

# **Town of Franklinville Land Development Ordinance**



*December 2002*



***Piedmont Triad Council of Governments***  
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# Town of Franklinville

## Land Development Ordinance

The Town of Franklinville Land Development Ordinance has been developed with the cooperation of the citizens of Franklinville, the Board of Town Commissioners, the Town Planning and Zoning Board, and Town staff. This ordinance serves as a guide for the community in making land development decisions and will help to provide for the orderly growth and development of the Town. The ordinance will be reviewed and revised periodically by the Board of Town Commissioners, after formal adoption, as conditions within the Town's planning jurisdiction change over time.

Franklinville adopted the Franklinville Community Plan in 2001. This plan provides a vision for future development that accommodates physical and economic expansion, while protecting the community's valuable natural, cultural, and historic assets. As growth is managed in accord with this vision, well-planned land development will maintain and enhance Franklinville's traditional character. As a tool for implementing the plan, this ordinance provides flexible regulations and incentives that respect private property rights while encouraging growth that maximizes the town's investment in infrastructure and protects key conservation areas. This ordinance calls for detailed site analyses of proposed land development projects to make sure they are properly located and fit the natural landscape and existing surrounding uses. Detailed design guidelines are provided to encourage the development of inter-connected, pedestrian-friendly neighborhoods with a healthy mixture of land uses and vibrant public spaces.

To address and prevent the negative consequences of conventional development patterns, this ordinance draws from a variety of modern "new urbanist" development regulations adopted by small communities throughout North Carolina – especially the Towns of Davidson, Cornelius, Huntersville, and Mocksville. This ordinance goes beyond providing the minimum regulations necessary to facilitate safe and orderly growth, by advocating more traditional and sustainable planning and development practices that encourage the types and patterns of land development that will preserve and enhance what is best about our community. Through careful planning of the physical design of our town, our hope is that future growth will be integrated into the fabric of our community to form coherent, functional neighborhoods and activity centers; to increase our community security and identity; to enhance the quality of life in our town; and to encourage the greatest possible economic and social benefits for all residents.

*Adopted this \_\_\_\_ day of \_\_\_\_\_, 2002 by the Franklinville Board of Town Commissioners.*

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# CHAPTER 1 – Purpose and Principles

## 1.1 Purpose

The Town of Franklinville, North Carolina adopted its first comprehensive plan in Spring of 2001. The plan, officially titled “The Franklinville Community Plan,” contains a broad range of goals and policies regarding land development in and around the town. The Community Plan serves as a guide for the future growth of the community into the 21<sup>st</sup> Century. In accordance with North Carolina General Statute 160A-383, the purpose of this ordinance is to implement the goals and policies of the Franklinville Community Plan, designed to:

- lessen congestion in the streets
- secure safety from fire, panic, and other dangers
- promote the health and general welfare
- provide adequate light and air
- prevent overcrowding of land
- avoid undue concentration of population
- facilitate the adequate provision and economic provision of transportation, water, sewerage, schools, parks, and other public requirements
- conserve the value of buildings
- encourage the most appropriate use of land within the Town’s corporate limits and its extraterritorial planning and zoning jurisdiction.

## 1.2 General Principles

The Town of Franklinville took its present form during the 19<sup>th</sup> century as an industrial mill village along the Deep River. Two textile mills were built, utilizing power from the river to drive the looms. Housing and services for the workers were spread over the surrounding hills on the north side of the river. The railroad from Greensboro to Southern Pines followed the river course, crossing from side to side as the river wound among the hills. The mills are now closed and the railroad tracks are torn up. However, the community persists and is looking forward to a period of revival, growth, and change. The original form of the town has been essentially preserved and spared the impact of contemporary sprawl development. In fact, the town’s character and charm is one of its most valuable public assets. The town’s key challenge is to manage this impending growth and change without sacrificing the way of life and physical character that make Franklinville such a unique and charming place to live and work.

The Franklinville Community Plan provides a vision for the future growth and development of the town. The plan seeks to accommodate the physical and economic expansion expected over the next quarter century, while protecting the community’s valuable natural, cultural, and historic assets. As growth is managed in accord with this long-range vision, it will encourage and guide well-planned land development and infrastructure that maintains and enhances Franklinville’s traditional character. The plan identifies the environmental and physical design characteristics that contribute to the uniqueness and quality of life that our citizens want to conserve and improve. The plan provides the following four broad principles for accommodating growth while preserving our local heritage, natural environment, rural character, and quality of life:

1. Locate and cluster new land development in the most buildable areas on the water-spreading uplands, maintaining the lower-lying water-gathering slopes as green space to filter runoff, minimize erosion and flooding, provide open land for people and wildlife, and to create a desirable physical environment in which to live and work.

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2. Locate most roads and streets along the ridges of hills to serve buildable areas along upland slopes, while retaining wooded buffers and open land along stream corridors.
  3. Maintain the open land along stream corridors (both public and private), to serve as a continuous backdrop for the built parts of town, and to provide a natural vegetated buffer to slow and filter runoff from buildings, streets and lawns, before it enters streams.
  4. Use the town's traditional land use patterns as the model for future land development, to establish sustainable clusters of homes and businesses that maintain and enhance the rural, small town character and charm of Franklinville.

### 1.3 Specific Goals

Proper planning and regulation of land development is the duty of all communities that care about providing a high quality of life for their citizens. Our challenge as a small town is to regulate land development to preserve and enhance what is best about Franklinville, while encouraging the creation of new, more livable neighborhoods. The original intent of planning is to regulate parcel sizes and building setbacks to protect the public health, safety and welfare. Over time the primary aim of conventional planning has become the segregation of conflicting uses, by dividing a jurisdiction into districts based on present and desired future uses. By protecting existing conditions, planning seeks to protect the future value of property and gives homeowners peace of mind. Conventional planning ordinances usually consist of "use" lists and maps which specify, for instance, that single-family residences, schools and churches are compatible and can be located in the same planning district, but commercial and industrial uses are inappropriate or disruptive and must be put in another section of the community. In rural areas, on the other hand, distance theoretically buffers incompatible uses.

No community actively plans to make a small town into a bland suburb. However, many planning and subdivision ordinances produce exactly that outcome, allowing the systematic conversion of most buildable land into standardized subdivisions of residential lots and streets with little or no open space or other neighborhood amenities. The underlying mission of the committee that developed the Franklinville Community Plan was: *"To create a friendly, thriving environment for Franklinville by preserving and enhancing its distinctive characteristics while improving its appearance, infrastructure, and economy."* As a tool for implementing the Community Plan, one of the primary goals of this new land development ordinance is to meet the infrastructure needs of future growth while providing for a logical balance between community and private landowner interests. The Franklinville Community Plan establishes reasonable community goals for conservation and development that reflect local resources, existing land uses, anticipated growth patterns, private landowner interests and public policies. This new ordinance provides flexible regulations and incentives that respect private property rights while encouraging new development be designed to maximize the town's investment in infrastructure and to permanently protect conservation areas. This ordinance calls for detailed site analyses of proposed land development projects to make sure they are properly located and fit the natural landscape and existing surrounding uses. Design guidelines are provided for lots, streets, buildings, and utilities to encourage the development of inter-connected, pedestrian-friendly neighborhoods and communities with mixed land uses and useful public spaces.

Patterns of sprawling, large-lot development established under conventional planning schemes have seriously compromised the quality of life and economic viability of communities all across our nation. Conventional planning and planning practices have encouraged segregation of land uses into single-use zones, leading to the creation of exclusively residential, auto-dependent



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subdivisions, separating residents from shopping centers, civic uses, and business parks. This practice has often resulted in wide-spread loss of open space, farmland, and forest cover; increased traffic congestion and air pollution; environmental degradation; increased stormwater runoff, soil erosion, and water supply contamination; increased housing and infrastructure costs; inadequate provision of schools and public services; and declines in property value and quality of life.

To address and prevent the negative consequences of conventional development patterns, this new ordinance draws from a variety of modern “new urbanist” development regulations adopted by small towns throughout North Carolina. This ordinance goes beyond providing the minimum regulations necessary to facilitate safe and orderly growth, by advocating more traditional and sustainable planning and development practices that encourage the types and patterns of land development that will preserve and enhance what is best about our small community. Through careful planning of the physical design of our town, future growth will be integrated into the fabric of our community to form coherent, functional neighborhoods and activity centers; to increase our community security and identity; to enhance the quality of life for the entire town; and to encourage the greatest possible economic and social benefits for all residents. Borrowed from the Town of Davidson Planning Ordinance, the following goals were adapted by the Town to serve as guiding principles for accomplishing the broad planning objectives of the Franklinville Community Plan:

***We will preserve Franklinville’s status as a small town*** – The essence of a small town is that residents know their neighbors and interact with them in a variety of well-designed settings. More than any other force, this small-town essence will attract new residents and visitors to Franklinville. But resulting growth may threaten the atmosphere that attracts new residents in the first place. In order to prevent the destruction of what we love, we will avoid large-lot sprawl type development, totally automobile-dependent development, enclave development that puts people into protected areas where their fellow residents are unwelcome, and development at such a pace that we are unable to assimilate new residents into the life of the Town.

***We will preserve and enhance Franklinville’s unique village center*** – The presence of an identifiable village center contributes to the quality of life in our community. We can keep this valuable asset by enhancing the village center with new shops and offices, a new transit system, and, especially, new residences for people downtown. This principle does not mean, however, that the village center should have a monopoly on the commercial life of the town. Having scattered commercial opportunities throughout our jurisdiction actually enhances the downtown, by preventing the choking of downtown with ever more cars.

***Future growth will be sustainable*** – Too often in the past, both in Franklinville and, indeed in the entire country, growth has been totally dependent on the private passenger automobile. The result has been roads choked with vehicles and air befouled with their wastes. Such development is clearly not sustainable. Thus this ordinance aims to reduce the reliance on the private passenger automobile, and to enhance the alternatives: walking, bicycling, and riding public transit. There are two corollaries to this principle:

***Much of the new growth will be in walkable, mixed use communities*** – In order to reduce the dependence on the private passenger automobile, public policy must allow people to live, work, shop, visit, pray, and attend school in one area. These activities are not to exclude participation in the life of the whole town, since to do so would violate our first principles of preserving the small town; rather, we want to make it possible to do some of life’s activities without getting into our cars.

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***Old neighborhoods will be interconnected via new streets and greenways, and new neighborhoods will connect to adjacent neighborhoods and undeveloped property*** – By having a grid of streets and a complete greenway system, rather than a few arterial streets that must carry most of the transportation burden, we will make walking and bicycling more possible, and reduce the length of trips that we take in our cars. And we enhance the sense of community in Franklinville by making neighborhoods integral parts of the Town instead of cul-de-sac hideaways.

***We will preserve substantial amounts of open space*** – Our rural area enhances our quality-of-life. We will go to great efforts to preserve rural views, as well as saving significant hardwood forests, farmland, wildlife habitats, rock outcroppings, parkland, and watersheds in pristine form. Doing so enhances our lives, but more importantly, it preserves an irreplaceable asset for future generations. It is the task of government to preserve open space, and we do so with a variety of approaches.

***We will preserve our diversity of people*** – Having diverse groups of people in Franklinville – all ages, all economic levels, all races and ethnic groups – has long been a major contributor to our village. In order to preserve this diversity, this ordinance provides for a mixture of housing types and prices, since it is the one-product housing type that kills diversity. The ordinance also provides for a mix of housing types to exist in each neighborhood. The town will actively discourage development that is predicated on having only people of similar socio-economic status living together.

***The pace of residential growth will not outstrip the ability of the community to provide for the other parts of life*** – In many areas, residential growth has been so rapid that the communities have not been able to provide transportation, schools, utilities, commercial life, religious life, and job opportunities apace with the residential growth. Hence new residents must leave their homeplace to find these opportunities, and often they must do so on roads that barely permit the travel. This ordinance, together with the Adequate Public Facilities Ordinance, seeks to avoid this situation. It is our intent that all parts of a vibrant, successful community grow together.

***We will rely on a unique combination of private property rights and the health of the community as a whole*** – Government plays a crucial role in the development process. While deeply respecting the rights of private property owners, town government in Franklinville sets the rules for implementation of those rights. In so doing, we preserve land values, deal with the larger picture instead of just the immediate neighborhood that the landowner and developer consider, maintain the high quality of life for the new and current residents, and protect the health and safety of our people. This role of government obviously can produce tensions with landowners. We recognize those tensions as an integral part of the role of government.

***Architecture and land development planning will enhance the quality of life in our town*** – Well-designed buildings and streets in well-planned communities can bring us together and make life better. Alternatively, bad design in a poorly planned place can separate us and make life less attractive. Integral to this ordinance, therefore, is the deep belief that good architecture, street design, and planning are key to the quality of life of our present and future residents. We also labor under the knowledge that we only have one chance to build our town; we want to get it right the first time. There are, again, two corollaries to this principle.

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***Design is more important than density*** - This ordinance relies heavily on the implementation of good principles of design, and relies less on indicators normally employed in land development ordinances. For example, this document is silent on the issue of density in the village center and neighborhood residential (infill) districts. Instead, it contemplates the building of excellently designed structures that fit harmoniously into their surroundings; it establishes design principles, and a Design Review Board to oversee those principles. In short, this ordinance incorporates the belief that if development is well designed, then all other measures of development become distinctly secondary.

***Town streets are a critical element of a successful town*** – Streets are the arteries that tie our town together. Streets are important public spaces, along with parks and, as such, create a sense of place that can either enhance life or detract from it. So this ordinance deals extensively with the way streets must develop in the Town. It requires that neighborhoods be connected with streets and walkways; it requires that buildings front on streets; and it specifies street constructions which acknowledge that cars, pedestrians, and cyclists share the road.

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## **CHAPTER 2 – Authority and Applicability**

### **2.1 Title**

This ordinance is officially titled “The Land Development Ordinance of the Town of Franklinville, North Carolina,” and will be known as the “Land Development Ordinance.” The official map designating the various planning districts will be titled, “Town of Franklinville Land Development Ordinance Map,” and will be known as the “Land Development Ordinance Map.”

### **2.2 Authority**

Planning provisions enacted within this ordinance are authorized under North Carolina General Statutes (G.S.) 160A-381, extending to cities the authority to enact regulations which promote the health, safety, morals, or general welfare of the community. Under Section 160A-382 cities are also authorized to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. These statutes also require that all such regulations will be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

Subdivision provisions enacted within this ordinance are authorized under North Carolina G.S. 160A-372, providing for the coordination of streets within proposed subdivisions, existing or planned streets, and other public facilities. This section further authorizes the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area. It also authorizes the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

The enumeration of sections of the general statutes is not intended to exclude any other section of the general statutes which grants or confirms authority to municipalities to promulgate ordinances, rules or regulations similar or identical to those set forth in this ordinance.

### **2.3 Jurisdiction**

These regulations govern the development and use of all land and structures within the corporate limits of the Town of Franklinville, North Carolina and within the town’s extraterritorial jurisdiction as shown on the land development ordinance map. This map and its boundaries will be incorporated and made part of this ordinance.

### **2.4 Relation to Other Ordinances**

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights or building permits previously adopted or issued pursuant to law and currently effective.

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## **2.5 Separability**

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

## **2.6 Applicability**

No building, structure, or land will be used or occupied, nor any building, structure, or part thereof be erected, constructed, reconstructed, moved, or structurally altered, nor any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

## **2.7 Land Development Ordinance Map**

The Board of Town Commissioners will adopt a land development ordinance map entitled "*Official Land Development Ordinance Map, Town of Franklinville, North Carolina*", to be certified by the Land Development Ordinance Administrator, and retained in the office of the Land Development Ordinance Administrator. This map will delineate planning districts established in Chapter 3, and is hereby designated, established, and incorporated as a full part of these regulations, as if it was fully described herein. A reduction of the official land development ordinance map is provided below.

## **2.8 Effective Date**

These regulations will become effective on \_\_\_\_\_. These regulations will supersede, repeal, and replace the Franklinville Zoning Ordinance and the Franklinville Subdivision Ordinance, as amended.

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## 2.11 Official Land Development Ordinance Map (Reduction)

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**Back of Map**



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## CHAPTER 3 – Planning Elements Established

### 3.1 General Planning Districts Established

Planning districts are different from conventional zoning districts in that they are defined less by land use, and more by logical areas relating to the historical, geographical, and topographical features and patterns of growth in our community. Therefore, the conventional terminology of “zoning district” has been replaced with “planning district.” These planning districts have the same legal authority as zoning districts. The following general planning districts are established as shown in the table below. Reclassification of property to any general planning district is considered under the administrative procedures outlined in Chapter 9. The requirements of each general planning district are established in Chapter 4.

| Symbol | General Planning Districts                             | Classification |
|--------|--|----------------|
| RR     | Rural Residential (private wells & septic systems)     | Residential    |
| NR     | Neighborhood Residential (Town water & sewer services) | Residential    |
| NC     | Neighborhood Center (Crossroad Development)            | Mixed Use      |
| TC     | Town Center (Historic Downtown Area)                   | Mixed Use      |
| HC     | Highway Commercial (Economic Development)              | Mixed Use      |

### 3.2 Overlay Districts Established

Overlay districts are established as a separate set of regulations applicable to specific geographic areas. An overlay district may allow additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying planning district. The underlying planning districts and overlay districts together are used in tandem to manage land development. Overlay districts take precedence over underlying planning districts if there is a conflict. The requirements of each overlay district are set forth in Chapter 4.

| Symbol | Overlay Planning Districts                   | Classification                |
|--------|--|-------------------------------|
| TND-O  | Traditional Neighborhood Development Overlay | Mixed Use                     |
| MH-O   | Manufactured Home Neighborhood Overlay       | Residential                   |
| SP-O   | Special Purpose Overlay                      | Hazard or Nuisance Mitigation |
| WP-O   | Watershed Protection Overlay                 | Environmental Protection      |
| SB-O   | Stream Buffer Overlay                        | Environmental Protection      |
| FP-O   | Floodplain Overlay                           | Environmental Protection      |
| SC-O   | Scenic Corridor Overlay                      | Aesthetic Protection          |
| IC-O   | Infrastructure Corridor Overlay              | Infrastructure Coordination   |

### 3.3 Interpretation of Planning District Boundaries

The Town of Franklinville Land Development Ordinance Map, as adopted by the Town of Franklinville Board of Commissioners and certified by the Land Development Ordinance Administrator, establishes the official planning districts and overlay districts. The following rules

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apply in the interpretation of district boundaries and the location of centers shown on the official land development ordinance map:

- A. Boundaries approximately following streets, highways, or alleys will follow the centerlines of rights-of-ways or easements
- B. Boundaries approximately following railroad lines will be midway between the main tracks
- C. Boundaries approximately following lot lines, corporate limits, and extraterritorial jurisdiction boundaries of the Town of Franklinville will follow such boundaries
- D. Boundaries shown parallel to or extensions of features indicated in this section will be construed as such. Distances not specifically indicated on the land development ordinance map will be determined by the scale of the map
- E. Where the actual location of existing physical or natural features vary with those shown on the land development ordinance map, or in other circumstances not covered by this section, the Planning Board will have the authority to interpret the district boundaries
- F. Centers shown at the intersection of streets will be at the intersection of the street centerlines
- G. Centers shown at parks or other civic spaces will be at the center of such areas

### **3.4 Building Types Established**

Building types are used as a regulatory mechanism in this land development ordinance. Not all building types are allowed in all planning areas. The seven types of buildings are:

- Workplace building: The workplace building may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical. Southern mill villages, like Franklinville, provide examples of how these buildings can reasonably coexist with other businesses and homes.
- Storefront building: Storefront buildings may accommodate a variety of uses. A group of storefront buildings can be combined to form a mixed-use neighborhood center. Individual storefront buildings can provide limited commercial services close to homes.
- Civic building: Civic buildings are used for public purposes. These buildings should be designed appropriately to fit within neighborhoods as integral parts of the community. Their uses include churches, libraries, post offices, and schools.
- Live/Work units: Live/work units combine commercial, office, and residential uses within a single dwelling unit of two or more stories.
- Apartment buildings: Apartment buildings are residential buildings accommodating several households. When well designed, this building type can coexist with a variety of other residential building types.
- Attached houses: Rowhouses and townhouses are attached houses. Their scale can range from duplexes (two attached units) to a longer series of attached residences.
- Detached houses: The dominant residence type in Franklinville, detached houses are suitable for single-family occupancy.

