the parcel for the purpose of preserving open space, and to preserve significant natural features and/or cultural resources.

C. DEDICATION REQUIREMENTS

1. The applicant shall provide land for open space within the proposed development as required in *Section 7.6* of this ordinance.
2. Open space shall be accessible to all lots in the development through a combination of direct access to the street and sidewalks, walkways or connecting paths.
3. Land preserved for the purpose described in this section, shall only be eligible for full credit towards the minimum open space requirement if it is an integral part of the development. If the entire preserved area is located on the periphery of the development, the area shall only be credited for a maximum fifty (50) percent of the required open space. The purpose of this limit is to ensure open space is not isolated but is an integral part of the development.

D. PERMITTED USES WITHIN OPEN SPACE:

Open spaces required in this chapter may be used only as specified and as follows:

1. Buffers required in *Section 7.3, BUFFERS*
2. Undeveloped land without a designated purpose held by a property owners association or non-profit conservation entity

E. PROHIBITED USES WITHIN OPEN SPACE:

Required open spaces may not be used for any of the following:

1. Storm water management ponds, swales, conveyances, and treatment areas
2. Recreation space (except as allowed in subsection *F.1.*, below)
3. Reserved rights of way

dwelling units, hotel units, seats or gross floor area, or before conversion from one (1) zoning use or occupancy to another:

1. A standard parking space must have minimum dimensions of ~~9~~10 feet in width and ~~20~~18 feet in length. This area does not include any passageways and driveways used for access to the space or spaces.
2. Required off-street *parking spaces* and loading spaces are permanent areas and shall not be used for any other above ground purpose.
3. Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way.
4. No *parking spaces* for *multifamily use* shall be located in the required *front yard*.
5. Required *parking spaces* shall be graded and paved with impervious asphalt, concrete, stone, or brick or permeable/pervious paving, concrete, pavers, or open-face paving block that is equivalent to Turfstone™ as approved by the Town. All paving materials shall be installed according to the manufacture's recommendations to ensure compressive strength, density, absorption, and durability.
6. All interior drive aisles and all parking lot entrances providing access to required *parking spaces* and loading spaces shall be graded and paved with impervious asphalt, concrete, stone, or brick or permeable/pervious paving, concrete, pavers, or open-face paving block that is equivalent to Turfstone™ as approved by the Town. All paving materials shall be installed according to the manufacture's recommendations to ensure compressive strength, density, absorption, and durability.
7. The street access and internal circulation plan of parking lots shall be approved by the Town.
8. Each *parking space* shall be marked and maintained so as to be distinguishable.
9. Solid waste container requirements. Sufficient space shall be provided on the premises for the location of a solid waste container or containers. Such solid waste container location may be in a required parking lot, provided, however, that such location does not occupy a required *parking space* or maneuvering space and further provided that such solid waste container location shall provide convenient and safe access to the servicing vehicle.
10. Handicapped spaces. All parking lots shall meet the requirements of the North Carolina Building Code for handicapped parking.
11. Unless otherwise specified, a required *yard* of not less than five (5) feet shall separate parking and loading areas from all front, side and rear property lines. Where off-street parking is provided between the *building* and the *street* right-of-way line, a *buffer strip* of at least ten (10) feet in width shall be provided between the parking lot and the *street* right-of-way line. If a parking lot is adjacent to a neighboring parking lot, the two lots should be connected when feasible.
12. Wheel stops. All *parking spaces* that abut open space or buffer space shall have a fixed wheel stop of concrete, plastic, or chemically treated wood six (6) inches in height or concrete curb and gutter.
13. All drive aisles, which abut open space, shall be marked by a fixed concrete curb

six (6) inches in height.

14. Entrances. On all *corner lots*, no vehicular openings shall be located closer than thirty (30) feet from the point of intersection of the *street* right-of-way lines. Entrances/exits shall not exceed thirty-six (36) feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to forty (40) feet in width. Exits from parking lots onto NC 24 containing more than thirty-six (36) *parking spaces* shall contain holding lanes for left-turning and right-turning traffic. There shall be a minimum distance between driveways of fifteen (15) feet measured along the curb line.
15. Dead-end drive aisle. One (1) dead-end turnaround shall be provided for parking lots where dead ends exceed either one hundred (100) feet in length or twelve (12) *parking spaces*.