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# CHAPTER 4 – Planning District Requirements

## 4.1 Rural Residential Planning District (RR)

### 4.1.1 Intent

The **Rural Residential Planning District** is provided to preserve the rural appearance and the productive agricultural uses found in outlying areas of the Town’s jurisdiction, by clustering development and retaining important natural and rural heritage features. The development of compact neighborhoods and clustering of rural uses is strongly encouraged, to set aside significant natural areas, vistas, and landscape features for permanent conservation. The intent of this district is to reduce the loss of farmland and open space in rural areas, by discouraging segregated, single-use residential developments. Density of development is regulated on a sliding scale. A minimum of 15% to 30% of all land proposed for new development will be maintained as open space. As the amount of preserved open space is increased density is allowed to increase.

### 4.1.2 Permitted Uses, Accessory Uses, Building & Lot Types, Prohibited Uses

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses Permitted By Right:

- Single Family Homes
- Bed and Breakfast Inns
- Boarding or Rooming Houses for up to two roomers

Uses Permitted with Conditions:

- Cemeteries (5.9)
- Churches (5.39)
- Duplexes (5.19)
- Essential Services – Class 1 and 2 (5.21)
- Neighborhood & Outdoor Recreation (5.31)
- Parks & Greenways (5.38)
- Riding Academies and/or Commercial Stables (5.43)
- Schools (5.45)
- Traditional Neighborhood Development (TND) on tracts of 40 Acres or more with approval of a TND-Overlay District
- Transit Shelters (5.49)

Uses Permitted with a Special Use Permit:

- Agricultural Industry

Permitted Accessory Uses With Conditions:

- Accessory Dwelling (5.2)
- Day Care Home – Small (5.17)
- Home Occupations (5.28)
- Accessory Uses Permitted in all Districts

Permitted Building and Lot Types:

- Attached Houses
- Civic Buildings
- Detached Houses
- Specified Urban Buildings in approved TND-Overlay District

Prohibited Uses:

- Drive-through services
- facilities operated in a manner causing a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise

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### 4.1.3 General Development Requirements for the Rural Residential Planning District

#### 4.1.3.1 Development Options

Within the rural planning area, there are two development options:

- Rural Cluster Development – As the preferred development pattern within the Rural Residential Planning District, this option permits the clustering of a mixture of attached and detached residential building types. A base density of one residential unit per acre is permitted, when a minimum of 30% of the site is preserved as open space, and the development is provided with community water and sewer services. This option also provides density bonus incentives to encourage developers to increase the amount of open space accessible to the public, and to participate in the cost of extending municipal water and sewer services. The location and configuration of building sites will be determined through an environmental inventory that identifies landscape features to be preserved and the surrounding rural character to be matched.
- Conventional Residential Subdivision – This option permits a base density of one dwelling unit per two acres when a minimum of 15% of the site is preserved as open space, and each lot utilizes an individual well and septic system. No density bonuses are provided for this option. Building sites will be determined through an environmental inventory that identifies and preserves primary conservation areas. No minimum or maximum lot size is required if the project meets all other standards of the zoning district and the regulations in this ordinance pertaining to the design of streets, buildings, landscaping, greenways, and open space.

#### 4.1.3.2 Development Intensity

The number of housing units and size of building lots permitted in Rural Residential District subdivisions varies according to the type of development and amount of open space preserved.

- When the conventional subdivision option is used, a base density of one dwelling unit per two acres, calculated across the entire project, is permitted with the preservation of 15% open space.
- When the preferred rural cluster development option is used, a base density of one dwelling unit per acre, calculated across the entire project, is permitted with the preservation of 30% open space. Building sites will be clustered on the remaining portion of the land. Projects may include a mixture of the building and lot types permitted in the district.

#### 4.1.3.3 Open Space Conservation Requirements

See Section 6.5 for a full outline of Open Space Preservation and Design Regulations

#### 4.1.3.4 Buildings, Streets, Lots, and Improvements

- A. Along existing streets, new buildings must respect and be compatible with the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings. New buildings that exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
- B. On new streets, allowable building and lot types will establish the development pattern.
- C. Frontage on a public street is required for all lots in the Rural Residential District except those developed using the rural cluster development option (see Section 4.1.4 below).
- D. All buildings, streets, site plans, and master plans will conform to the design regulations set out in Chapter 6.

E. No more than 50% of the single family detached residential lots in a development will be one width. A ten-foot differential in lot widths is required to meet this regulation.

**4.1.3.5 Sketch Plan**

All development projects defined as major subdivisions (10 or more lots or acres) in the Rural Residential District require an approved subdivision sketch plan, according to the requirements of Chapters 7 and 8. Sketch Plan submittals will provide sufficient information to determine prime conservation areas and rural heritage features on the site. Therefore, submittal shall require a topographic survey, including, among other information, the location of flood plains, slopes 20% or greater, existing buildings, fences, hedgerows, rock outcroppings, tree lines, creeks and other bodies of water.

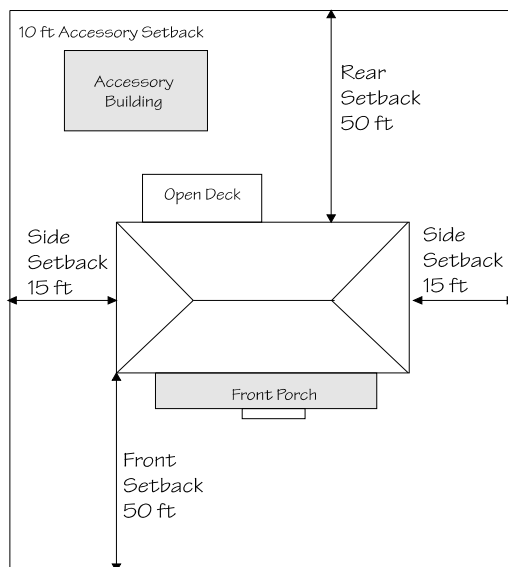
**4.1.3.6 Lot and Building Placement**

The minimum standards shall be as follows:

**Minimum Building Setbacks**  
 Front: 50  
 Sides: 15  
 Rear: 50

**Maximum Front Yard Encroachment**  
 15 ft

**Accessory Structure Setback**  
 10 ft  
 (Side and Rear)



Lots platted within Rural Cluster Developments shall be a minimum of 1/3 acre (14,500 sq ft.)

Lots platted using the Convention Subdivision option shall be a minimum of 1.5 acres

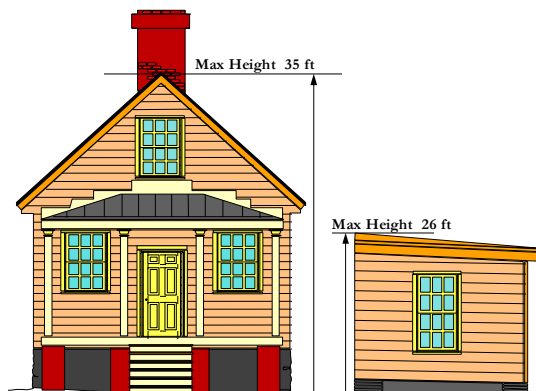
Minimum setbacks may be varied in Rural Cluster Developments

**4.1.3.7 Building Height**

Building height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roofline. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.)

**Maximum Height**

Principal Structure: 35 feet or 2 stories  
 Accessory Structure: 26 feet or 2 stories\*  
 \* (Exception: Farm Structures)



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#### 4.1.3.8 General Design Guidelines

- A. All buildings shall comply with the provisions of Chapter 6 – Design Regulations.
- B. Churches and other civic buildings are exempt from the front yard setback requirements.
- C. Setbacks for houses on corner lots shall be determined by the Town based upon surrounding frontage conditions.
- D. All lots must front along a minimum of 35 ft of publicly dedicated R-O-W in order to be built upon.
- E. Minimum lot width at building line: 150 ft (Exception: Farmhouse Clusters) Lot widths for lots platted prior to September 1, 1996 shall be of sufficient width to accommodate a home within required side yard setbacks.
- F. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 15 ft. Open decks and patios are permitted to encroach into the rear setback.
- G. Accessory buildings, pools, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 10 ft from the side and rear property lines. The Town may permit the placement of an accessory building in a side yard provided the provisions of Chapter 6 - Design Regulation are met.
- H. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and shall be screened from view from all abutting properties. Satellite dishes less than 1 meter in diameter are exempt from these provisions.
- I. Hedges, garden walls, or fences may be built on property lines. Front yard fences shall not exceed 4 ft in height. Side and rear yard fences shall not exceed 8 feet in height.
- J. The following uses are permitted within accessory structures: farm structures, parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, and conservatory.
- K. The aggregate floor area of all accessory structures shall not exceed ½ the total floor area of the principal structure. (Exception: Barns on bona fide farms, patios, and open decks)
- L. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- M. Trash containers, mechanical equipment and outdoor storage shall be located in the side or rear yard and shall be screened from view.



#### 4.1.4 Requirements of the Rural Cluster Development Option

The rural cluster development option provides property owners a way to subdivide their land while substantially retaining its rural character and scenic beauty, and preserving open space and environmentally significant areas. This option permits clustered residential lots in exchange for the preservation of significant open space features. For example, a conventional development might subdivide a ten-acre tract into 10 one-acre lots. Using the rural cluster option, those same ten homes might be placed on half-acre lots, with the remaining 5 acres being permanently preserved as open space. Development costs for roads and other amenities are decreased, while new residents and the community benefit from the preservation of open space in environmentally sensitive areas. The illustrations below provide a comparison between conventional large-lot subdivisions, and the rural cluster development option.



*A Typical Existing Rural Landscape*



*A Conventional Large-Lot Subdivision*



*A Cluster (Open Space) Development*

*Plans and pictures courtesy of BLUPRINTS – Penn State University. Both development options contain the same number of housing units, but have very different visual effects on the surrounding landscape.*

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## 4.2 Neighborhood Residential Planning District (NR)

### 4.2.1 Intent

The Neighborhood Residential Planning District provides for residential infill development surrounding Franklinville's historic town center and its logical extensions. This district also provides for town-scaled residential development within walking distance of designated Neighborhood Center Districts, as identified on the Land Development Ordinance Map (and as provided for in Sub-Section 4.3 below). Streets in the Neighborhood Residential District must be interconnected, as required in Section 6.7 – Street and Greenway Design Regulations, and Urban Open Space must be provided according to Section 6.5 – Openspace Preservation and Design Regulations. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use buildings at a residential scale, in and around designated Neighborhood Center Districts. The intensity to which permitted uses may be built is regulated by the building type corresponding to the use.

### 4.2.2 Permitted Uses

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

#### Uses permitted by right:

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- civic, cultural, or community facilities (excluding correctional and waste management facilities)
- congregate housing designed within the "civic" building type
- single family homes

#### Permitted Building and Lot Types:

- attached house
- civic building
- detached house
- live/work unit<sup>1</sup>, up to 3,000 SF of first floor area with approval of TND-Overlay District
- apartments (within 1/4 mile of designated Town or Neighborhood Centers or with approval of TND-Overlay District)
- Government buildings (up to 5000 square feet of gross floor area)

#### Uses permitted with conditions:

- cemeteries (5.9)
- churches (5.39)
- daycare centers (5.17)
- essential services 1 and 2, (5.21)
- funeral homes (5.24)
- neighborhood and outdoor recreation (5.31)
- parks and greenways (5.38)
- schools and colleges, (5.45)
- traditional neighborhood development (TND) on tracts of 40 acres or more, with approval of a TND-O District
- transit shelters (5.49)

#### Permitted Accessory Uses with Conditions:

- accessory dwelling (5.3)
- day care home - small (5.17)
- home occupation (5.28)
- accessory uses permitted in all districts

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<sup>1</sup> The live/work unit mimics the traditional shopfront building type and has at least two usable stories; the ground floor is for office or commercial uses and the top floors are for residential or office uses.



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### 4.2.3 General Provisions

- A. Along existing streets, new buildings will respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
- B. On new streets, allowable building and lot types will establish the development pattern.
- C. In major subdivisions (10 or more lots or acres) which are extensions of the traditional town center and planned developments associated with new neighborhood centers, the aggregate number of dwelling units contained in mixed-use buildings will not exceed 30 percent of the total number of dwelling units in a project. Higher percentages may be authorized by the Town Board during subdivision sketch plan approval if the design of the project demonstrates a high level of compatibility with the overall composition of buildings and uses in the vicinity.
- D. Every building lot will have frontage on a public street.
- E. A detached house may only be demolished if it is to be replaced with a detached or attached house. The Board of Commissioners may waive this rule if they find that:
  - the demolished house was not a significant addition to the Town's housing stock, as determined by the Design Review Board / Planning Board / Commissioners; and,
  - there is no material adverse affect on values of adjoining properties; and,
  - there is an approved site plan in place for the structure(s) planned to replace the demolished house.
- F. All building designs, site plans, and master plans will conform to the design regulations set forth in Chapters 6, 7, and 8.
- G. All buildings constructed for a permitted use will be one of the building types permitted in the planning area.
- H. Drive-through services are prohibited.
- I. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.
- J. Warehouses and wholesale sales will not be located within 500 feet of any residential property.
- K. No more than 50% of the single family detached residential lots in a development will be one width. A ten foot differential in lot widths is required to meet this regulation.
- L. See Section 8.2 for improvements required in all developments.

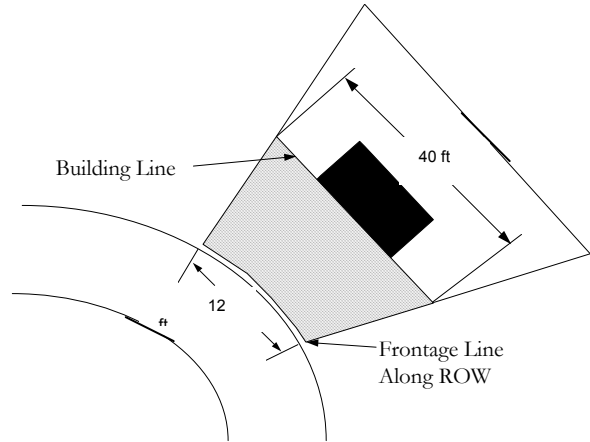
#### 4.2.4 Lot and Building Placement

Permitted building types shall be constructed in accordance with the design specifications in Sections 6.2, 6.3, and 6.4. Civic buildings are exempt from all front yard setback requirements. Where no frontage condition currently exists, the minimum setbacks shall be as follows:

##### Minimum Lot Width at Building Line:

40 ft for single-family residence

**Building Setback from Alley/Lane:** 15 ft  
from centerline of alley



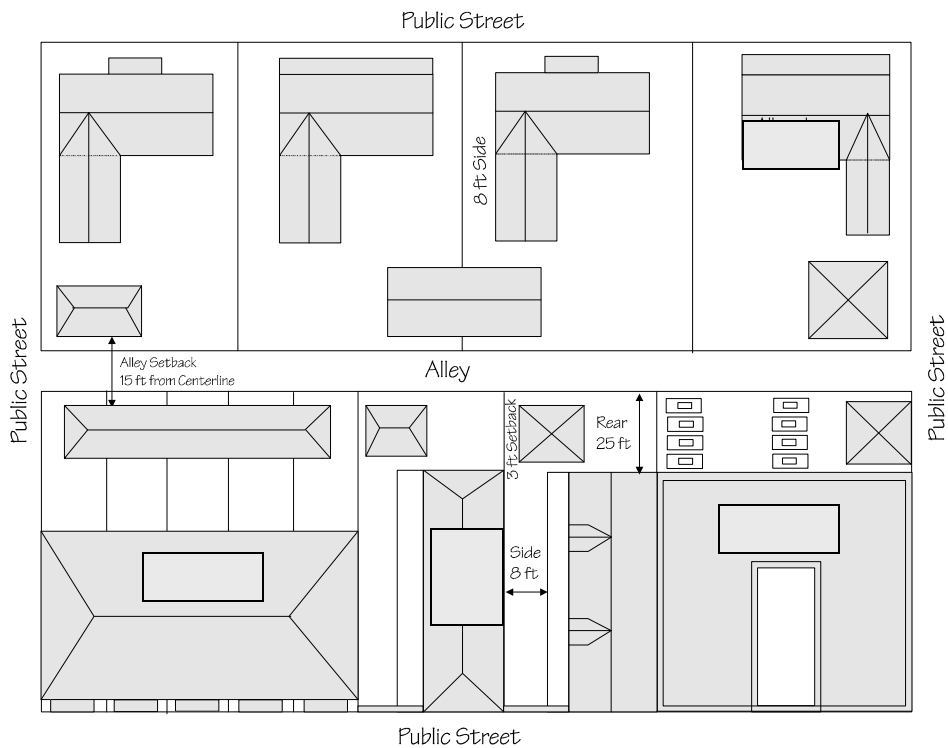
##### Required Setbacks

Minimum Front: 10 ft

Maximum Front: 25 ft

US64 Frontage Exception: 100 ft

Sides: Principal structure: 8ft, except 6 ft. for allyard buildings served by alleys



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#### 4.2.5 General Design Provisions

- A. All buildings shall comply with the provisions of Chapter 6 – Design Regulations.
- B. All lots must front along a minimum of 12 ft of publicly dedicated R-O-W in order to be built on.
- C. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the building setbacks a maximum of 5 ft. Open decks and patios are permitted to encroach into the rear and side setbacks.
- D. Accessory structures are incidental to the principal use. Accessory buildings, pools, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 5 ft from the side and rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the side property line. In such cases, sideyard setbacks shall not be required.
- E. Lots which are less than 60 ft in width shall provide access to on-site parking from the rear alley only. Lots greater than 60 ft in width may provide access to on-site parking from the fronting street. Alley accessed garages should be setback a minimum of 20 ft. from the edge of pavement of the alley to allow for sufficient maneuvering area and the storage of one car outside of the garage without encroaching or blocking alley passage.
- F. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and shall be screened from view from all abutting properties. Satellite dishes less than 1 meter in diameter are exempt from these provisions.
- G. Hedges, garden walls, or fences may be built on property lines. Front yard fences shall not exceed 4 ft in height. Side and rear yard fences shall not exceed 6 feet in height.
- H. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, conservatory, home office and rental cottage.
- I. The aggregate floor area of all accessory structures shall not exceed  $\frac{1}{2}$  the total floor area of the principal structure. (Exception: Pools, patios and open decks)
- J. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- K. Trash containers, mechanical equipment and outdoor storage shall be located in the side or rear yard and shall be screened from view from the street.
- L. All off-street parking spaces for multi-family buildings shall be in the rear yard only accessed from a rear lane or alley.

#### 4.2.6 Building Height

##### Maximum Height

Principal Structure:

2 Stories - except  
within the Town Center  
Planning District.

Accessory Structures:

2 Stories



#### 4.2.7 Neighborhood Development Standards

All new neighborhoods greater than 20 acres in size shall comply with the following general design provisions for neighborhood development:

- All neighborhoods shall have an identifiable center and edge
- Edge lots are readily accessible to the center
- Housing types are mixed and in close proximity to one another
- Street networks are interconnected and blocks are small (500 feet or less)
- Civic buildings are given prominent sites throughout the neighborhood

Additionally:

- Each neighborhood shall contain, as its central focus, at least one square or park no smaller than one acre, and no greater than 3 acres within 600 ft of the geographical center of the neighborhood. This requirement may be used to fulfill the provisions of Section 6.5 - Open Space Preservation and Design Regulations.
- No portion of a new neighborhood shall be further than 600 ft from a park, square or other formal open space.

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## 4.3 Neighborhood Center District (NC)

### 4.3.1 Intent

The Neighborhood Center District provides for the clustering of workplace, storefront, civic, and live/work buildings in a central location to serve one or more neighborhoods. Neighborhood Centers are generally located at key intersections along collector roads (e.g. Cedar Falls Road and NC22), and are designed to provide a pedestrian-friendly network of streets and sidewalks within about a quarter-mile walking radius. Non-residential uses within Neighborhood Centers will have a primary market area of approximately one mile, and will have architectural building styles compatible with surrounding residential buildings. The Franklinville Land Development Ordinance Map shows the general location of designated Neighborhood Center Districts.

### 4.3.2 Permitted Uses

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

#### Uses permitted by right:

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- civic, cultural, and community facilities, (excluding correctional & waste management facilities)
- commercial uses
- congregate housing designed within the "civic" building type
- parks & urban open space
- indoor amusement
- single family homes

#### Permitted Building and Lot Types:

- apartment
- attached house
- civic building
- detached house
- government buildings (up to 6000 square feet of first floor area)
- mixed use<sup>2</sup>, up to 6,000 SF of first floor area
- storefront - up to 6,000 SF of first floor area
- workplace - up to 6,000 SF of first floor area

#### Uses permitted with conditions:

- cemeteries (5.9)
- churches (5.39)
- daycare centers and homes (5.17)
- essential (utility) services 1 and 2 (5.21)
- neighborhood gasoline stations, excluding major service & repair shops (5.26)
- parking lot as principle use (5.37)
- parks and greenways (5.38)
- schools (5.45)
- temporary outdoor sales of seasonal products - pumpkins, Christmas trees (5.47)
- traditional neighborhood development (TND) on tracts of 40 acres or more, with approval of a TND-O District
- transit shelters (5.49)

#### Permitted Accessory Uses with Conditions:

- accessory dwelling (5.2)
- day care home (small) (5.17)
- Drive-through windows – excluding those associated with restaurants (5.19)
- home occupation (5.28)
- accessory uses permitted in all districts

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<sup>2</sup> The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

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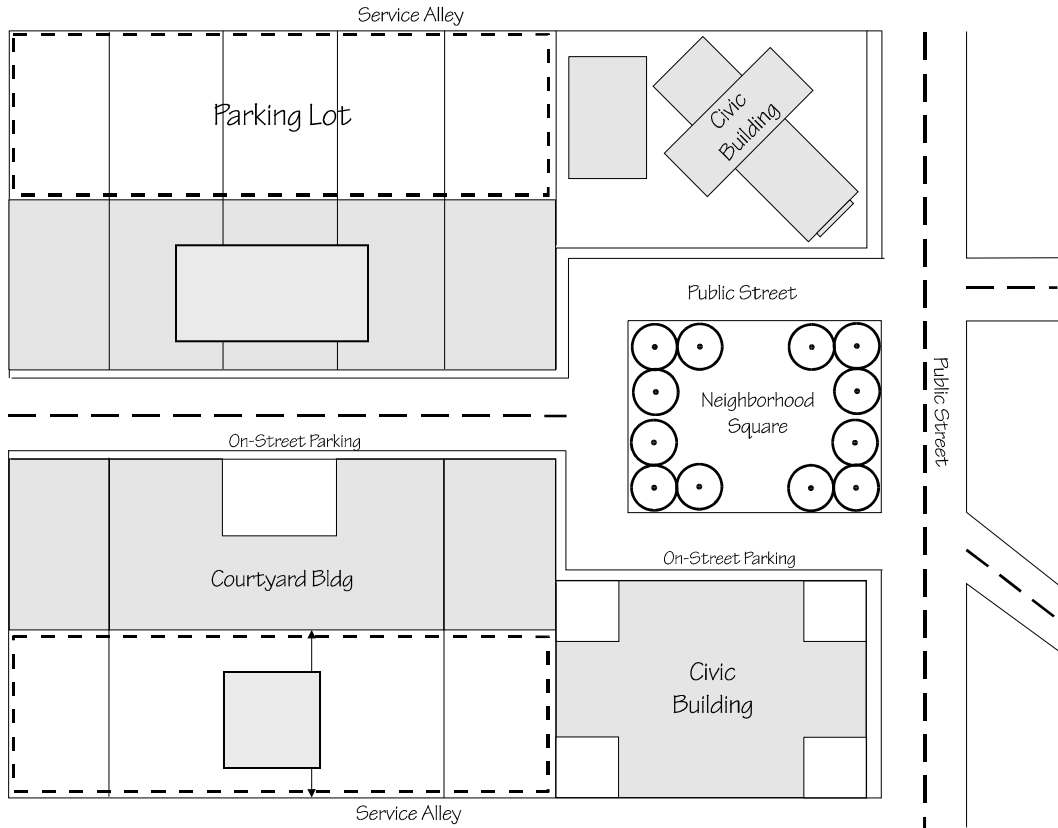
### 4.3.3 General Design Requirements in the Neighborhood Center District

- A. Along existing streets, new buildings will respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
- B. On new streets, allowable building and lot types will establish the development pattern.
- C. In major subdivisions and planned developments associated with new neighborhood centers, the aggregate number of dwelling units contained in apartment buildings and mixed-use buildings will not exceed 50 percent of the total number of dwelling units in a project.
- D. Every building lot will have frontage on a public street.
- E. New buildings require retail uses to be located on the first floor, and office or residential uses to be on the second floor.
- F. The maximum radius of a Neighborhood Center District is approximately one-quarter mile.
- G. Incremental development of a neighborhood center is to be expected, however, individual sites are to be developed in accordance with the Land Development Plan Map.
- H. Every building lot will have frontage on a public street or square.
- I. See Section 8.2 for improvements required in developments.

### 4.3.4 Lot and Building Placement

Permitted building types and frontages shall be constructed in accordance with the design specifications in Chapter 6. Civic buildings are exempt from all yard setback requirements. Where no frontage condition currently exists, the minimum setbacks shall be as follows:

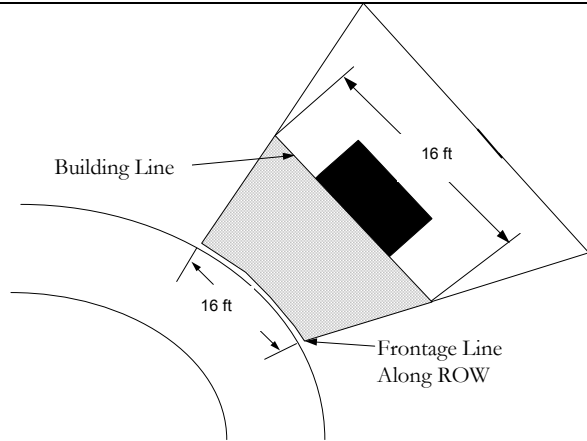
|   |   |   |
|---|---|---|
| <p><u>Permitted Building Types</u><br/>         Apartment<br/>         Attached house<br/>         Civic building<br/>         Detached house<br/>         Mixed-use*<br/>         Store-Front*<br/>         Workplace*</p> <p>(*up to 6,000 SF of 1<sup>st</sup> floor area)</p> | <p><u>Required Setbacks (Exception for Infill Lots noted above)</u></p> <p>Minimum Front: 10 ft<br/>         Maximum Front: 25 ft<br/>         Exceptions: US64 = 100 ft min.</p> <p>Minimum Side Yard (Principal Structure): 0 ft</p> <p>Minimum Side Yard (Accessory Structure): 5 feet, except for garages as allowed per Chapter 6.</p> <p>Minimum Rear Yard: 48 ft (exception: building which abuts an alley – 0 ft)</p> | <p><u>Encroachments</u><br/>         Front: 5 ft (Encroachments into R-O-W permitted on second or third story only. Encroachments into the rights-of-way of state-maintained roads are not permitted.)</p> <p><u>Frontage Build-Out</u><br/>         Minimum: 70%</p> |
|---|---|---|



#### 4.3.5 Lot Width

All lots must front along a minimum of 16 ft of publicly dedicated R-O-W in order to be built on.

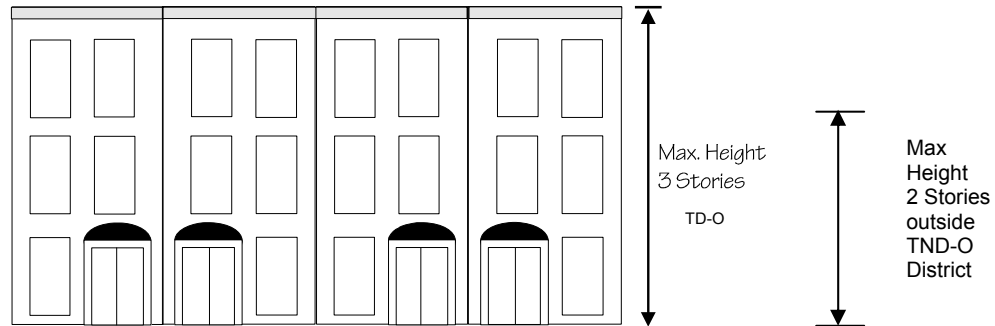
Minimum Lot Width at Building Line: 16 ft



#### 4.3.6 Building Heights

##### Maximum Height

All Structures: 3 Stories within the TND-O District as a *Conditional Use*  
2 Stories outside of the TD-O District



#### 4.3.7 General Provisions

- A. All buildings shall comply with the provisions of Chapter 6 - Design Regulations.
- B. Buildings on corner lots shall be considered to have 2 front yards and shall utilize the minimum front setback for each facade.
- C. Accessory buildings, pools, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 5 ft from the side and rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the property line. In such cases, side yard setbacks shall not be required.
- D. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and shall be screened from view from all abutting properties. Satellite dishes less than 1 meter in diameter are exempt from these provisions.
- E. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls shall be designed as the extension of the building walls. Side and rear yard fences shall not exceed 8 feet in height.
- F. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, conservatory, home office and rental cottage.
- G. Trash containers, mechanical equipment and outdoor storage shall be located in the rear yard and shall be screened from view with a wood fence, brick wall, landscaping or any combination thereof, and shall be set back 5 ft from the side and rear property lines.



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## 4.4 Town Center Planning District (TC)

### 4.4.1 Intent

The intent of the **Town Center District** is to encourage the revitalization, re-use, and expansion of Franklinville’s historic town center. As the traditional focal point of community life, the Town Center is intended to serve as the hub of civic, cultural, and governmental activity. Bounded on the south by the Deep River, the shops, restaurants, and public uses (town hall, library, fire station, churches, etc.) along Main Street define the general character of this area. The older structures in this area are part of the Town’s historic fabric and merit special attention for preservation and renovation. A variety of redevelopment and infill opportunities exist within this district. Along Main Street, and in the surrounding mill village, existing homes will be preserved and renovated for residential uses. New infill development will be encouraged, to accommodate detached and attached homes, and a variety of civic, commercial, office, and mixed-use buildings.

### 4.4.2 Permitted Uses

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

#### Uses permitted by right:

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, cultural, club, fraternal, and community facilities, (excluding correctional & waste management facilities)
- commercial uses
- congregate housing designed within the “civic” building type
- entertainment facilities
- government buildings up to 6000 square feet of first floor area
- indoor amusement
- single family homes

#### Permitted Building and Lot Types:

- apartment
- attached house
- civic building
- detached house
- live/work unit<sup>3</sup>, up to 15,000 SF - first floor
- storefront - up to 15,000 SF of first floor area
- workplace - up to 15,000 SF - first floor area

#### Uses permitted with conditions:

- cemeteries (5.9)
- churches (5.39)
- daycare centers (5.17)
- essential (utility) services 1 and 2 (5.21)
- neighborhood gasoline stations, excluding major service & repair shops (5.26)
- parking lot as principle use (5.37)
- parks and greenways (5.38)
- schools (5.45)
- temporary outdoor sales of seasonal products - pumpkins, Christmas trees (5.47)
- traditional neighborhood development (TND) on tracts of 40 acres or more, with approval of a TND-O District
- transit shelters (5.49)

#### Permitted Accessory Uses with Conditions:

- accessory dwelling (5.2)
- day care home - small (5.17)
- Drive-through windows – excluding those associated with restaurants (5.18)
- home occupation (5.28)
- accessory uses permitted in all districts

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<sup>3</sup> The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

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#### 4.4.3 General Design Requirements in the Town Center Planning District

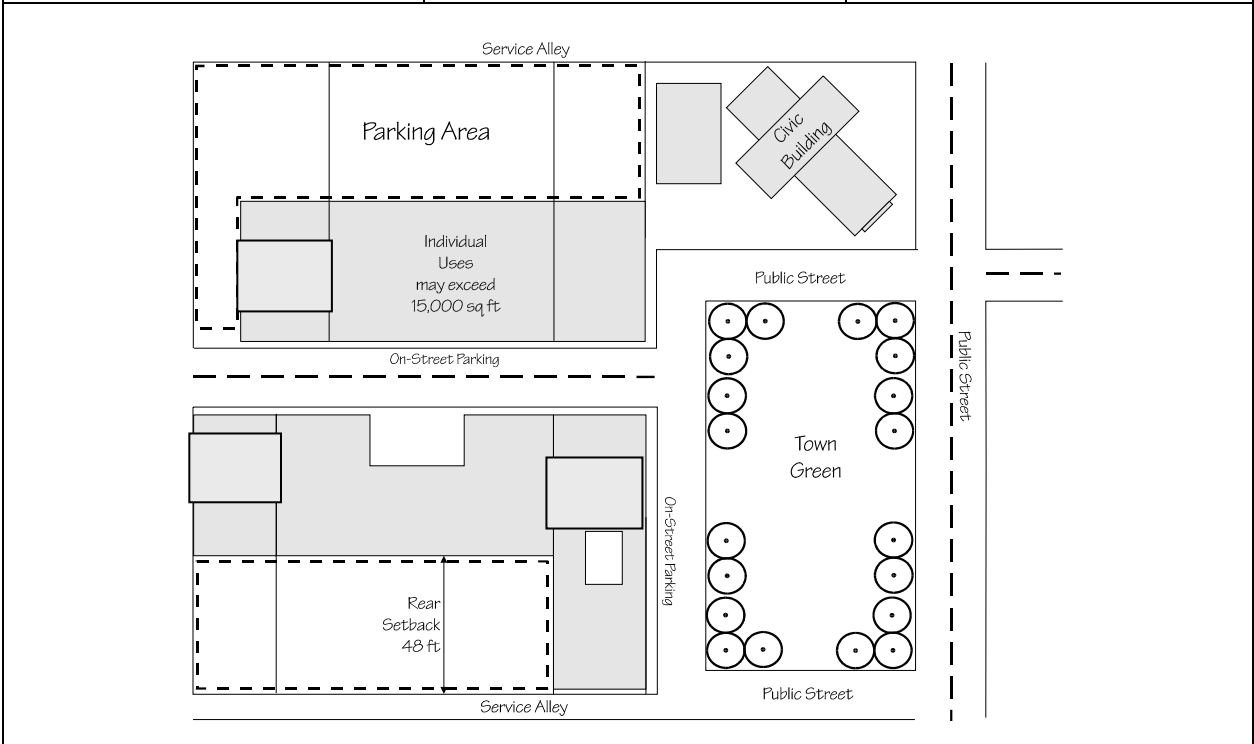
- A. Along existing streets, new buildings will respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
  - Special emphasis shall be placed on designing new buildings that respect and are compatible with the architectural character of existing historic structures.
- B. On new streets, allowable building and lot types will establish the development pattern.
- C. Every building lot will have frontage on a public street or square.
- D. New two- and three-story storefront and live/work buildings will generally have retail uses located on the first floor, and office or residential uses on the second floor.
- E. See Section 8.2 for improvements required in all new developments.
- F. Within the Town Center Planning District, a detached house may only be demolished if it is to be replaced with a detached or attached house. The Board of Commissioners may waive this rule if they find that:
  - the demolished house was not a significant addition to the Town's housing stock, as determined by the Design Review Board; and,
  - there is no material adverse affect on values of adjoining properties; and,
  - there is an approved site plan in place for the structure(s) planned to replace the demolished house.
- G. All buildings, site plans, and master plans will conform to the design regulations set out in Chapter 6.
- H. All buildings constructed for a permitted use will be one of the building types permitted in the planning area.
- I. Drive-through services are prohibited.
- J. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.
- K. Warehouses and wholesale sales will not be located within 500 feet of any residential property.

#### 4.4.4 Lot and Building Placement

Permitted building types and frontages shall be constructed in accordance with the design specifications in Chapter 4.

Civic buildings are exempt from all yard setback requirements. Where no frontage condition currently exists, the minimum setbacks shall be as follows:

|   |   |  |
|---|---|--|
| <p><u>Permitted Building Types</u><br/>         Apartment<br/>         Attached house<br/>         Civic building<br/>         Detached house<br/>         Mixed-use*<br/>         Store-Front*<br/>         Workplace*<br/>         (*up to 6,000 SF of 1<sup>st</sup> floor area)</p> | <p><u>Required Lot Standards</u><br/>         Minimum Front: 0 ft<br/>         Maximum Front: 10 ft<br/> <br/>         Minimum Side Yard for Principal Structure: 0 ft<br/> <br/>         Minimum Side Yard for Accessory Structure: 5 feet (except for garages as allowed per Chapter 5).<br/> <br/>         Minimum Rear yard: 48 (exception: buildings which abut alleys – 0 ft)<br/> <br/>         Minimum Lot Width for attached housing and shop front buildings: 16 ft</p> | <p><u>Encroachments</u><br/>         Front: 5 ft (Encroachments into R-O-W permitted on second or third story only)<br/>         Exception: Arcades<br/> <br/> <u>Frontage Build-Out</u><br/>         Minimum: 70%</p> |
|---|---|--|



#### 4.4.5 General Provisions

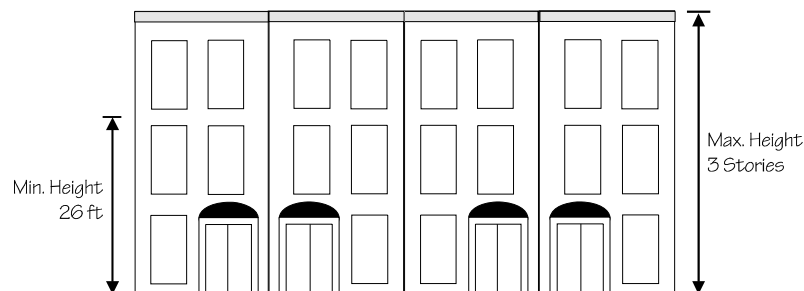
- A. Canopies and awnings are permitted to encroach into the front setback up to 5 ft. Arcades are permitted to encroach into the ROW with permission from the Town and/or the State DOT. Open decks and patios are permitted to encroach into the rear setback.
- B. Accessory structures are incidental to the principal use. Accessory buildings, pools, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 5 ft from the side and rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the property line. In such cases, side yard setbacks shall not be required.
- C. Drive-through windows and services shall be in accordance with Chapter 5 - Uses Permitted With Conditions.
- D. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and shall be screened from view from all abutting properties. Satellite dishes less than 1 meter in diameter are exempt.
- E. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls shall be designed as the extension of the building walls. Side and rear yard fences shall not exceed 8 feet in height.
- F. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, conservatory, home office and rental cottage.
- G. Trash containers, mechanical equipment and outdoor storage shall be located in the rear yard and shall be screened from view with a wood fence, brick wall, landscaping or any combination thereof, and shall be set back 5 ft from the side and rear property lines.