C. PARKING LOT DIMENSIONS

All zero-degree *parking spaces* (parallel) shall be a minimum of twenty (20) feet in length and ten (10) feet in width. A three-foot shared access area is required between spaces. ~~All other *parking spaces* shall have a minimum length of eighteen (18) feet and a minimum width of nine (9) feet.~~

~~D.~~ MINIMUM PARKING REQUIREMENTS

1. The number of off-street *parking spaces* required by this section represents the minimum number of spaces required. These shall be provided on the same *lot* with the principal *use*.
2. Gross floor area shall be measured from the outside walls of all *structures*.
3. Where a fraction of a space is required by this chapter, the next whole number shall be provided.
4. All space requirements, which are based in part or in whole upon employment, shall be computed on the basis of the greatest number of persons that are on duty at any one (1) period during the day or night during the peak season.
5. A developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter.
6. A developer may choose to consult and follow the most recent ITE Parking Generation Manual instead of the listed standards, or for uses that are not listed below.

~~E.~~D. REQUIRED PARKING BY USE.

Type of Use:	Parking Standards:
Auditoriums, Stadiums, Assembly Halls, Gymnasiums, Theaters, Community Recreation Centers, Religious Complex and other places of public assembly	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room or 1 space per each 150 square feet of gross floor area, whichever is needed by the facility

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section. The owner shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

7.167.15 SIGNAGE

A. INTENT

It is the general intent of this section to help protect and preserve the aesthetic character of Cedar Point while balancing with those interests the need of businesses, government, and the traveling public to safely and accurately identify and read information on permitted signs. Toward that end, the Town adopts these regulations regarding the number, area, location, and other characteristics of signs.

B. SIGNS SUBJECT TO CONTROL

All signs visible from vehicular rights-of-way, both new and existing, shall be erected, maintained, and operated in accordance with this Ordinance and other relevant controls unless specifically exempted. The definition of “sign” also includes those messages inside a building specifically oriented to persons outside the building. The provisions of this section do not apply to window displays of merchandise but do apply to signs mounted in windows.

C. SIGN PERMIT REQUIRED

Before any sign shall be erected, replaced, converted, changed, structurally altered, or otherwise modified, a Sign Permit must be obtained except those specifically exempted from such a requirement.

In the case of a multi-tenant development, the Sign Permit shall be issued in the name of the owner of the multi-tenant development or his agent rather than in the name of any individual tenant thereof, and it shall be the sole responsibility of such owner or agent to allocate among the tenants the permissible maximum sign surface area established by this Ordinance. Upon application by the owner of a multi-tenant development, the Town Manager may issue a master sign permit that allocates permissible maximum sign surface area among the various buildings, businesses or tenancies in the development according to a formula established and furnished by the owner, and thereafter sign permits shall be issued to individual tenants only in accordance with the allocation formula on record with the Town Manager. No sign permit shall be issued for any sign which conflicts with the allocation formula on record, and no new freestanding sign may be erected except in accordance with the then existing sign regulations established by this Ordinance, and with the allocation formula on record.

D. SIGNS ALLOWED BY DISTRICT

Signs are allowed by district as set forth in Table 7.16, SIGNS ALLOWED BY DISTRICT below.

	RESIDENTIAL					NON-RESIDENTIAL						HCS	MXD
	RA	R-20	R-15	R-15M	R-10	B-3	B-2	B-1	MC	LIW	IW		
BUILDING SIGNS												-	-

Wall Sign	I	I	I	I	I	P	P	P	--	P	P	P	P
Projecting Sign	I	I	I	I	I	P	P	P	--	P	P	P	P
Awning, Gallery, Marquee Sign	I	I	I	I	I	P	P	P	--	P	P	P	P
Window Sign	--	--	--	--	--	P	P	P	--	P	P	P	P
GROUND SIGNS													
Low Profile	I	I	I	I	I	P	P	P	P	--	--	P	P
Medium Profile	--	--	--	--	--	P	P	P	--	--	--	P	P
High Profile	--	--	--	--	--	--	--	--	--	--	--	P	P
Tract ID Sign	P	P	P	P	P	--	P	P	P	--	--	P	P
A-Frame (Sandwich Board)	--	--	--	--	--	P	P	P	P	--	P	P	P
ADVERTISING SIGNS													
Off-Premise Signs/Billboards	--	--	--	--	--	--	--	--	--	--	S	--	--
P: Permitted I: Institutional Only (Section R) S: Special Use Permit --: Not Permitted													

E. WALL SIGNS Permit Required: YES

A. Description
An on-premises sign attached flat to or mounted away from but parallel to the building wall. A sign permit is required for a wall sign.