#### 4.4.6 Building Height

Minimum Height  
Principal Structures: 26 ft

Maximum Height  
All Structures: 3 Stories

Buildings greater than 3 stories require a  
*Special Use Permit.*



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## **4.4.7 Franklinville Historic District Regulations**

### **4.4.7.1 Establishment and Intent of the Historic District**

Because the historical heritage of Franklinville is one of our most valued and important assets, the Franklinville Historic District is hereby established to coincide with the Town Center District. The intent of this district is to encourage the restoration, preservation, rehabilitation, and conservation of buildings, sites, and objects with historical and/or architectural significance and to prevent their decline, decay, and/or demolition. All changes or improvements made to existing structures within the historic district will conform to the Secretary of the Interior's Standards for Rehabilitation (online at <http://www2.cr.nps.gov/tps/tax/rehabstandards.htm>)

Franklinville's downtown area was designated a National Register Historic District in 1985. The Town recognizes the following three types of locally designated Historic Landmarks within this district: Pivotal Buildings; Contributing Buildings; and Non-Contributing Buildings. Structures listed as pivotal are subject to all the regulations of this ordinance and of the U.S. Department of the Interior, and are provided with a six-month stay of demolition. Contributing Buildings are subject to design review by the Historic Preservation Commission, as outlined below. Non-Contributing Buildings are not subject to these regulations. All new land development within this district will conform to the regulations of the Town Center District and the Historic District.

### **4.4.7.2 Permitted Uses in the Historic District**

All uses permitted in the Town Center district shall be permitted in the Historic District.

### **4.4.7.3 Certain Changes Not Regulated**

This ordinance does not prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District which does not involve a change in design, material, color, or outer appearance, nor does it prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector or similar official shall certify as required for public safety because of an unsafe or dangerous condition.

### **4.4.7.4 Interior Features and Arrangement Not Regulated in the Historic District**

The Historic Preservation Commission shall not consider interior arrangement nor take any action to restrict interior changes except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, or outdoor advertising signs which would be incongruous with the historic aspects.

### **4.4.7.5 Design Standards in the Historic District**

All buildings, structures, features, sites, objects, or surroundings in a Historic Preservation Overlay District shall be subject to the design guidelines adopted by the Historic Preservation Commission. These guidelines shall be based upon the United States Secretary of the Interior's Standards for Rehabilitation which are as follows:

- A. A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

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- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - D. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
  - E. Distinctive features, finishes, and constructive techniques or examples of craftsmanship that characterize a property shall be preserved.
  - F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - I. New additions, exterior alterations, or related new construction shall not destroy historical materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, and architectural features to protect the historic integrity of the property and its environment.
  - J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

#### 4.4.7.6 Powers of the Historic Preservation Commission

The Historic Preservation Commission shall have the authority to:

- A. Undertake an inventory of properties of historical, architectural, and/or cultural significance;
- B. Recommend to the Town Board individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks";
- C. Acquire by any lawful means the fee or lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or other legally binding restrictions which will secure appropriate rights or public access and promote the preservation of the property;
- D. Restore, preserve and operate historic properties;
- E. Review and act upon proposals for alterations, demolitions, or new construction within historic districts through the application for Certificates of Appropriateness;
- F. Develop and adopt guidelines to be used in the review of alterations, demolitions, or new construction within Historic Preservation Overlay Districts.
- G. Conduct an education program with respect to historic properties and districts within its jurisdiction;
- H. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;
- I. Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

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#### 4.4.7.7 Membership of the Historic Preservation Commission

The Historic Preservation Commission shall consist of seven (7) members. Five (5) members shall be residents or proprietors of a business in the Town Center Planning District. Two (2) members shall be chosen at-large. Residents of both the Town of Franklinville and its Extra-Territorial Jurisdiction shall be eligible to serve on the commission. Members should be qualified with expertise in one or more of the following disciplines: History, Architecture, Civil Engineering, Landscape Architecture, Law, Archeology, Real Estate, &/or Planning. (Expertise may not be solely based upon formal schooling, but may be demonstrated through practical experience). The terms of office of the members shall be for overlapping terms of three (3) years. Initial appointment shall be as follows:

- One (1) member shall be appointed for a one-year term;
- Three (3) for two-year terms; and
- Three (3) for three-year terms.

#### 4.4.7.8 Procedures of the Historic Preservation Commission

- A. All meetings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Historic Preservation Commission. Such rules of procedure may be amended by the Historic Preservation Commission.
- B. Any rules of procedure adopted by the Historic Preservation Commission shall be kept on file in the Town Hall and shall be made available to the public at any meeting or hearing of the Historic Preservation Commission.

#### 4.4.7.9 Staff Support for the Historic Preservation Commission

The Land Development Ordinance Administrator or a designated appointee shall serve as staff to the Historic Preservation Commission and shall provide technical assistance to the Commission as requested.

#### 4.4.7.10 Application Requirements & Procedures for Certificate of Appropriateness

- A. Certificate of Appropriateness Required - No exterior feature of any building or other structure, landscape or natural feature, above-ground utility structure or any type of on-premise sign shall be erected, altered, restored, moved or demolished within a Historic Preservation Overlay District until and after an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission. "*Exterior features*" include the architectural style, general design, color and general arrangement of the exterior of the building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, exterior features refers to the style, material, size, color, and location of all such signs.
- B. Required Information - All applications for Certificates of Appropriateness must contain the following material as applicable:
  - 1. Site plan drawn to scale showing the location of existing and proposed structures and property lines of such structures, parking, driveways, and landscaping.
  - 2. Scaled drawings showing all exterior architectural detailing for the proposed project.

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3. Building materials and color samples.
  4. Photographs.
  5. Any other information specifically required showing adherence to the design guidelines established by the Commission.
  6. A fee in accordance with the fee schedule adopted by the Board of Commissioners of the Town of Franklinville.
- C. Public Notification - Notice shall be sent by the Town by first class mail to the applicant, and to owners of all contiguous properties at least ten (10) days prior to the public hearing. Notice shall also be posted by the Land Development Ordinance Administrator or designee in a conspicuous location in the Town Hall at least ten (10) days prior to the public hearing. Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
- D. Decisions - The Historic Preservation Commission shall hold a public hearing on an application no later than forty-five (45) days after a complete application has been filed with the LDO Administrator. The application shall be received by the Commission at least ten (10) days prior to the next regularly scheduled meeting of the Commission. The Commission shall decide on the matter which was presented at the public hearing within forty-five (45) days of the close of the public hearing. If the Commission determines that the proposed construction, reconstruction, alteration, restoration, moving, or demolition of a structure is appropriate, it shall approve and issue to the applicant a Certificate of Appropriateness. If the Commission determines that a Certificate of Appropriateness should not be issued, it shall place in its records the reason for the denial and shall notify the applicant of such determination, furnishing him a copy of its reasons, and its recommendations, if any, as they appear in the records of the Commission. In all matter coming before the Commission, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.

A Certificate of Appropriateness shall be valid for a period of six months from the date of issuance. Failure to secure a building permit within a six (6) month period shall be considered as a failure to comply with the Certificate of Appropriateness and the Certificate shall become null and void. If a building permit is not required, failure to complete the approved work within six (6) months of the date issuance shall also cause the Certificate to expire. The Certificate may be renewed by the staff upon written request of the applicant if the request is received not more than one (1) year from the date of original issuance. All decisions of the Historic Preservation Commission shall be in writing and filed with the Land Development Ordinance Administrator or designee.

#### 4.4.7.11 Application Requirements & Procedures for Certificate of Appropriateness

An appeal may be taken to the Planning Board from the Commission's action in granting or denying any Certificate by any aggrieved party. Such appeals shall be filed in accordance with the procedures set forth in this Ordinance regarding the Planning Board.



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#### 4.4.7.12 Minor Works

The Land Development Ordinance Administrator or designee shall have the authority to issue a Certificate of Appropriateness for the following types of minor works for pivotal and contributing structures, in accordance with design and review standards developed and adopted by the Historic Preservation Commission, to include the following:

- Storm Windows, Storm Doors, and Replacement Windows
- Fences for Rear Yards
- Shutters and Blinds
- Installation of temporary handicapped facilities (including hand railing)
- Paint Color (including main structure, roof, porch, decking, and porch ceiling)
- Signage and Awnings
- Minor Landscaping changes (including tree removal, tree planting, and screening of mechanical equipment) and Minor exterior alterations (including underpinning)
- Rear Yard Decks
- Paths, Walkways, and Driveways

#### 4.4.7.13 Demolition

An application for a Certificate of Appropriateness authorizing the demolition of a building or structure within the Historic Preservation Overlay District may not be denied. The effective date of such a Certificate may be delayed for a period up to 365 days from the date of approval. The maximum period shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of delay. During the period of delay, the Commission may negotiate with the owner, city departments and any other parties involved in an effort to find a means of preserving the building. In the event that the Commission finds that the building has no significance or value toward maintaining the character of the District, it shall waive all or part of such period and authorize earlier demolition or removal.

#### 4.4.7.14 Preservation of Historic Features in Public Rights-of-Way

In order to prevent destroying or seriously damaging the historic, architectural, or aesthetic values of the physical features lying within public rights-of-way, all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes to the character of streetscapes, paving materials, and sidewalks.

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## 4.5 Highway Commercial (HC) Planning District

### 4.5.1 Intent

The **Highway Commercial Planning District** provides for the location of primarily auto-oriented and auto-dependent uses in areas without easy pedestrian access. Uses within this district will serve not only the Franklinville community, but travelers along the US64 Corridor. The intent of this district is to provide an opportunity for economic development with convenient automobile access, minimal traffic congestion and reduced visual clutter along designated commercial corridors such as US64. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the Town Center or Neighborhood Center Districts. District design guidelines encourage construction of buildings that better relate to Franklinville’s small-town character. Development at district boundaries must provide a compatible transition to uses outside the district. Frontages along US64 and other major arterial roads require formal street tree plantings. Buildings are required to relate to the street with a more pedestrian scale. Parking is generally permitted to the side or rear of buildings only, and no parking is allowed closer to the fronting street than the building. Development proposals adjacent to residential areas are considered “Significant Impact Uses” and require a Special Use Permit and approval by the Board of Town Commissioners.

### 4.5.2 Permitted Uses

#### Uses permitted by right:

- boarding or rooming houses for up to six roomers
- churches
- civic, cultural, club, fraternal, and community facilities, (excluding correctional & waste management facilities)
- commercial uses – retail, service, office, and wholesaling (up to 30,000 square feet)
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- entertainment uses (theaters, putt-putt)
- government buildings
- indoor and outdoor recreation
- indoor amusement facilities
- motels and hotels
- pawnshops and second-hand shops
- single family homes
- vocational and technical schools
- wholesale sales and related office, storage, and warehousing entirely within enclosed buildings – truck terminals not permitted

#### Permitted Building and Lot Types:

- apartments
- attached and detached house
- live/work unit, up to 15,000 SF - first floor
- storefront - up to 30,000 SF of first floor area
- workplace - up to 30,000 SF - first floor area

#### Uses permitted with conditions:

- adult establishments (5.3)\*
- car wash (5.8)
- commercial & workplace uses (live/work, storefront, workplace buildings) exceeding 30,000 S.F. in gross floor area (5.15)\*
- essential (utility) services 1 and 2 (5.21)
- gasoline stations, including major service & repair shops (5.26)
- outdoor amusement facilities – par 3 golf courses, driving range, putt-putt (5.31)
- outdoor sales, display, and service of vehicles, boats, heavy equipments, and manufactured homes (5.33) \*
- outdoor storage (5.35)
- traditional neighborhood development (TND) on 40 acres or more, with TND-O approval
- temporary outdoor sales (5.34)
- transit shelters (5.49)
- commercial communication towers (5.13)

#### Permitted Accessory Uses with Conditions:

- commercial outdoor kennels (5.15)
- drive-through windows with all uses (5.18)
- accessory uses permitted in all districts

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\* Significant Impact Uses which require a Special Use Permit and Town Board of Commissioners approval.

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### 4.5.3 General Design Requirements in the Highway Commercial Planning District

- A. Along existing streets, new buildings will respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
- B. On new streets, allowable building and lot types will establish the development pattern.
- C. Where screening is required by Chapter 6 for activities involving any sale, uses, repair, storage, or cleaning operation, the specified standards shall apply.
- D. Highway Commercial Districts must be bordered on at least one side by a major or minor thoroughfare.
- E. The arrangement of multiple buildings on a single lot must be done in a manner to establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets .
- F. Every building lot must have frontage upon a public street or square except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.
- G. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.
- H. Notwithstanding the limitations on off-street parking in front of buildings, as described by building type and parking lot specifications, a single row of off-street parking may be placed in front of a non-residential building in the Highway Commercial District. Such parking may be arranged parallel to or at a 45°, 60°, or 90° angle to the front building facade; it must be adjacent the building and served by an interior circulation drive or aisle. A 3 foot masonry wall to provide separation between on-street pedestrians and vehicles parked at building front shall be placed at the street-fronting edge of the parking/circulation area, as further described in Section 6.6 – Off-Street Parking Design Regulations.

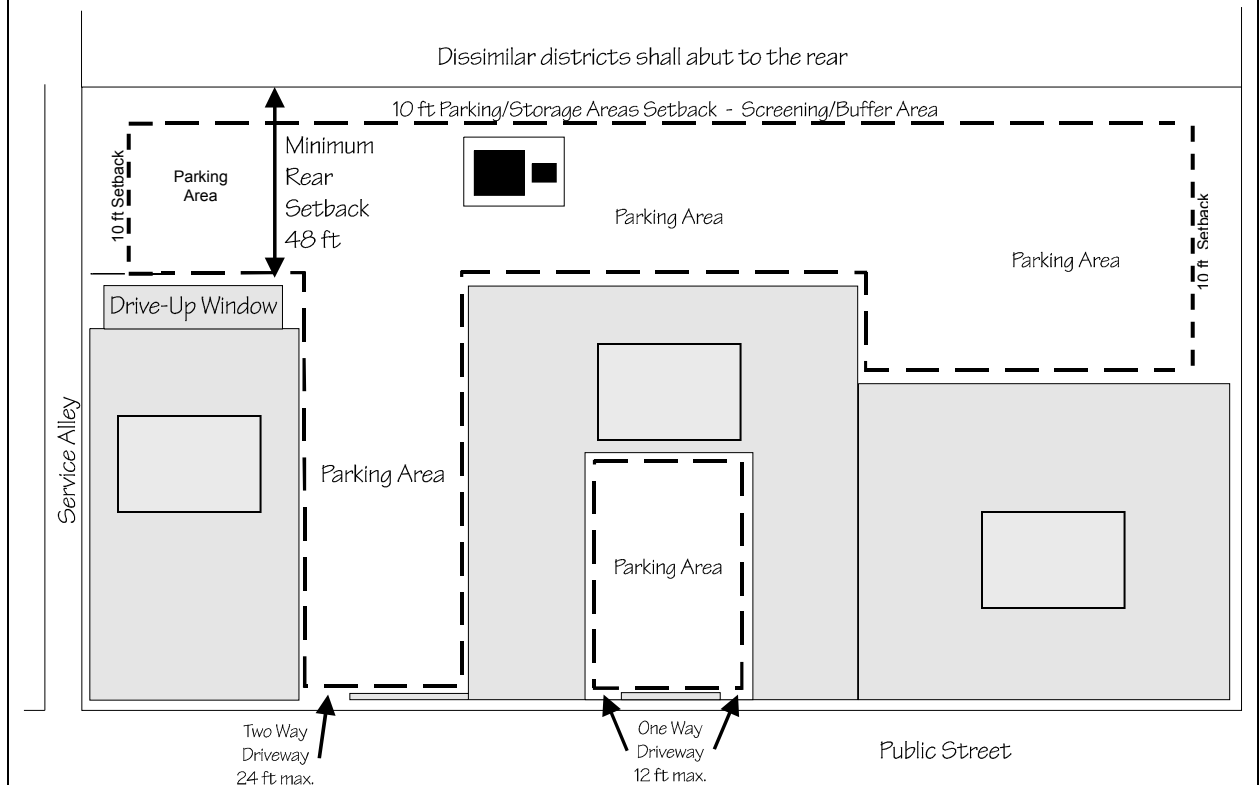
#### 4.5.4 Lot and Building Placement

**Building Setback:**

Front: 25 ft  
 Side: 0 ft  
 Rear: 48 ft

**Encroachments:** Parking and storage areas shall be setback a minimum of 10 ft from all property lines.

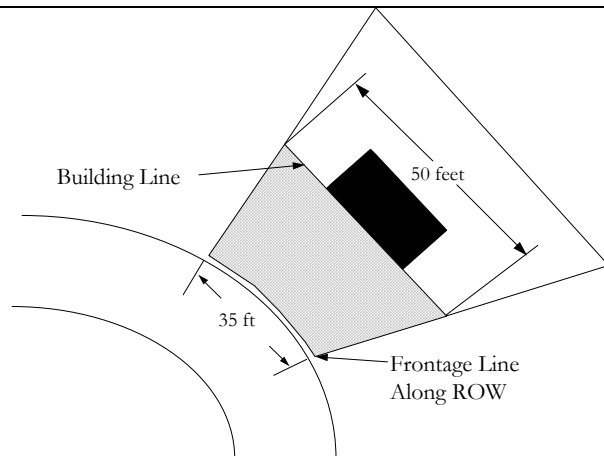
**Accessory Structure Setback:** 10 ft



#### 4.5.5 LOT WIDTH

All lots must front along a minimum of 35 ft of publicly dedicated R-O-W in order to be built on.

Minimum lot width at building line: 50 ft



#### 4.5.6 General Design Requirements

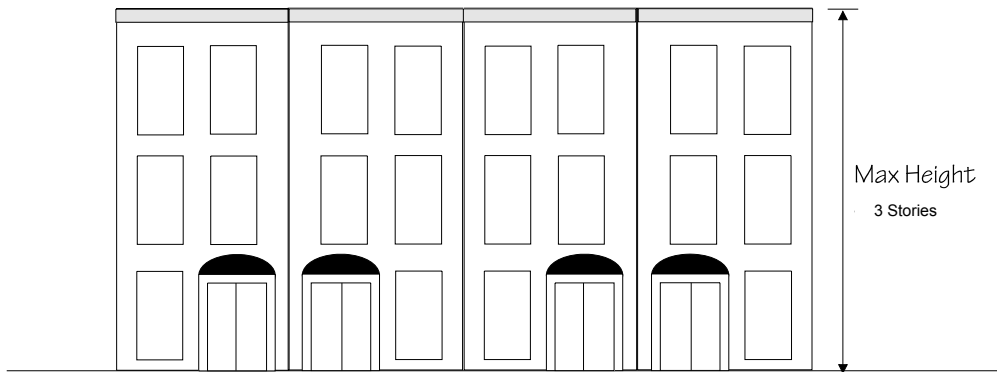
- A. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 5 ft.
- B. Accessory buildings, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 5 ft from the side and rear property lines.
- C. Drive-through windows and services shall be in accordance with Chapter 5 - Uses Permitted With Additional Requirements.
- D. Driveways to parking areas shall not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane) except as required by the Town of Franklinville or NC DOT.
- E. All ancillary equipment or facilities (gasoline pumps, car washes, etc.) shall be to the side or rear of the principal building.
- F. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and shall be screened from view from all abutting properties. Satellite dishes less than 1 meter in diameter are exempt from these provisions.
- G. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls shall not exceed 4 ft in height. Side and rear yard fences shall not exceed 8 feet in height.
- H. Trash containers, mechanical equipment and outdoor storage shall be located in the rear yard and shall be screened from view with a wood fence, brick wall, landscaping or any combination thereof.
- I. Entrance canopies shall face the street.
- J. Main pedestrian access shall be in the front half of the building nearest the fronting street.
- K. Bays and garage entrances may not face the fronting street.

#### 4.5.7 BUILDING HEIGHT

##### Maximum Height

All Structures: 3 Stories or

Buildings greater than 3 Stories require a *Conditional Use Permit*.



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## 4.6 Traditional Neighborhood Development Overlay (TND-O) District

### 4.6.1 Intent

The traditional neighborhood development overlay (TND-O) district provides an alternative to conventional large-lot, single-use subdivisions. The TND Overlay encourages development of neighborhoods with small blocks, interconnected, pedestrian-oriented streets and sidewalks, and a mixture of buildings, uses, and public spaces. The intent of this overlay is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. The TND Overlay District calls for neighborhoods with a recognizable center and clearly defined edges. The optimum size is a quarter mile from center to edge – about a fifteen minute walk. TNDs contain a mixture of uses and housing types in close proximity to one another and have a variety of civic buildings and public spaces which are prominently sited, to provide a strong sense of community. The TND Overlay District may be applied in all general zoning districts through map adoption for TNDs with completed designs, or by overlay zoning approval if accompanied by a detailed development plan and supporting materials. A TND Overlay may not be used for speculative zoning.

### 4.6.2 Permitted Uses

#### Uses permitted by right:

- Bed and breakfast inns
- boarding or rooming houses for up to six roomers
- churches
- civic, cultural, club, fraternal, and community facilities, (excluding correctional & waste management facilities)
- commercial uses – retail, service, and office, (excluding wholesaling)
- congregate housing
- entertainment uses (theaters, putt-putt)
- government buildings
- multi-family homes
- single family homes

#### Permitted Building and Lot Types:

- apartments
- attached house
- civic
- detached house
- live/work unit<sup>4</sup>
- storefront<sup>4</sup>
- workplace<sup>4</sup>

#### Uses permitted with conditions:

- cemeteries (5.9)
- churches (5.39)
- day care centers (5.17)
- essential (utility) services 1 and 2 (5.21)
- neighborhood gasoline stations, excluding major service & repair shops (5.26)
- parking lot as principle use (5.37)
- schools (5.45)
- transit shelters (5.49)
- stalls or merchandise stands for outdoor sale of goods at street front - when goods are returned to building at closing (5.34)

#### Permitted Accessory Uses with Conditions:

- accessory dwelling (5.2)
- day care home (5.17)
- drive-through windows excluding those associated with restaurants (5.18)
- accessory uses permitted in all districts

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<sup>4</sup> Up to 30,000 SF of first floor area in Highway Commercial, 15,000 SF in Town Center, and 6,000 SF in all other districts.

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### 4.6.3 General Design Requirements in the TND Overlay District

- A. Along existing streets, new buildings will respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
- B. On new streets, allowable building and lot types will establish the development pattern.
- C. A master plan in compliance with Traditional Neighborhood Development standards must be provided with any application to reclassify property to a TND-O. The master plan must include a topographic survey and show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.

### 4.6.4 TND Development Provisions

- A. Minimum Development Size: 40 acres
  - TND-Overlay District designation may be applied to all tracts of land (or multiple tracts under common ownership) from 40 to 200 acres in size.
  - Tracts of land at least 40 acres in size may be developed as a TND by right.
  - Tracts less than 40 acres in size may be considered for designation as a TND-Overlay District on a case-by-case basis by the Town Board of Commissioners. To allow for the gradual development of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to become a TND of at least 40 acres over time.
- B. Maximum Development Size: 200 acres
  - Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.
- C. Maximum permitted density and the total number of dwelling units is determined by the standards of the underlying district and will be established during the site plan review process as a function of open space design, applicable watershed and water quality protection standards, and permitted building and lot types.
- D. All Traditional Neighborhood Developments must follow the preliminary and final plat procedures listed in Chapter 7 – Development Review Process, and Chapter 8 – Development Proposal Requirements.

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#### 4.6.6 Traditional Neighborhood Design Guidelines

As Franklinville continues to grow over time, neighborhoods will serve as the primary building blocks of our community. Each new neighborhood should contain a variety of land uses, arranged to serve the needs of its residents in a convenient, pedestrian-friendly environment as outlined in the following provisions:

##### A. Neighborhood Form

- The area of the TND shall be divided into blocks, streets, lots, and open space areas.
- There must be a substantial mix of housing types; No TND shall be comprised of all multi-family housing.
- Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.
- Illustrations of traditional neighborhoods are provided (see diagrams below) to show the general arrangement and distribution of design elements in a more urban TND (overlying the Neighborhood Residential District), and in a less urban TND (overlying the Rural Residential District).

##### B. Lots and Buildings

- All lots must share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
- All buildings, except accessory structures, must have their main entrance opening onto a street or square.
- Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
- Building and lot types shall comply with Chapter 6 – Design Regulations.
- Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) should generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.
- Stoops, open colonnades, and open porches may encroach up to 12 feet into front setbacks.

##### C. Streets and Alleys

- Public streets must provide access to all tracts and lots.
- The TND street system must be organized according to a hierarchy based on function, size, capacity, and design speed. Therefore, streets and rights-of-way should differ in dimension and be designated and separately detailed on submitted site plans using the street types provided in Section 6.7.5. Site plans should also indicate the placement of buildings, utilities, sidewalks, planting strips, curb and gutter, parallel parking (where appropriate), and travel lanes. Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to the setting and proposed uses.
- All streets and alleys must, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected through-streets outside the development.



- 
- To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable if emergency access is adequately provided
  - Culs-de sac must not exceed 250 feet in length, must be accessed from a street providing internal and external connectivity, must be permanently terminated by a vehicular turnaround, and are generally only permitted where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable if emergency access is adequately provided.
  - Provision of a continuous network of alleys to the rear of lots is encouraged, where appropriate within a TND – rear alleys must provide vehicular access to lots less than 60 feet in width.
  - Utilities must run along alleys wherever possible.
  - The average perimeter of all blocks within a TND will not exceed 1,350 feet. No block face will have a length greater than 500 feet without a dedicated alley or pathway providing through-access.
  - Street lamps shall be installed on both sides of the street no less than 100 feet apart.
  - Consistent build-to lines must be established along all streets and public space frontages, determining the width desired for each street or public space. A minimum percentage build-out at the build-to line shall be established along all streets and public square frontages.
  - The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

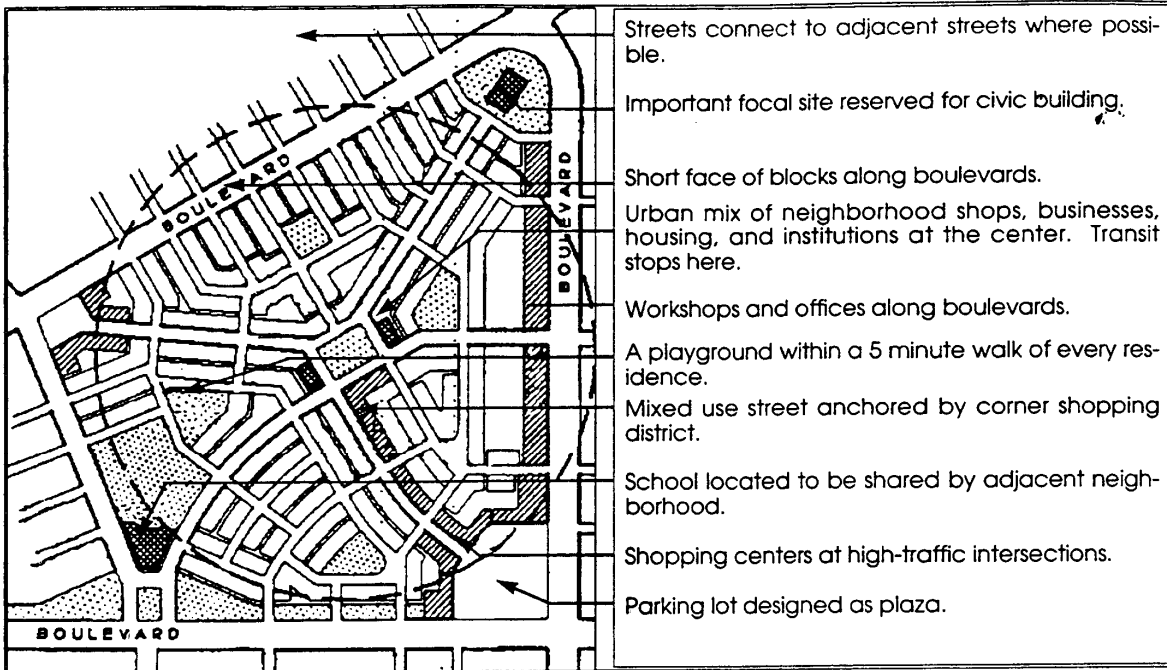
#### D. Open Space

- Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. Design of urban and rural open space shall comply with Section 6.5.

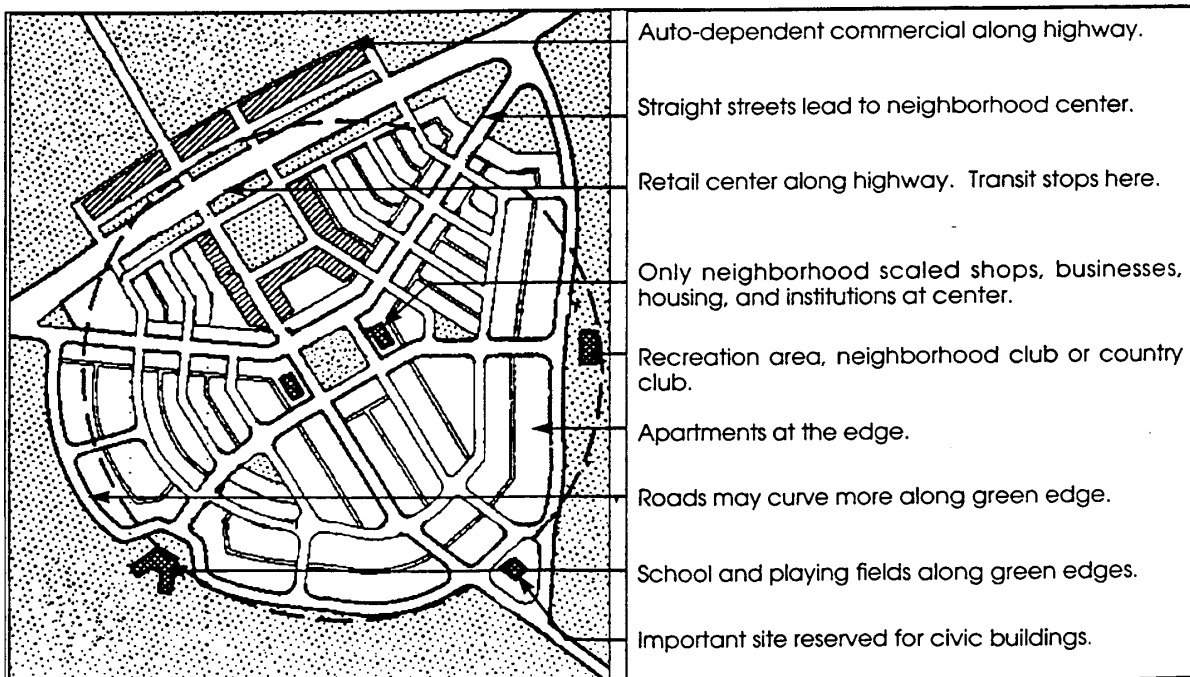
#### E. Parking and Landscaping

- Parking and landscaping shall comply with all pertinent requirements in Chapter 6 – Design Regulations.

**Typical TND Design Characteristics – In More Urban Conditions  
(Overlaying the Neighborhood Residential District)**



**Typical TND Design Characteristics – In More Rural Conditions  
(Overlaying the Rural Residential District)**



*(TND Illustrations are courtesy of the Town of Mocksville Zoning Ordinance)*

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#### 4.6.7 Required Mix of Building Types in the TND Overlay District

A TND-O must contain a mix of building types. The list below specifies the minimum and maximum percentages of units to be developed for each residential building type. Normal rounding rules apply:

|                                |           |
|--------------------------------|-----------|
| Detached Houses                | 30 to 60% |
| Attached Houses or Apartments* | 20 to 40% |
| Live/Work Units**              | 3 to 20%  |

In addition, the following list specifies the minimum and maximum percentages of land area for non-residential building types:

|                            |          |
|----------------------------|----------|
| Storefront or Workplace*** | 2 to 30% |
| Civic                      | 2 to 15% |

\* Attached house includes single family detached houses on lots 50' wide or less.

\*\* When 3% is less than one unit, no live/work units are required. In other words, no live/work units are required unless the development includes 15 or more total units.

\*\*\* a minimum of 5% combined storefront and workplace is required in developments with 200 feet of road frontage or more, exclusive of road rights-of-way, within ¼ mile of US64. A minimum of 2% combined storefront and workplace is required otherwise.

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## 4.7 Manufactured Home Overlay (MH-O) District

### 4.7.1 Intent

The **Manufactured Home Overlay District** is established to provide for existing and proposed neighborhoods which include or are proposed to include manufactured homes. The requirements herein are intended to ensure compatibility with existing housing stock by imposing supplemental appearance standards for manufactured housing. The Manufactured Home Overlay district may be applied to tracts zoned Neighborhood Residential and Rural Residential. This overlay district supplements the range of residential types permitted in these underlying districts while limiting some accessory uses. For existing neighborhoods, the MH Overlay may be established by map adoption. New (proposed) manufactured home neighborhoods require designation and approval as a MH Overlay District, accompanied by a detailed development plan and required supporting materials.

### 4.7.2 Permitted Uses

Uses permitted by right:

- all uses permitted by right in the underlying district, according to the standards of the underlying district

Permitted Building and Lot Types:

- all building and lot types permitted in the underlying zoning district
- manufactured home placed according to the standards for a detached house

Uses permitted with conditions:

- all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district
- Manufactured Homes, provided that:
  - (a) The home is set up in accordance with the standards set by the North Carolina Department of Insurance.
  - (b) All wheels, transporting lights, and towing apparatuses removed.
  - (c) Class A manufactured or conventional (off-frame) modular homes on individually owned lots must have a minimum roof pitch of 7 vertical feet of rise per 12 feet of horizontal run, and must have a continuous, permanent brick foundation, unpierced except for required ventilation and access, installed under the perimeter of the manufactured home.

- (d) Class A or Class B manufactured homes or on-frame modular homes located within manufactured home parks must have a minimum roof pitch of 7 feet of vertical rise per 12 feet of horizontal run, and must have a continuous, non-flammable, non-combustible skirting or curtain wall (having the appearance of a conventional load-bearing wall), unpierced except for required ventilation and access, installed under the perimeter of the manufactured home.
- (e) The home meets the definition of a Class A or B manufactured home, or modular home.
- (f) Replacement of existing manufactured homes shall be in compliance with this ordinance, and shall not include Class C manufactured homes.
- (f) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

Permitted Accessory Uses with Conditions:

- dwelling accessory to any principal dwelling which meets the NC Housing Code (5.2)
- day care home (small), accessory to any principal dwelling which meets the NC Housing Code (5.17)
- home occupation accessory to any principal dwelling which meets the NC Housing Code (5.28)
- accessory uses permitted in all districts.

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### 4.7.3 General Design Requirements in the Manufactured Home Overlay District

- A. Along *existing* streets, new buildings will respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
- B. On *new* streets, allowable building and lot types will establish the development pattern.
- C. All subdivision standards shall be met.
- D. Existing manufactured home parks which are not subdivided into individual deeded lots may continue operation but may not be expanded except in conformance with this ordinance and the subdivision ordinance.
- E. For proposed neighborhoods, homes shall be a minimum of 14 feet wide and shall be no more than seven (7) years old.
- F. For proposed neighborhoods, an application to classify property to the MH-O district shall require a master plan that shows the location and hierarchy of streets and public spaces, location of residential, non-residential, and civic building lots, street sections and/or plans, phasing, and any other information which may be required to evaluate the subdivision's adherence to the standards of this ordinance.

### 4.7.4 Development Provisions in the MH Overlay District

- A. Minimum Development Size: 5 acres
- B. Maximum Development Size: 40 acres
- C. Maximum Permitted Density: The total number of permitted dwelling units is determined by the standards of the underlying district and will be established during the site plan review process as a function of open space design, applicable watershed and water quality protection standards, and permitted building and lot types.
- D. No manufactured home will be located within the 100 year flood plain as established by the most recent Federal Emergency Management (FEMA) map.
- E. Individual homes must be placed on separately platted lots.
- F. Neighborhoods with 20 or more lots must have at least two entrances.
- G. Manufactured home neighborhoods must follow the platting and subdivision procedures outlined in Chapter 7 – Development Review Process, and Chapter 8 – Development Proposal Requirements.

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#### 4.7.5 Manufactured Housing Standards in the MH Overlay District

- A. In no instance may a manufactured home be used for a non-residential use.
- B. A manufactured home must bear a seal certifying that it was built to the standards adopted on July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

Materials:

- The exterior siding shall consist of wood, hardboard, vinyl, brick, or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- A continuous, permanent brick foundation, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer before placement on the lot, and before occupancy.

Configuration:

- Stairs, porches, entrance platforms, and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Department of Insurance.
- The pitch of the roof of the manufactured home shall have a minimum vertical rise of seven (7) feet for each twelve (12) feet of horizontal run, or the standard of each individual manufacturer's equivalent to a 7' x 12' roof pitch.
- The roof of the manufactured home shall have an overhang (eave) extending at least ten (10) inches from the vertical exterior wall. A site installed gutter may be counted in the width of the eave.
- The front façade of the building shall extend parallel to the frontage line.