B. Sign Area Allocation

L. TRACT IDENTIFICATION SIGNS

Permit Required: YES



A. Description

A freestanding ground sign identifying entry to a residential ~~or~~, commercial ~~or mixed-use~~ development or a nonresidential establishment in a residential district. A sign permit is required for a tract identification sign.

B. Size

B1	Copy Area (max)	16 sf	B4	Sign area (max)	160 sf
B2	Copy Height (max)	3.5'	B5	Sign height (max)	6'

C. Location

C1	Number of Signs per street frontage (max)	1	C3	Setback	10'
C2	Site with more than 400 ft. street frontage	1 add.			

D. Miscellaneous

1.	Identifying signs may be placed on a subdivision wall or fence provided that no part of the wall or fence exceeds six feet in height, or, may be placed on a retaining wall greater than six feet in height provided that no part of the sign exceeds a height of five feet.
2.	In the event that a sign is located on the waterfront portion of a parcel, a Coastal Area Management Act permit may be required.
3.	One (1) per site, unless the use is located within a complex or on the corner of Highways 24 and 58 or has four hundred (400) ft. of street frontage.

- i. Two (2) signs may be located on the lot hosting the event for the same display period. These signs may be banners if they are securely fastened and adequately vented to not pose a threat to traffic. A combination of these signs shall be no larger than sixty-four (64) square feet.
 - ii. One (1) sign may be a banner posted as per *Section 7.16.H.2.* detailed below. If an event decides to not use a banner, the total number of signs permitted is reduced to eleven (11).
 - iii. Nine (9) off-site signs, displayed in different locations, may be located in the public right of way, but not in a driveway or intersection sight triangle. These signs must be of rigid construction (not banners) and a single side may not exceed eight (8) square feet. The sign locations must be included in the permit application materials.
 - 2. Banners, as defined by this ordinance, may only be installed at the Town of Cedar Point sponsored and approved locations. The Town Manager shall issue a Sign Permit for each banner on a first come, first served basis. The Town Manager will resolve any overlapping requests for banner displays. Banners that are part of sign package authorized in *Section 7.16.H.1.* shall be displayed for a time period matching the other event signage. Otherwise, the display period shall not exceed 14 days. Banners shall conform to written standards and safety guidelines as established by the Town Manager.
- R. PROHIBITED SIGNS & PROHIBITED CHARACTERISTICS
- 1. Temporary signs, both new and existing, other than those expressly allowed in this Ordinance, are prohibited.
 - 2. Devices consisting of flags other than those exempted by *Section 7.18.P.3.*,
 - 3. ~~B~~banners, streamers, pennants, windblown propellers, balloons, strung light bulbs, flashing lights, rotating lights, strobe lights, fluorescent lights, rotating or other moving or apparently moving installations, are prohibited.
 - 4. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure to minimize the danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
 - 5. Any sign(s) placed on any curb, sidewalk, post pole, utility pole, hydrant, bridge, tree, or other surface located on, over, or across any public street, right-of-way, property or thoroughfare, unless authorized by the Town Commission or by another section of this ordinance, are prohibited.
 - 6. Any sign which pertains to a business, profession, commodity, or service which is vacant, unoccupied, or discontinued for a portion of 120 days or more; any part of a sign which is unused for a period of 120 days or more; or any sign which pertains to an event or purpose which no longer applies shall be deemed abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner or tenant of the property.
 - 7. Mobile-style marquee signs are prohibited in all districts.
 - 8. All non-exempt signs shall comply with the construction requirements of the North Carolina State Building Code. Trailer mounted signs do not meet these requirements.
 - 9. Any sign unlawfully erected or maintained.

Manager detailing the nonconformity.

2. Any temporary sign, either exempt or nonconforming, located within the public right-of-way may be removed by town staff if such sign is determined to be in violation of this Ordinance. Persons or businesses who repeat violations of this provision twice within any thirty (30) day period may be subject to escalating fines as described in Chapter 4.