Techniques:

- The manufactured home is set up on the site in accordance with the standards set by the NC Department of Insurance.
- The tongue, axels, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

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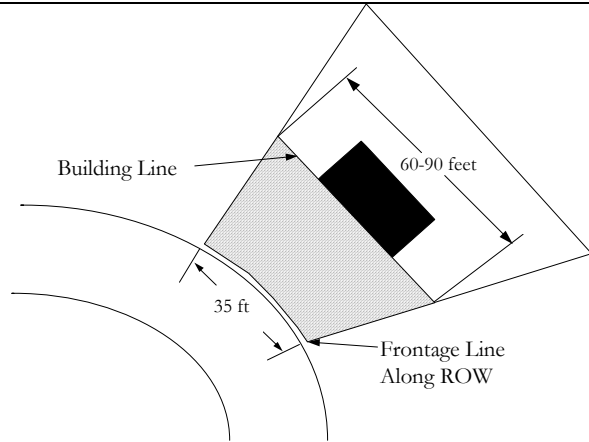
#### 4.7.6 Lot and Building Specifications

Minimum lot size and setback dimensions shall conform to the standards set within each underlying planning district.

#### 4.7.7 Lot Width Specifications

All lots must front along a minimum of 35 ft of publicly dedicated R-O-W in order to be built on.

Minimum lot width at building line: 60-90 ft



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## 4.8 Special Purpose Overlay (SP-O) District

### 4.8.1 Intent

The **Special Purpose Overlay District** is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances. Because uses permitted in the SP-O District vary as to their impacts on the community, they may likewise vary as to effective mitigating conditions. Therefore the SP-O district outlines uses permitted by right and permitted with conditions, but also includes a variety of uses permitted only with issuance of a Special Use Permit. SP-O district requirements and provisions strongly encourage the arrangement and design of proposed streets, buildings, and open spaces to provide a campus setting whenever appropriate and feasible.

### 4.8.2 Permitted Uses

#### Uses permitted by right:

- Agricultural industries
- Amusement facilities (all indoor uses)
- Commercial uses
- Conference facilities
- Contractor offices / accessory storage yards
- Distribution businesses
- Hotels and motels
- Laboratories & research facilities
- lumber mills and storage yards
- heavy manufacturing and assembly
- offices and institutional uses
- outdoor theaters
- power generation plants
- repair of heavy manufacturing products
- warehouses and mini-warehouse storage
- wholesale sales
- vocational and technical schools

#### Permitted Building and Lot Types:

- auto-oriented highway commercial uses
- storefront - up to 65,000 SF of first floor area
- workplace - up to 65,000 SF - first floor area

#### Uses permitted with conditions:

- amusement facilities – outdoor (5.31)
- car wash (5.8))
- commercial communication towers (5.13)
- commercial kennels (5.12)
- day care centers (5.17)
- essential (utility) services 1 and 2 (5.21)
- inorganic waste transfer stations (5.23)
- residential recycling centers (5.23)
- yard waste intake & processing (5.23)
- junk yards (5.29)
- off-site LCID landfills (5.32)
- outdoor storage (5.35)

- outdoor storage of construction equipment (5.36)
- parks and greenways (5.38)
- petroleum storage facilities (5.40)
- transit shelters (5.49)
- trucking terminals (5.50)
- commercial communication towers (5.14)

#### Permitted Accessory Uses with Conditions:

- day care center (5.17)
- outdoor storage (5.35)
- outdoor storage of construction equipment (5.36)
- accessory uses permitted in all districts

#### Uses permitted with a Special Use Permit:

- airports (5.5)
- correctional facilities (5.16)
- essential (utility) services 3 (5.22)
- hazardous or infectious material incineration, handling, or storage (5.25)
- quarries (5.41)
- raceways and drag strips (5.42)
- sanitary landfills (5.44)
- solid waste incineration (5.46)
- transfer station for organic or inorganic waste products (5.48)
- other environmentally sensitive or significant impact uses not expressly permitted in the SP-O or other districts (5.20)



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### 4.8.3 General Design Requirements in the Special Purpose Overlay District

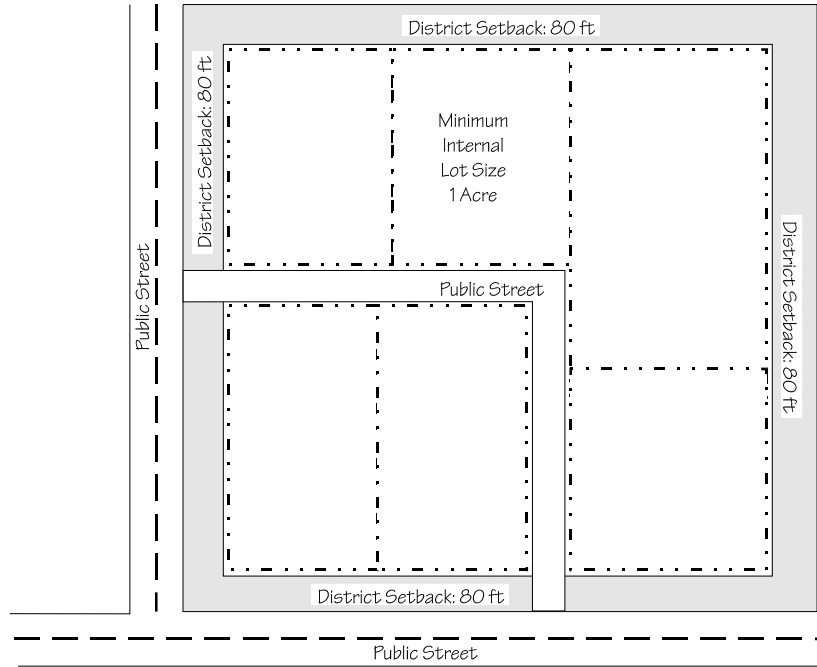
- A. Along existing streets, new buildings will respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 6.3 and 6.4.
- B. All new buildings shall front on internal streets.
- C. If more than one building is proposed in a campus-type of setting, access to these buildings may only be provided from internal streets. Multiple driveways onto external streets are prohibited.
- D. On new streets, allowable building and lot types will establish the development pattern.
- E. Where screening is required by Chapter 6 for activities involving any sale, uses, repair, storage, or cleaning operation, the specified standards shall apply.
- F. The arrangement of multiple buildings on a single lot must be done in a manner that establishes building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
- G. Internal front building setbacks must be designed to create consistent frontage lines.
- H. Hedges, walls, and fences may be built on property lines. Front yard fences are prohibited. Front yard walls may not exceed eight (8) feet in height. Side and rear yard fences and walls may not exceed eight (8) feet in height.
- I. Trash containers, mechanical equipments, and outdoor storage must be located in the side or rear yard, and must be screened from view with a wooded fence, brick wall, landscaping, or a combination thereof.
- J. Parking areas and private driveways may not encroach into setbacks which abut external public streets. Internal public streets may encroach up to 40 feet into setbacks which do not abut public external streets.
- K. Internal setbacks shall be set during the review process.
- L. A coherent, interconnecting network of internal public streets shall be designed to accommodate the various uses found within the District.
- M. Sidewalks shall be constructed along the main streets within the District to provide internal users pedestrian access to external environs.
- N. Lots and buildings shall be designed so as to establish quadrangles within the District.

#### 4.8.4 Lot and Building Placement

Minimum District Size:  
10 Acres

Minimum District Setbacks:  
80 feet for all yards

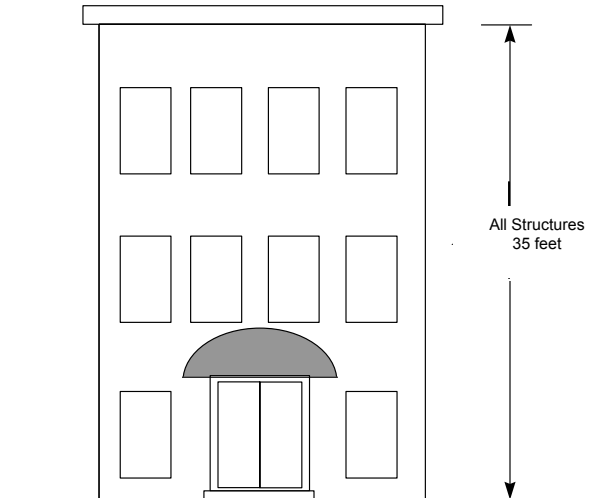
Minimum Lot Size: 1 acre



#### 4.8.5 Building Height

Building height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roofline. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.)

Maximum Height: 35 feet



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## 4.9 Watershed Protection Overlay (WP-O) District

The Town of Franklinville Board of Commissioners adopted the Town of Franklinville Watershed Protection Ordinance on October 1, 1993. Selected elements of the Watershed Protection Ordinance are summarized and modified below, to provide easy reference to key regulations.

### 4.9.1 Intent

The purpose and intent of the Water Supply Watershed Protection Ordinance is to protect the Town's public water supply from pollution and contamination, by regulating the development and land use density in the surrounding land area (watershed) draining into the Sandy Ridge reservoir. Watershed regulations help limit exposure to non-point source (not from a pipe) pollution that contributes biological contamination, turbidity (from soil erosion and sedimentation), nutrient loading and heavy metal pollution; all of which may endanger the water supplies that provide drinking water to the Town. These regulations limit the amount of impervious surface allowed within the watershed overlay district. The number of dwelling units per acre is reduced to help preserve and protect environmentally sensitive areas. As required by the Water Supply Watershed Protection Act of 1989 (G.S. §143-214.5), the State of North Carolina has classified the Sandy Ridge watershed within the Town's jurisdiction as "WS III" – a protected water supply that is moderately developed.

### 4.9.2 Applicability

To provide an additional layer of protection for the Town's drinking water supply, the watershed protection ordinance establishes two watershed overlay districts. The land area nearest the water supply intake is designated as the "Critical Area" (**Sandy Creek – WS-III-CA**) and has the higher level of regulation because its proximity to the intake provides a higher risk of contamination. The remaining portion is designated as the "Balance of Watershed" (**Sandy Creek – WS-III-BW**) and has fewer development restrictions because its greater distance from the point of intake lowers its risk of contamination.

Watershed overlay districts apply to areas within the corporate limits and extraterritorial jurisdiction (ETJ) of Franklinville designated as Public Water Supply Watersheds by the N.C. Environmental Management Commission (EMC) and as defined and established on a map entitled, "Watershed Protection Map of Franklinville, North Carolina". The geographic boundaries contained on the Watershed Map, and all explanatory matter contained within the previously adopted Water Supply Watershed Protection Ordinance are hereby made a part of this Land Development Ordinance.

### 4.9.3 Exceptions to Applicability

- A. The Watershed Overlay District imposes an additional layer of regulation over existing zoning requirements. When a conflict occurs between the zoning district standards and the overlay standards the more restrictive shall prevail. Under no condition will development be permitted in the designated drinking supply watershed that violates the Water Supply Watershed Protection Rules as adopted by the EMC on 5/29/92 including amendments.
- B. All land use activities shall conform to the watershed overlay district regulations except that existing development is not subject to the requirements of this Section. Expansions to structures classified as existing development must meet the requirements of this Section, however, the built upon area of the existing development is not required to be included in the density calculations.

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## 4.9.4 Development Regulations

### 4.9.4.1 Sandy Creek Watershed – Critical Area (WS-III-CA)

In order to maintain a low land use intensity pattern, single family residential uses are allowed at a maximum of one (1) dwelling unit per three (3) acres. All other residential and non-residential development shall be allowed to a maximum of six percent (6%) built-upon area.

#### A. Permitted Uses:

1. Uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless prohibited in (2) Prohibited Uses.
2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.
3. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

#### B. Prohibited Uses:

1. Storage of toxic and hazardous materials unless a spill containment plan approved by the Town Manager is implemented.
2. Landfills or incinerators.
3. Sites for land application of sludge/residuals or petroleum contaminated soils.
4. Commercial uses which sell, store or distribute motor fuels or other hazardous materials.
5. Airports.
6. Industrial uses.
7. Metal salvage facilities including junkyards.
8. Manufacture, use or storage of any hazardous or toxic materials waste as listed on the EPA hazardous material list or determined by the Randolph County Board of Commissioners.
9. Public or private sewage disposal systems except for subsurface septic tanks. Public community sewage treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by constructing sewage facilities.

#### A. Density and Built-upon Limits:

1. Single Family Residential--development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than two acres, except within an approved cluster development.
2. All Other Residential and Non-Residential--development shall not exceed six percent (6%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

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#### 4.9.4.2 Sandy Creek Watershed – Balance of Watershed (WS-III-BW)

In order to maintain a low to moderate land use intensity pattern, single family detached uses shall develop at a maximum of two (2) dwelling units per acre. However, in the absence of public sewer, all waste treatment must be permitted by the Randolph County Health Department, in which case the minimum lot size is 40,000 sq. ft. All other residential and non-residential development shall be allowed a maximum of twenty-four percent (24%) built-upon area. In addition, non-residential uses may occupy five percent (5%) of each watershed with a seventy percent (70%) built-upon area when approved as a special nonresidential intensity allocation (SNIA). The LDO Administrator is authorized to approve SNIAs consistent with the provisions of this ordinance. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices (BMPs) to minimize water quality impacts. Non-discharging landfills and sludge application sites are allowed, provided they are permitted uses in the underlying zoning districts.

##### A. Permitted Uses:

1. All uses permitted in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless prohibited in (2) Prohibited Uses.
2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
3. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

##### B. Prohibited Uses:

1. Discharging landfills.
2. New chemical storage tanks.
3. Storage of toxic and hazardous materials unless a spill containment plan approved by the Clerk is implemented.

##### C. Density and Built-upon Limits:

1. Single Family Residential--development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (½) acre, except within an approved cluster development. In the absence of public sewer, however, all waste treatment must be permitted by the County Health Department, in which case the minimum lot size is 40,000 sq. ft.
2. All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis except that up to five percent (5%) of the balance of the watershed may be developed for non-residential uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed

#### 4.9.6 Cluster Development

Clustering of development is allowed in all Watershed Areas under the following conditions:

- A. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments (see above). Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

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- B. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
  - C. The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

#### **4.9.7 Stream Buffer Area Requirements**

- A. Stream buffer requirements: A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.
- B. Development limits within stream buffers: No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices (BMPs).

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## 4.10 Stream Buffer Protection Overlay (SB-O) District

### 4.10.1 Intent

The purpose of the stream buffer protection overlay district is to ensure that streams and the lands adjacent to streams fulfill their natural functions, to protect the physical integrity of the stream ecosystem, to prevent encroachment upon the stream ecosystems, and to filter runoff before detrimental material reaches the streams. This district expands the stream buffer protection requirements of the water supply watershed overlay district, to cover all perennial and intermittent streams within the Town's planning jurisdiction.

### 4.10.2 Stream Buffer Requirements

#### 4.10.2.1 Perennial Stream Buffer Requirements:

- A. A minimum fifty (50) foot vegetative buffer is required along both sides of all perennial streams (and impoundments along perennial streams) as shown on the Land Development Ordinance Map.
- B. On each side of the stream, the required stream buffer will begin at the edge of the stream channel and extend perpendicular to the stream a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the stream.
- C. New land development within the required 50-foot perennial stream buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of best management practices (BMPs).
- D. Land disturbances and vegetation clearing are prohibited within the stream buffer.
- E. No buildings are permitted within the stream buffer.

#### 4.10.2.2 Intermittent Stream Buffer Requirements:

- A. A minimum thirty (30) foot vegetative buffer is required along both sides of all intermittent streams (and impoundments along intermittent streams) as shown on the Land Development Ordinance Map.
- B. On each side of the stream, the required stream buffer will begin at the edge of the stream channel and extend perpendicular to the stream a distance equal to the lesser of 30 feet, or to a ridge line which changes the runoff flow to be away from the stream.
- C. New land development within the required 30-foot intermittent stream buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of best management practices (BMPs).
- D. Land disturbances and vegetation clearing are prohibited within the stream buffer.
- E. No buildings are permitted within the stream buffer.

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#### **4.10.3 Exceptions to Prescribed Land Management Practices within Stream Buffers**

- A. The following land uses are permitted within the stream buffers subject to the requirement that the lands adjacent to these uses that are disturbed as a result of these uses are stabilized and replanted with native vegetation:
1. Near perpendicular (75 degrees or greater) utility stream crossings approved by the rest of this ordinance;
  2. Parallel utility installation approved by the rest of this ordinance;
  3. Near perpendicular (75 degrees or greater) stream crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path approved by the rest of this ordinance;
  4. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the stream buffers (do not require specific plan approval);
  5. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the stream (do not require specific plan approval);
  6. Incidental drainage improvements or repairs for maintenance (do not require specific plan approval);
  7. Newly created ponds or lakes (do not require specific plan approval). (New ponds will have the same buffers as the original creek, except that tree planting will not be required. Buffer requirements will not apply to dams.); and
  8. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act.
- B. Other land uses within the stream buffers may be approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the stream's water quality and ecological integrity.
- C. The continuation of existing agricultural uses.



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## 4.11 Floodplain Protection Overlay (FP-O) District

### 4.11.1 Intent

The Floodplain Protection Overlay District provides for the maintenance and management of existing natural ecological and environmental resources within the town limits and extra-territorial planning jurisdiction (ETJ) for the Town of Franklinville. This district restricts all development to only temporary activities with the lightest imprint on the land. No building in any conventional sense is permitted. The development rights of floodplain land within any parcel may be transferred to other developable areas of that same parcel consistent with the development regulations applicable to the underlying zoning district.

### 4.11.2 Permitted Uses

Uses permitted by right:

- Agriculture and horticulture
- Outdoor sports and recreation
- Land related activities with no structure or minimal structures with no enclosed or heated space, such as picnic shelters and play equipment
- Parks and greenways

Permitted Building and Lot Types:

- none

Uses permitted with conditions:

- none

Permitted Accessory Uses with Conditions:

- none

Uses permitted with a Special Use Permit:

- none

### 4.11.3 General Requirements

- A. The minimal development allowed in this district shall do nothing to mar or disturb the ecological and environmental efficiency of the floodplain land, nor shall it disturb or re-grade slopes to any significant elevation or contour changes.
- B. As provided for in the Randolph County Flood Damage Prevention Ordinance, Article IV, Section E, Subsection 3 (page V-14): "Variances may be issued for the repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure".

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## **4.12 Scenic Corridor Overlay (SC-O) District**

### **4.12.1 Intent**

The purpose of the Scenic Corridor Overlay District is to maintain and enhance the scenic beauty of selected road corridors that serve as key entryways into the community within the town limits and extra-territorial zoning jurisdiction (ETJ) for the Town of Franklinville. This district restricts all development to temporary activities with the lightest imprint on the land. No building in any conventional sense is permitted. The development rights of scenic corridor land within any parcel may be transferred to other developable areas of that same parcel consistent with the development regulations applicable to the underlying zoning district.

### **4.12.2 Scenic (Road) Corridor Buffer Requirements**

- A. A minimum fifty (50) foot vegetative buffer is required along both sides of designated scenic road corridors, as shown on the Land Development Ordinance Map.
- B. On each side of the road, the required scenic corridor buffer will begin at the edge of the road right-of-way (R.O.W.) and extend perpendicular to the R.O.W. a distance of 50 feet.
- C. New land development within the required 50-foot scenic road corridor buffer is limited to public projects such as road crossings, greenways, nature preserves, and parks, where no practical alternative exists. These activities should minimize built-upon surface area and maximize the preservation and enhancement of existing scenic resources.
- D. Land disturbances and vegetation clearing are prohibited within the scenic corridor buffer.
- E. No new buildings are permitted within the scenic corridor buffer.

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## 4.13 Infrastructure Corridor Overlay (IC-O) District

### 4.13.1 Intent

The purpose of the Infrastructure Corridor Overlay District is to reserve and protect the existing and/or potential future function and usefulness of selected infrastructure corridors. This district is also intended to coordinate proposed land development with plans and capital improvement programs for various community infrastructure purposes, including roadways, greenways, parks, and water & sewer services within the town limits and extra-territorial zoning jurisdiction (ETJ). Infrastructure corridor designation helps property owners and land developers understand how the infrastructure needs of the entire community are intended to shape land development decisions for individual parcels. This overlay district restricts all development to temporary activities with the lightest imprint on the land. No building in any conventional sense is permitted. The development rights of infrastructure corridor land within any parcel may be transferred to other developable areas of that same parcel consistent with the development regulations applicable to the underlying zoning district.

### 4.13.2 Infrastructure Corridor Requirements

- A. As shown on the Land Development Ordinance Map, the size, length, width and general configuration of designated infrastructure corridors is variable and contingent upon the existing and/or intended purpose of each corridor. For example:
  - Corridors reserved for future roads will coincide with the alignment and right-of-way width designated on the Town's adopted thoroughfare plan.
  - Corridors reserved for future greenways and trails will be used to indicate the approximate location of these community amenities, with the understanding that a more site-specific study is needed to locate their final location and alignment.
  - Corridors reserved for future water or sewer lines will coincide with the alignment and right-of-way width designated on the Town's capital improvement program, and other pertinent engineering studies.
- B. Designated infrastructure corridors may serve multiple purposes. For example, a corridor may be designated for a future sewer easement and greenway easement.
- C. New land development within designated infrastructure corridors is limited to the intended public uses (roadways, greenways, nature preserves, parks, water and sewer lines). Private land owners and land developers may implement or contribute to the implementation of these public infrastructure uses as a part of their own land development projects.
- D. Land disturbance and vegetation clearing are prohibited within the designated infrastructure corridor, unless these activities are necessary to implement the intended public infrastructure project.
- E. No new buildings are permitted within the designated infrastructure corridor, unless they are necessary to implement the intended public infrastructure project.



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## CHAPTER 5 - Uses Permitted With Additional Requirements

### 5.1 Academic Institutions (see schools and universities)

#### 5.2 Accessory dwelling

- A. An accessory dwelling may be attached, within, or separate from the principal dwelling.
- B. The principal use of the lot will be a detached or attached dwelling, built to the standards of the North Carolina State Building Code and local ordinances.
- C. No more than one accessory dwelling will be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- D. The accessory dwelling will be owned by the same person as the principal dwelling.
- E. The accessory dwelling will not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- F. A detached accessory dwelling will be housed in a building not exceeding 650 square feet of first floor area (maximum footprint); the structure may be a dwelling only, or may combine a dwelling with a garage, workshop, studio, or similar use.
- G. A detached accessory dwelling will be located in the established rear yard and meet the standards for the applicable building type (Chapter 6). No structure will be located in any required setback.

#### 5.3 Adult Establishments

The intent of these conditions is to prevent the concentration of adult establishments, and to separate adult establishments from residential neighborhoods, schools, religious institutions, child care centers, parks, and play grounds. Adult establishments are permitted in the Highway Commercial Planning District subject to the following conditions:

- A. Any structure in which an adult establishment is the principle or accessory use must be separated by a distance of at least one thousand (1,000) feet from any of the following principle or accessory uses: dwelling units, schools, religious institutions, child care centers, public parks, playgrounds, hospitals, medical facilities, and government building - as measured from property line to property line by a straight line (not street distance).
- B. Any structure in which an adult establishment is the principle or accessory use must be separated by a distance of at least two hundred (200) feet from any planning district other than the Highway Commercial Planning District - as measured from property line to district boundary line by a straight line (not street distance).
- C. Any structure in which an adult establishment is the principle or accessory use must be separated by a distance of at least one thousand (1000) feet from any existing or permitted adult establishment - as measured from property line to property line by a straight line (not street distance).
- D. No more than one adult establishment may be located within the same structure or on the same deeded lot.
- E. An adult establishment lawfully operated as a conforming use is not rendered a nonconforming use by the subsequent location of a house, church, school, public park, child care center, or residential district with respect to the spacing requirements above.
- F. All existing adult establishments that are nonconforming will be granted a two (2) calendar year amortization period from the effective date of this ordinance, at the end of which time each adult establishment must either come into compliance with the requirements of this ordinance or discontinue the nonconforming aspects of its operation.

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#### **5.4 Agricultural Industry in the Rural Residential District**

Agricultural Industry is limited to the production of commercial poultry or small livestock in enclosed buildings within the Rural Residential District. The issuance of a special use permit by the Board of Adjustment is required in accordance with the requirements of Section 5.20, and the procedures of Section 7.9.

#### **5.5 Airports**

Airports are permitted in the Special Purpose Overlay District subject to applicable Federal Aviation Administration regulations and issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, and the procedures of Section 7.9.

#### **5.6 Amusement Facilities**

- A. Outdoor amusement facilities will be separated by an opaque screen from any abutting property located in a residential or mixed use district;
- B. No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district;
- C. Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight

#### **5.7 Bed & Breakfast Inns**

One car parking space will be provided per bedroom. On-street parking along the frontage of the property may count towards this total. The full requirements for landscaping and buffering off-street parking in Section 6.6 will not apply to bed and breakfast inns with less than six rooms. In these cases, off-street parking must be screened from adjacent residential uses by a six foot high wall or fence, or by evergreen shrubs at 6 feet on center and a minimum three feet high at planting with a maturity height of not less than six feet, or by a combination of these options.

None of these requirements apply to such development in the town center planning area if there is public parking available within 400 feet of the property.

#### **5.8 Car Wash**

The outdoor service area of a car wash will be placed and screened in accordance with the standards for parking, Section 6.6.

#### **5.9 Cemeteries**

- A. Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.
- B. Buildings for maintenance, management, rent and /or sale of cemetery lots must conform to a building type permitted in the zoning district.

#### **5.10 Carnivals and Circuses**

These are permitted only on the condition that their operation will be temporary in nature and not to exceed one week at any one time. No use of this type will be sited within 500 feet of any residential property. Hours of operation will be limited to between 11am and 12 midnight.

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### **5.11 College and Educational Buildings (see schools and universities)**

### **5.12 Commercial Outdoor Kennels**

The outdoor containment of animals shall be at least 250 feet from abutting properties located in a residential or mixed use district.

### **5.13 Churches (See Religious Institutions)**

### **5.14 Commercial Communication Towers**

A commercial communication tower shall meet the following conditions:

- A. No new commercial communication tower may be established if there is space available on an existing communications tower within the geographic area that the proposed tower is to serve.
- B. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
- C. An opaque screen expected to reach a minimum of eight(8) feet in height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent practicable to maintain the entire site of the tower(including any anchoring devices) in its pre-construction appearance.
- D. If a communication tower is located on a lot adjacent to a lot or lots located in a residential or mixed use district, it must be located at least 200 percent(%) of the total constructed tower height from all property lines adjacent to the residential or mixed use district(s).
- E. To be permitted as an incidental accessory use in any zoning district, an accessory communication facility shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside church steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the LDO Administrator for approval.
- F. The maximum height of a communication tower shall be one-hundred-eighty(180) feet.
- G. Communication towers shall be of a monopole construction(lattice and guyed towers shall not be permitted).
- H. Signage prohibitions – No signs or logos of any type shall be allowed on any telecommunications tower at any time.
- I. Compliance with other regulations – Prior to erecting a telecommunications tower or antenna or Accessory Communication Facility, or installing same on any structure, any builder, user, carrier, etc., shall submit documentation that the telecommunications tower or antenna or Accessory Communication Facility will meet the American National Standards Institute (ANSI) standards and applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations, and comply with all other federal, state, and local laws and regulations. Moreover, at the time of applying for a building permit to erect a telecommunications tower or antenna or Accessory Communication Facility, or to install same on any other structure, and prior to erection or installation of the tower or antenna, a structural engineer licensed to work in North Carolina shall certify that the plans for construction and erection or installation of the tower or antenna or Accessory

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Communication Facility meet or exceed current safety and design standards of applicable codes.

- J. Co-location requirements – Telecommunications towers shall be structurally designed and constructed to support a minimum of four (4) users. Moreover, prior to erecting a telecommunications tower, any builder, user, carrier, etc., shall submit documentation that the owner of the tower or antenna is willing to permit other user(s) to attach accessory communications facilities which do not interfere with the primary purpose of the tower or antenna, provided that such other user(s) agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.
- K. Subsequent co-location requirements – Subsequent co-location or shared use of antennae on existing telecommunications towers which do not increase the height of the existing tower shall not require a special use permit. Subsequent co-location of accessory communication facilities on other structures shall not require a special use permit.
- L. Security fencing – There shall be minimum eight (8) foot high fence installed and maintained by the owner of the telecommunications tower around the perimeter of the tower compound, except that security fencing shall not be required for Accessory Communication Facilities.
- M. Replacement or alteration of nonconforming telecommunications towers or antenna – Nonconforming telecommunications towers or antennae or Accessory Communication Facility shall be treated the same as any other nonconforming use under this Ordinance.
- N. Removal of telecommunications towers or antenna no longer in use – Any telecommunications tower or antenna or Accessory Communication Facility which is unused for the original permitted use for a period of 180 consecutive days shall be removed by the owner of such tower or antenna or Accessory Communication Facility, within 120 days of receipt of notification to that effect. If the owner fails to so remove the tower or antenna or Accessory Communication Facility as required by this section, then the Town of Franklinville shall remove the tower or antenna or Accessory Communication Facility, and the owner shall reimburse the Town for all expenses incurred thereby, including without limitation all engineering, demolition, transportation, disposal, and legal fees and costs.
- O. Public service access – At the request of any local governing authority a license shall be granted to such local governing authority to place public service communication antennae or other public service communication devices on the telecommunications tower or antenna, provided that such communication antennae or other public service communication devices do not interfere with the function of the telecommunications tower or antenna, or array of antennae of the operator or owner or other existing service providers located on the tower or antenna.
- P. Setbacks in non-residential zoning districts: All telecommunications towers and antennae and Accessory Communication Facilities located within non-residential zoning districts shall have a minimum setback from the base of the tower or antenna or Accessory Communication Facility to the lot boundaries equal to 80% of the height of the tower or antenna or Accessory Communication Facility, or equal to the minimum structure setback otherwise required by this Ordinance, whichever is greater. Communication towers shall be located a minimum of five-hundred(500) feet from the nearest public street.



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- Q. The height of an Accessory Communication Facility shall be defined as 110% of the distance by which the Accessory Communication Facility exceeds the height of the principal structure to which the Accessory Communication Facility is attached.
- R. Co-location requirements – Prior to erecting a telecommunications tower or antenna, or installing same on any structure, any builder, user, carrier, etc., shall submit documentation that such antennae or communication device to be located on a communication tower cannot be accommodated on an existing tower or other structure due to the following reasons:
1. The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers and the towers cannot be reinforced or replaced to accommodate the planned equipment;
  2. The planned equipment would cause radio frequency interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost;
  3. Existing or approved towers do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing approved equipment.
- S. In no case shall a telecommunications tower be located closer than one (1) mile from another tower *unless* the builder, user, carrier, etc., can establish through competent evidence and documentation either that:
1. It is in the best interests of the community that the proposed tower be located less than one (1) mile from another tower, or
  2. It is necessary for technical reasons that the proposed tower be located less than one (1) mile from another tower, such as, for example, circumstances where the planned equipment would cause radio frequency interference with other existing equipment, or other existing equipment would cause radio frequency interference with the planned equipment, and the interference cannot be prevented at a reasonable cost.
- T. Color and lighting – The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray. Telecommunications towers, antennae, and Accessory Communication Facilities shall not be artificially lighted, except where otherwise required by the FAA, FCC, or other federal or state agencies. Where such agencies allow a choice between painting the tower or installing lighting, painting shall be the choice selected.
- U. Prior to erecting a telecommunications tower or antenna or Accessory Communication Facility, or installing same on any structure, any builder, user, carrier, etc., must be granted a Special Use Permit by the Town of Franklinville Board of Adjustment, pursuant to the provisions of Chapter 7 and 8 of this Ordinance, except that a stealth telecommunications antenna may be erected or installed upon approval by the Town LDO Administrator, with a right of appeal to the Board of Adjustment pursuant to Chapter 9. The builder, user, carrier, etc., may be granted a Special Use Permit only upon submission of an application and fee payment to the Town of Franklinville, who shall transmit the application to the Board of Adjustment; in the case of a stealth telecommunications antenna, approval by the Town LDO Administrator may be granted only upon submission of an application and fee payment to the Town of Franklinville. The application must be in the form prescribed by the LDO

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Administrator and, in addition to any other or further requirements of this Ordinance, must contain the following information prior to being granted:

1. A network plan for that builder, user, carrier, etc., encompassing the area prescribed by a three (3) mile radius circle having its origin at the Franklinville Town Hall, and showing:
2. The total number of required telecommunications tower, antennae, and Accessory Communication Facility sites;
3. The required height from sea level of tower or antennae or Accessory Communication Facilities;
4. The required location of all towers and antennae and Accessory Communication Facilities or co-locations of antennae on existing towers;
5. The anticipated location(s) of all tower and antennae and Accessory Communication Facility sites to be required within the next ten(10) years from the date of the application; and
6. A delineation of the boundaries of the maximum search range within which the proposed tower or antennae Accessory Communication Facility equipment can function.
7. A site plan showing the site and size of all existing structures within 1320 feet of the site; plans and elevations for all proposed structures and descriptions of the color and nature of all exterior material; and plans for all landscaping, buffers, and screens, including existing landscaping, buffers, and screens.
8. A listing of all telecommunications towers, antennae, and other structures which may be used to locate communication facilities within a 2 mile radius of the proposed site;
9. An explanation of why the proposed telecommunications facilities cannot be co-located on any of the existing structures within the search range delineated in response to (f), above;
10. Documentation from applicable state and federal agencies indicating requirements which affect the appearance of the proposed telecommunications tower, antenna, or Accessory Communication Facility, including lighting and color; and
11. A listing of all property owners within 1000 feet of the site on which the communications tower is proposed to be located.

#### **5.15 Commercial and Workplace Uses (Exceeding 15,000 Square Feet)**

- A. Building facades shall be articulated to create the impression that the building is more than one structure – by using differing treatments, materials, and/or heights every 35 to 50 feet (if the façade exceeds 80 feet in length).
- B. Parking may be accommodated on-site, on-street, or within 800 feet of the site. Shared parking with other uses is encouraged.
- C. All loading areas shall be placed in the rear or to the side of the structure.
- D. Uses generating 7,500 or more trips shall be required to improve adjoining streets and intersection infrastructure, as determined by the Town and/or the NC Department of Transportation.

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## 5.16 Correctional Facilities

Correctional Facilities are permitted in the SP District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20 and the procedures of Section 7.9.

## 5.17 Day Care Centers and Homes (Child and Adult)

### A. Child Day Care Center.

1. A center must meet a permitted building and lot type for the district in which it is to be located.
2. Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
3. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.

### B. Adult Day Care Center.

1. A center must meet a permitted building and lot type for the district in which it is to be located.
2. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

### C. Child Day care home, small.

1. The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.
2. A Child Day Care home shall meet the following standards:
  - Play space must be provided in accordance with the regulations of the North Carolina Department of Human Resources.
  - Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.
  - Chain link and similar fencing materials shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation, or be obscured by a comparable screening treatment.
  - A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
  - There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after sun down.

### D. Adult Day Care Home, small.

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1. An Adult Day Care home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults who do not reside in the dwelling.
  2. An Adult Day Care home shall meet the following standards:
    - A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
    - There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

### **5.18 Drive Through Window as an Accessory Use**

- A. Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street;
- B. Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of screening (see Section 6.6);
- C. The length of on-site stacking lane(s), taken together, shall be a minimum of 200 feet if window access is provided directly from a major or minor thoroughfare; a minimum of 100 feet if window access is provided directly from a street of lesser capacity.
- D. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provide for passage around and escape from the outermost drive-through service lane.
- E. Screening is not required for walk-up service accessories such as depositories and ATM's.

### **5.19 Duplexes on Corner Lots**

Duplexes are permitted on corner lots in any residential or mixed use district according to the following standards:

- A. The entrances to each unit in the structure will face different streets;
- B. The dwelling must meet the minimum front yard setback from both streets upon which a unit faces;
- C. The lot has at least 1.5 times the minimum lot area, if any, for the district.
- D. Duplexes which meet the standard for the attached house or the apartment building, are permitted without corner lot restrictions in those districts which permit attached housing and apartment building types.

### **5.20 Environmentally Sensitive and Significant Impact Uses Not Expressly Permitted**

Uses which may, or may not be expressly named in this ordinance, but which may constitute a greater than average impact on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, heavy vehicle traffic, or similar nuisances, are permitted in the Special Purpose (SP) District (or other specified Districts)

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subject to the issuance of a Special Use Permit, according to the requirements of this Section, and the procedures of Section 7.9.

Environmentally sensitive and significant impact uses include, but are not limited to: Agricultural Industry; Airports; Commercial and Workplace Uses Exceeding 15,000 S.F. in gross floor area; Correctional Facilities; Essential Services – Class 3; Facilities for the Intake and Transfer of Household Waste; Funeral Homes; Hazardous or Infectious Material Incineration, Handling, or Storage Facilities; Junk Yards; Land Clearing and Inert Debris Landfills; Quarries; Raceways and Drag Strips; Transfer Stations for Waste Products; Trucking Terminals.

The Board of Adjustment may issue a Special Use Permit for the subject facility if, but not unless, the evidence presented at the Special Use Permit hearing establishes that:

- A. The proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
- B. The proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- C. A comprehensive site plan addresses the development standards below:
  1. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
  2. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with non-climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;
  3. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use. No use considered under the standards of this special use permit process shall be accessed through a residential neighborhood nor a residential neighborhood street.

### **5.21 Essential (Utility) Services - Class 1 and 2**

- A. Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.
- B. Facilities used for the operation of essential services should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
- C. Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall be provided an opaque screen to shield the view from all public rights-of-way and from abutting properties.

### **5.22 Essential Services (Utilities) – Class 3**

Essential Services - Class 3, are permitted in the Special Purpose (SP) District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and with the following conditions:

- A. That area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines; and

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- B. That a minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
  - C. That the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

### **5.23 Facilities for the Intake and Off-site Transfer of Inorganic Household Waste and Residential Recyclables; and the Intake and Processing of Yard Waste**

Waste intake and transfer station facilities are permitted in the Special Purpose (SP) District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.
- B. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
- C. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- D. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

### **5.24 Funeral Homes**

Funeral Homes are permitted in the Neighborhood Residential (NR) District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, and the procedures of Section 7.9.

### **5.25 Hazardous or Infectious Material Incineration, Handling, or Storage Facilities**

Hazardous or infectious materials, storage and treatment facilities are permitted in the Special Purpose (SP) District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. That the use complies with the Federal Resource Conservation and Recovery Act of 1976, as amended (PL 94-580) and the North Carolina Solid Waste Management Act, as amended, (Article 13B, G.S. 130-166.16) for design, siting, and monitoring, and for materials to be stored or treated.