Y. SIGNAGE FOR MULTI-TENANT DEVELOPMENTS

1. Upon application for a multi-tenant development, the owner shall submit a sign allocation plan that indicates how square footage will be shared among tenants. Different tenants may be advertised on a single sign attached to the same main sign structure. No tenant listing can be in print smaller than 6 inches tall. The total allocation of sign area shall be divided (but not necessarily equally) between tenants and shall not exceed 150 square feet of total sign area and shall not exceed a height of thirty (30) feet. All other regulations for a high-profile sign (*Section 7.16.D(K): HIGH PROFILE SIGNS*) are to be followed.
2. Outparcels within a multi-tenant development (lots owned by entities other than the multi-tenant development) may install freestanding signs along the public road or private access drive to which they have driveway access. For the purposes of determining sign specifications, a private access drive shall be treated as a public road for determining setback, height, and size of sign. A freestanding sign may only be installed oriented toward a street or access drive that the outparcel has driveway access to.

Z. INTERNAL WAYFINDING

1. Multi-tenant developments with two (2) or more access points or three (3) or more buildings shall develop and install an internal wayfinding sign program with components for both drivers and pedestrians. Such signage may also be developed and installed for non-residential developments with two (2) or more access point or three (3) or more buildings.
2. A unified sign plan must be submitted and approved before the signs are installed, showing that the signs comply with location, lighting, construction, and height limitations of this section. Individual wayfinding signs do not count toward development or tenant signage and will be permitted on a single Sign Permit. Internal wayfinding signage must be at least 50 feet from the right of way of the street providing site access and must be oriented toward on-site traffic flow.

AA. INSTITUTIONAL SIGNS

Signs erected by schools, churches, hospitals, governmental buildings, and other institutions are permitted in all districts, but the size, type and other regulations are limited according to *Table 7.16(D), SIGNS ALLOWED BY DISTRICT* above. A sign permit is required for all types of institutional signs.

BB. SIGN MAINTENANCE

1. All signs, supports, braces, poles, wires and other appurtenances of signs or sign structures shall be kept in good repair, maintained in safe condition, and shall conform to the standards in this chapter. Maintenance carried out in accordance with this section shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner which would create or increase a nonconforming condition.

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2. A sign shall be in a state of disrepair when more than twenty (20) percent of its total surface area is absent, illegible, covered with disfigured, cracked, ripped, peeling paint or poker paper, or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this chapter.
3. No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than fifteen (15) degrees from the perpendicular.
4. No sign shall be allowed to be replaced in such a manner that the replacement sign fails to fill the existing sign frame for which it is replacing.
5. No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed.
6. No illuminated sign shall be allowed to stand with only partial illumination.
7. Any sign that violates the maintenance provisions listed above shall be in violation of this chapter and shall be repaired or removed as required by the applicable sections of this chapter.
8. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within a public right-of-way of any road or highway, except where a legal permit for such has been obtained from the Town of Cedar Point and/or the North Carolina Department of Transportation.

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7.177.16 LOW IMPACT DEVELOPMENT

A. INTENT

The Town of Cedar Point North Carolina is committed to sustainable development while protecting and retaining the natural hydrology of the town's current and future system of storm water management. Through a series of best management practices as related to design and dimensional flexibility, the Town promotes the balance of natural resource protection and development through the utilization of Low Impact Development Storm Water Techniques.

B. LID PROJECT REQUIREMENTS

Any project that wishes to utilize the dimensional and design standards variations allowable under Low Impact Development, as set forth in this section, shall submit certification from a licensed professional that said project conforms to the following criteria. Any project that meets the subsequent criteria shall hereinafter be defined as a "LID Project".

1. Compliance with all LID requirements for storm water management.
2. Per Chapter 4: LID Storm Water BMPs of North Carolina State University's Low Impact Development: A Guidebook for North Carolina (June 2009) all LID Projects must utilize a combination of engineered, structural LID storm water best management practices (BMPs) to:
 - (a) Design the "LID Project" to treat runoff from all surfaces generated by one and one-half inches of rainfall, or the difference in the storm water runoff from all surfaces from the predevelopment and post-development

on a Wireless Support Structure which: (i) increases the existing vertical height of the Wireless Support Structure by (a) more than ten percent (10%), or (b) the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater; or (ii) involves adding an appurtenance to the body of a Wireless Support Structure that protrudes horizontally from the edge of the Wireless Support Structure more than twenty (20) feet, or more than the width of the Wireless Support Structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the Antenna from inclement weather or to connect the Antenna to the tower via cable); or (iii) increases the square footage of the existing Equipment Compound by more than 2,500 square feet.

Substantial Progress. For the purposes of determining whether sufficient progress has been made on the site of an approved site plan, one (1) or more of the following construction activities shall occur:

- (a) Obtaining and maintaining a valid erosion and sedimentation control permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days.
- (b) Installation and approval of on-site infrastructure or footing and/or floor slab; or
- (c) Obtaining and maintaining a valid building permit for the construction and approval of a building foundation.

Swimming Pool, Private. A recreation facility designed and intended for water contact activities that serves a single-family dwelling(s), duplex dwellings, or multifamily dwellings, or combinations thereof, including pools owned or controlled by a neighborhood club or similar organization.

Temporary Residential Mobile Home. A mobile home, intended for residential use for a limited period of time, used for purposes of providing for custodial care under a special use permit or providing temporary residential space during the installation of a replacement mobile home or construction of a residential unit built to NC Building Code on the same lot, and for 30 days after the issuance of Certificate of Occupancy for the permanent unit. The temporary mobile home shall be anchored as per NC Building Code.

Temporary Restroom Facility. A unit or structure constructed off site containing a toilet or other similar type feature, and which may contain a sink(s), or showering/bathing equipment, which is designed to be transportable, and is generally not connected to permanent water or septic systems. Examples include but are not limited to porta potties or restroom trailers.

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Tennis Court, Private. A recreation facility designed to allow participants to play tennis. This type of facility serves a single-family dwelling(s), duplex dwellings, or multifamily dwellings, or combinations thereof, including tennis courts owned or controlled by a neighborhood club or similar organization.

Textile Manufacturing. A facility that manufactures and distributes textiles.

Theaters. A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances. Such establishments may include related services such as food and beverage sales and other concessions.

Thoroughfare. For the purpose of this ordinance, the term thoroughfare shall mean the rights-of-way of Highways 24 and 58.

All plans may be submitted electronically, with the exception that a copy of the proposed site plan must be printed and included with the application. If so provided, the plans must be in a format approved by the District Engineer and Town of Cedar Point.

N. Final Submittal information

Once the TIA is approved by NCDOT and Town of Cedar Point, one (1) electronic copy of the entire TIA on CD and one (1) paper copy of the TIA shall be submitted to the Town of Cedar Point Planning Department for the project file.

O. Validity of TIA

Residential Projects

- A TIA shall be valid for a period of two (2) years from the date of the preliminary approval by the Planning and Zoning Commission.

Commercial Projects

- In the case of commercial projects, if a preliminary plat is required for the project, the TIA shall be valid for a period of two (2) years from the date of the preliminary plat approval by the Planning Board.
- In the event a preliminary plat is not required for the project and the project is subject to site plan review only, then the TIA shall be valid for a period of two (2) years from the date of site plan approval by the Town.

Mixed Use Projects

- ~~Where Mixed Use projects are proposed, the TIA shall be valid for a period of two (2) years from the date of preliminary plat approval by the Planning Board or site plan approval by the Town, whichever occurs first.~~

SECTION 2: Improvements Required (Projects Not Requiring TIA)

If a project does not require a Traffic Impact Analysis to be performed, the developer/project owner is not exempt from completing improvements to mitigate the impacts of the proposed project. For the project to take place, highway infrastructure improvements may be necessary. For example, improvements may be needed for safe and efficient traffic operations if there are high roadway and/or turning volumes of traffic, when the roadway speeds are moderate or high or where limited sight distance exists.

A. Infrastructure Improvements Defined

Highway infrastructure improvements include, but are not limited to:

- additional through lanes
- acceleration lanes
- turn lanes and tapers for left and right turns associated with a driveway connection.

As set forth in G.S. 136-18(29), the final determination for the need, extent, location and design of turn lanes is the responsibility of the NCDOT. The NCDOT may require the applicant to provide offsite roadway improvements on public facilities in order to mitigate any negative traffic impacts created by the proposed development. Boundaries for offsite improvements, including intersections and public roadways to be considered, will be determined by the District Engineer in cooperation with Town of Cedar Point.

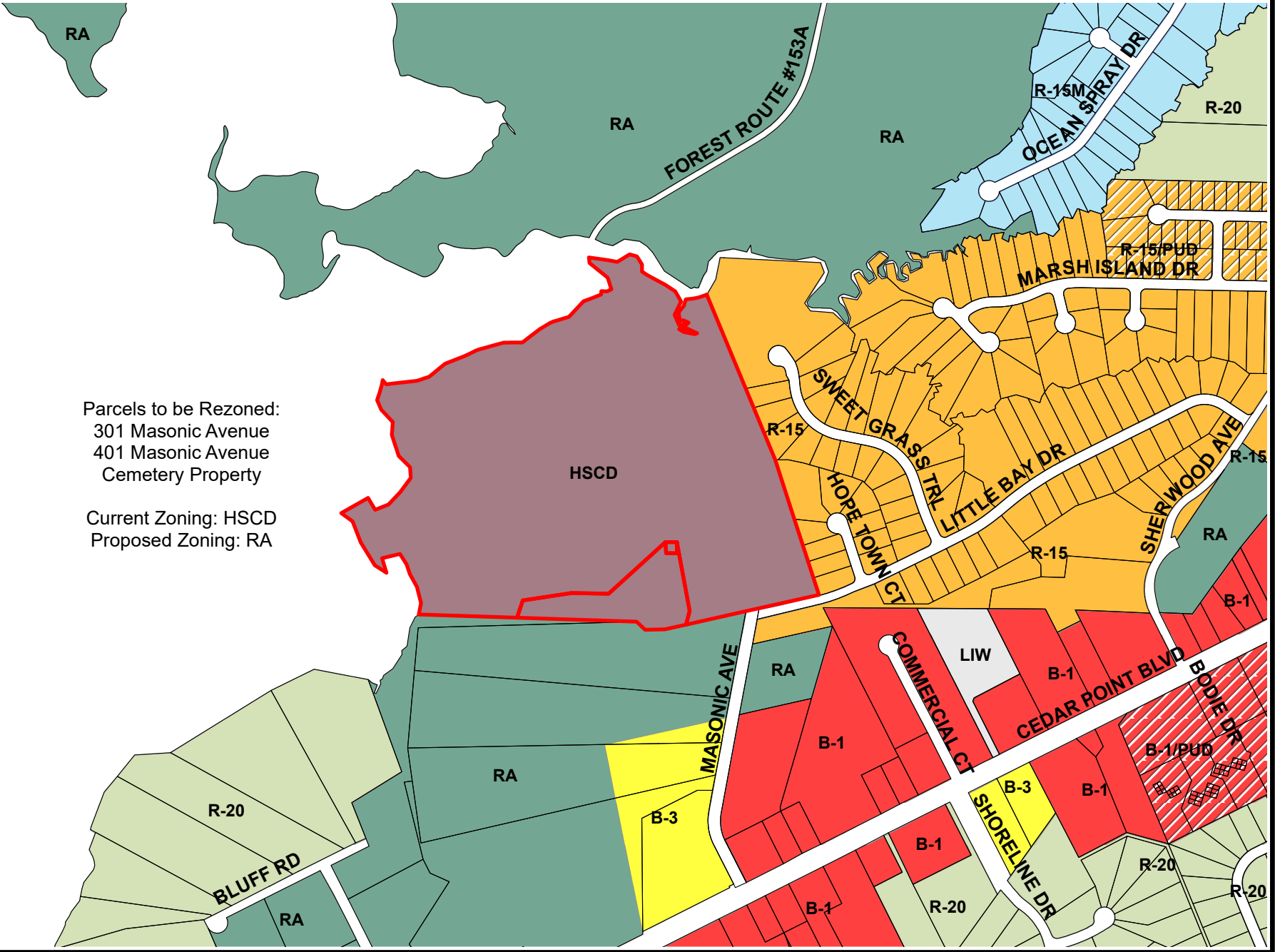
Tab 4-2 Proposed Rezoning

PROPOSED REZONING

Rezoning Application RZ-2023-01: a request by Town staff to rezone the parcels located at: 301 Masonic Avenue bearing PIN # 5374-0146-9381000; 401 Masonic Avenue bearing PIN # 5374-1156-3724000; and the unaddressed cemetery property bearing PIN # 5374-1156-2506000, from HSCD (Human Services Campus District) to RA (Rural Agricultural).

REZONING MAP

3 Parcels on Masonic Avenue



Parcels to be Rezoned:
301 Masonic Avenue
401 Masonic Avenue
Cemetery Property

Current Zoning: HSCD
Proposed Zoning: RA