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- B. That all storage, treatment, and loading facilities handling hazardous or infectious materials will be located at least 200 feet from any exterior property line and at least 2,000 feet from any lot zoned or used for residential, institutional, or office purposes.
  - C. That the use will be entirely fenced with non-climbable fencing material to a height of at least seven feet; and the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.
  - D. That vehicular access to the operation will be provided only by way of a designated thoroughfare
  - E. That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent practicable the probability of contamination by hazardous materials.
  - F. That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and stormwater management systems on the property will be protected so as to minimize to the greatest extent practicable the probability of contamination by hazardous or infectious materials.
  - G. That no structures or operations of any kind on the site shall be located within 200 feet of any adjacent lot.

#### **5.26 Gasoline Service Stations (Neighborhood and Highway)**

- A. Neighborhood Gasoline Stations, by definition, permit retail sale of gasoline and convenience products and the minor service and repair of motor vehicles; they have no more than two canopies for gasoline sales. Highway Commercial gasoline stations permit major service and repair of motor vehicles and are unlimited as to gasoline sales area.
- B. Buildings shall meet the requirements of Sections 6.3 and 6.4, General and Specific Building Design Regulations.
- C. Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street.
- D. All areas where vehicles are stored temporarily will be considered as parking lots and must comply with the provisions of Section 6.6, Off-Parking Design Regulations.
- E. All such vehicle storage areas will be located at the rear of the building.

#### **5.27 Golf Courses**

Only one nine-hole or longer golf course per 8 square miles is allowed. Golf courses do not count towards open space requirements.

#### **5.28 Home Occupations**

A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

- A. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- B. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
- C. The use shall employ no more than one person who is not a resident of the dwelling.

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- D. A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
  - E. There shall be no visible outside display of stock in trade which is sold on the premises.
  - F. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
  - G. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
  - H. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
  - I. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
  - J. Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
  - K. Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.
  - L. No business identification or advertising signs are permitted.

### **5.29 Junk Yards**

Junk yards are permitted in the Special Purpose (SP) District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
- B. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- C. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid wooden fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is used, it shall be placed on the interior side of the vegetation and wall or fence.

### **5.30 Mobile Homes**

- A. No extensions to existing mobile home parks and subdivisions, nor any new developments of similar type are envisaged under the Land Development Ordinance, but these regulations do provide for the upgrading of existing homes on an individual and communal basis.



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- B. Accordingly, any mobile home may be replaced with another mobile home less than five years old, of comparable size, on a masonry foundation or skirted if placed where the old mobile home was sited or according to set backs for the planning area where the mobile home is located.

### **5.31 Neighborhood and Outdoor Recreation and Amusement Facilities**

- A. Buildings constructed in association with neighborhood recreation or outdoor recreation shall meet one of the building types permitted in the zoning district.
- B. Permanent parking lots shall meet the standards of Section 6.6, Off-Street Parking.
- C. Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- D. Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs, a minimum 3 feet in height and 6 feet on center at installation.
- E. Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.
- F. Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m.

### **5.32 Off-Site Land Clearing and Inert Debris (LCID) Landfills**

Off-Site Land Clearing and Inert Debris (LCID) Landfills are permitted in the SP District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. Any off-site LCID landfill must obtain a permit from and comply with the standards of the Randolph County Environmental Protection Department and the State of North Carolina.
- B. Any LCID landfill which would be larger than 10 acres or operate for more than 24 months from the time that activity begins on the site shall be accessed by a designated thoroughfare.
- C. No portion of any such landfill may be located within 75 feet of any exterior property line. This includes structure, equipment storage, parking areas, and fill areas; access drives may cross this area but may not be placed laterally through this area.
- D. The actual fill area must be located at least 300 feet from any existing residential structure and at least 300 feet from any existing or former off-site LCID or demolition landfill.
- E. Driveway access to the facility must be paved and must directly connect to a major or minor thoroughfare or to a non-residential collector or non-residential local street.
- F. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way.
- G. Use of the site for any purpose is limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.
- H. Unless located on a designated thoroughfare, the fill area of the site is limited to 10 acres.
- I. No filling of any kind is allowed in the regulatory flood plain or the floodway fringe.

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- J. The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.
  - K. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.

### **5.33 Outdoor Sales, Display, or Service of Vehicles, Boats, Heavy Equipment, or Manufactured Homes**

- A. Vehicle sales/lease lots shall front on a major or minor thoroughfare. Drive-in service windows and service processing, stacking and circulation lanes are prohibited in the established front setback of the principal building and within 75 feet of the right-of-way in a principal building's side yard that abuts a major or minor thoroughfare. On-site stacking lanes for drive-in service windows shall be a minimum of 200 feet in length if accessed directly from a thoroughfare or minimum of 100 feet if accessed directly from a street of lesser capacity.
- B. All signs on the site shall conform to the standards of Section 6.10, Sign Regulations, which includes, but is not limited to, the prohibition of flashing signs, portable signs and fluttering signs such as pennants and pennant swags. Non-conforming signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
- C. Items for sale or lease may be displayed in the established front yard under the following conditions:
  - 1. All new display areas must be paved with a decorative paving material; and
  - 2. No vehicle shall be displayed within 15 feet of the street right-of-way; and
  - 3. A strip averaging 8 feet in width, but in no case less than 5 feet in width, located in the area of the lot between the street right-of-way and the vehicle display area shall be heavily landscaped with evergreen shrubs and flowering plants which are suitable for this climate and the growing conditions present on the site. This strip shall be immediately adjacent to the vehicle display area. The number of plantings may be reduced if used in conjunction with and placed on the street side of an opaque, decorative wall at least 2.5 feet in height. This requirement is in addition to any other screening requirements established by this ordinance.
- D. Outdoor storage of vehicles in process of repair and vehicles-for-sale or lease that are in the process of dealer preparation for buyer/lessee pick up are permitted as follows:
  - 1. Such storage areas are exempt from the interior landscaping requirements for Parking Lots found in Chapter 6. However, the perimeter landscaping requirements of Chapter 6 shall apply to such storage areas.
  - 2. Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
- E. Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).

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- F. Outdoor lighting shall meet all of the following requirements:
1. The maximum height for lighting (pole mounted and wall mounted) shall be 20 feet, including the base/mounting fixture; and
  2. Floodlights are not permitted for parking lot illumination; and
  3. Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices; and
  4. Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of-way are prohibited.
- G. No vehicle sales/lease lot located within the Neighborhood Center district shall exceed one acre in size.

### **5.34 Outdoor Sale of Goods (Temporary)**

Merchandise stalls for the outdoor sale of goods are permitted if items for outdoor sales are returned inside the building at end of each business day; goods not brought in at the close of business day are considered outdoor storage. Additionally, items may not be displayed or sold on public property.

### **5.35 Outdoor Storage**

- A. Outdoor storage defined:
1. includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot; (to be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day);
  2. includes up to two storage trailers placed on a single lot or in conjunction with a single principal use;
  3. includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
  4. includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
  5. does not include construction equipment.
- B. Outdoor storage, where expressly permitted, may be established on a lot according to the following standards:
1. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
  2. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
  3. all areas established for outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 6.8); wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

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### **5.36 Outdoor storage of construction equipment**

Outdoor storage of construction equipment, where expressly permitted, may be established on a lot according to the following standards:

- A. Where permitted as an accessory use in conjunction with a building, the area of storage will not be placed in any established yard abutting a street;
- B. Where permitted as a principal use on a lot, the area of storage will be no closer than 40 feet from an abutting street right-of-way,
- C. The area of outdoor storage will be screened from view from any street and from all abutting properties by a landscape screen. Wherever security fencing is desired, it will be placed on the interior side of the screen.

### **5.37 Parking as a Principal Use**

Permanent parking lots not associated with a building will meet the standards for parking in Section 6.6 – Off-Street Parking. Parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street. Off-site parking must be ¼ mile or less, measured along the pedestrian access route, from the primary structure requiring the parking.

### **5.38 Parks and Greenways**

- A. Buildings constructed in association with a park or greenway shall meet one of the building types permitted in the zoning district.
- B. Permanent parking lots associated with parks and greenways shall meet the standards of Section 6.6, Off-Street Parking.
- C. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas, if maintained in a natural condition, need not conform with this ordinance.
- D. Service areas shall be separated by an opaque screen from view from any street and from abutting properties.
- E. Outdoor lighting associated with active outdoor recreation shall not shine directly into yards associated with a residential use nor into the windows of a residential structure.
- F. Hours of operation of outdoor recreation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

### **5.39 Religious Institutions (Churches)**

The scale and activity level of churches is a function of size and the range of accessory uses associated with the institution; very high activity levels have the potential to be disruptive to residential and small scale mixed use areas. To diminish disruptive impacts by ensuring appropriate locational and design standards, the development and expansion of religious institutions and accessory uses in residential, town center, and neighborhood center districts shall meet the following standards:

- A. Churches shall meet the standards for civic building and lot type, Section 6.4.
- B. Development Standards.

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1. Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
  2. Accessory dwelling units for persons associated with or employed by the church may be provided at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.
- C. Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever churches are permitted and shall meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.
- D. Accessory dwelling units for persons employed by the religious institution may be provided
- E. Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:
1. no merchandise or merchandise display shall be visible from outside the building;
  2. no business or identification sign pertaining to the accessory uses shall be visible from outside the building;
- F. Except as noted in C. above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
- G. Application for a building permit shall include a comprehensive site plan which addresses the required standards and conditions for the main site and all abutting holdings.

#### **5.40 Petroleum Storage Facilities**

- A. The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association;
- B. All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;
- C. Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare;

#### **5.41 Quarries**

Quarries are permitted in the SP District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. That the quarry and all its buildings, pits, and processing equipment will be separated by a 100 foot buffer from the street and from any adjacent property that is located in a residential district or developed for residential or institutional use; and
- B. That the quarry and all its buildings, pits, and processing equipment will be provided with an opaque screen to shield the view from the public street and from all abutting properties, regardless of use; and

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- C. That a non-climbable fence, at least 6 feet high, will be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening and/or buffering devices; and
  - D. That access to the quarry may not make use of a residential collector street nor of a town street; and
  - E. That any crushing of rock or processing of material must be done in such a way as to minimize the amount of air-borne dust created; and
  - F. That upon termination of quarrying operation, the site must be reclaimed in accordance with NC General Statutes.
  - G. That the minimum distances of quarry operations from adjacent properties shall be:
    - 1. for any quarry building 100 feet
    - 2. for any crushing of rock, processing of stone, gravel or other material 300 feet
    - 3. for any blasting 500 feet

#### **5.42 Raceways and Drag Strips**

Raceways and Drag strips are permitted in the SP District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. That the use will be located on a lot of at least 50 acres; and
- B. That vehicular access to the use will be provided only by way of a major or minor thoroughfare; and
- C. That no direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district; and
- D. That a minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
- E. That the site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence; and
- F. That hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

#### **5.43 Riding Academies and Commercial Stables**

Riding academies are permitted in the Rural Residential Planning District if the following standards are met:

- A. All buildings and structures related to the care of animals and to the conduct of the academy must be located at least 100 feet from property boundaries.
- B. Maximum number of horses is 2 per acre.

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- C. Off-street parking, service areas, and buildings which are not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from abutting properties.

#### **5.44 Sanitary Landfill**

Sanitary Landfills are permitted in the Special Purpose (SP) District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. That the comprehensive site plan addresses each of the development standards below:
1. The use shall be located on a lot of at least 50 acres;
  2. All land filling operations and off-street parking and service areas will be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from the view from a public street;
  3. No structure or land filling operation will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential or mixed use;
  4. Vehicular access to the proposed use will not be provided by a residential collector or a town street and access roads to the site will connect directly to a designated thoroughfare; and
- D. That the plan for development and operation of the site addresses the environmental standards below:
1. The siting and design of the facility will comply with the "Siting and Design Requirements for Disposal Sites" of the North Carolina Solid Waste Management Rules (T15ANCAC 13B) in effect at the time of review of the application;
  2. Monitoring of surface water and groundwater will be conducted in accordance with the State of North Carolina permit and monitoring documents developed pursuant to the State of North Carolina Solid Waste Management Rules;
  3. The facility complies with pertinent Randolph County Health Department policies;
- E. That there is a general timetable indicating the development phases and projected life expectancy of the landfill; and
- F. That there is a detailed plan for the re-use of the property, after landfill operations cease, that is not in conflict with the objectives of the most detailed plan approved for the area; and
- G. That the plan for close-out of the landfill includes the creation of an escrowed fund to finance close-out, with contributions to the fund escrowed annually, beginning at the time facility development begins.

#### **5.45 Schools and Universities**

- A. School buildings will conform to the standards of civic buildings, Section 6.4. Mobile units may be placed anywhere on a lot containing a principal school building, except in front of an existing building.
- B. Permanent parking lots associated with schools shall meet the standards of Section 6.6, Off-Street Parking.

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- C. Where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as street abutting parking and circulation areas are, to the extent practicable, detailed as plazas.
  - D. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Section 6.6 if they are maintained in a natural condition (for example, as a grassed field).
  - E. Service areas shall be separated by an opaque screen from the view from any street and from abutting properties (Section 6.8).
  - F. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
  - G. Outdoor lighting associated with active outdoor recreation shall not shine directly into yards of a residential use nor into the windows of a residential structure.
  - H. Elementary and Junior High Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s)
  - I. Senior high schools shall be on a lot which abuts a minor or major thoroughfare; primary vehicular access shall be provided from the thoroughfare.

#### **5.46 Solid Waste Incineration**

Solid Waste Incineration, materials that are neither hazardous nor infectious, is permitted in the SP District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. That the incineration units(s) will be constructed and operated in compliance with environmental regulations, both current and future, as annotated in the United States Code of Federal Regulations, particularly Chapter 40, which deals with environmental regulations, as amended by the State of North Carolina and Randolph County Health Department; and
- B. That all storage, handling, incineration, and loading facilities will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential or mixed use district or developed for residential, institutional, or mixed use; and
- C. That structures, off-street parking and service areas will be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from the view from all public streets.
- D. That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer; and
- E. That vehicular access to the operation will be provided only by way of a designated thoroughfare; and
- F. That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent practicable the potential for contamination; and
- G. That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and stormwater management systems on the property will be protected so as to minimize to the greatest extent practicable the potential for contamination.



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#### **5.47 Temporary uses and structures, including seasonal market**

The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, is permitted for up to a maximum of three months upon the issuance of a temporary use permit by the LDO Administrator. The following conditions apply:

- A. Storage of goods in or sale of goods from trailer(s) on the site is prohibited.
- B. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
- C. The use will be conducted behind the prevailing established setback line for structures within 300' in either direction on the same side of the street.
- D. Off-street parking may be provided behind or to the side of the established use, but not forward of the prevailing established setback line, defined above.
- E. On-site parking may be provided on a dust-free, pervious surface area and need not comply with Section 6.6.
- F. Signs on the premises of a temporary use will comply with Section 6.10.
- G. Landscaping will be required in accordance with Section 6.8.

Temporary accessory structures, including but not limited to school mobile classrooms and temporary construction or sales offices placed on development sites during construction and sale of buildings, are permitted for up to a maximum of two years, renewable thereafter in one year increments, upon the issuance of a temporary use permit by the LDO Administrator. Such structures will meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted construction areas. Temporary structures associated with construction projects will be removed upon completion of construction. Temporary structures associated with sales within construction projects will be removed upon the first sale of 90% of the project.

For temporary buildings or structures directly related to the development of a lot, tract, or parcel, building permits may be issued for periods of one year, or until issuance of a final certificate of occupancy, whichever is less. Building permits may be renewed annually for a period not to exceed one year, or until occupancy, whichever is less, upon application to and subject to approval by the LDO Administrator. Prior to issuance of a final certificate of occupancy, or upon expiration of an unrenewed building permit, such temporary buildings or structures must be removed by the developer.

#### **5.48 Transfer Station of Organic and Inorganic Waste Products**

Transfer Stations are permitted in the SP District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. That the comprehensive site plan addresses the development standards below:
  - 1. The active use areas of the site shall be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets;
  - 2. That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen; and
  - 3. No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use; and

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4. Vehicular access to the proposed use will not be provided by a residential collector or a town street, and access roads to the site will connect directly to a designated thoroughfare.

#### **5.49 Transit shelter**

- A. Transit shelters may be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle.
- B. Only governmental signs are permitted in association with a transit shelter.
- C. If constructed by other than the Town of Franklinville, a schematic plan must be submitted and approved by the Board of Commissioners. The plan must include the following:
  1. the location of the proposed shelter relative to street, property lines, and established building yards; and
  2. the size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers.
- D. A building permit shall be issued only after approval by the Board of Commissioners of the proposed schematic plan.
- E. A transit shelter located within a street right-of-way or an established yard may be removed by the Town of Franklinville if the Town Board determines that it no longer serves the best interest of the public.

#### **5.50 Trucking Terminals**

Trucking Terminals are permitted in the Special Purpose (SP) District subject to the issuance of a Special Use Permit by the Board of Adjustment, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

- A. The area designated for truck parking shall be located no closer than 40 feet from an abutting street right-of-way. Truck parking areas are not classified as parking lots. Therefore they are exempt from the parking standards of this ordinance, but subject to the alternative standards below.
- B. The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- C. The use shall be located on or directly accessible to a major thoroughfare, expressway, or freeway; truck terminals shall not be sited such that residential or town streets are regularly traversed to access the larger capacity road.

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## CHAPTER 6 - DESIGN REGULATIONS

The general design principles (regulations and details) outlined in this Chapter will be applicable for all development under the jurisdiction of the Town of Franklinville.

### 6.1 Neighborhood Design Regulations

This land development ordinance restores the option of creating new development in traditional patterns by prescribing the following physical conventions:

- A. The neighborhood area will be limited in size, with clear edges and a focused town center.
- B. Housing density should increase toward the town center. The center includes a covered area for a future transit stop.
- C. The structure of the neighborhood should progress from urban to rural. The urban areas have more density, larger and taller buildings, and streets and alleys, while the rural area has less density, smaller buildings and more picturesque landscaping. The dense urban core transitions out to the rural area through a series of zones that are progressively less dense.
- D. Rather than separation of uses, building types must be integrated into the neighborhood. Shops, workplaces, schools, and residences for all income groups must be located in close proximity.
- E. Streets will be sized and detailed to serve equitably the needs of the automobile, bicyclist, and pedestrian. In addition to sidewalks, paths through squares and parks, plus mid-block pedestrian alleys, will provide pedestrian routes throughout the neighborhood.
- F. Building size and design is regulated to spatially define streets, squares, and parks. Squares and parks are distributed and designed as specialized places for social activity and recreation. Existing lakes, ponds, wetlands, and other natural resources will be retained.
- G. Well-placed civic buildings act as symbols of the community identity and provide places for purposeful assembly.
- H. Neighborhoods on a public transit route will include an area for a future transit stop.

### 6.2 Individual Site Design Regulations

#### 6.2.1 Site Design and the Environmental Inventory

The environmental inventory is the foundation on which all site design decisions are based. Minor variations to these regulations may occur based on environmental conditions of the site. The Land Development Ordinance (LDO) Administrator will approve all site design decisions made based on the inventory.

#### 6.2.2 Relationship of building to site

- A. Developments that include or front on existing streets must integrate that street into the development. Buildings must front on a street or pedestrian way as shown on a recorded subdivision plat.
- B. Buildings on corners or an axial terminus should be designed with additional height and architectural embellishments, such as corner towers, to emphasize their location.
- C. Building design will take the natural topography of the site into consideration. Buildings will be located so as not to disturb significant scenic vistas throughout the community.

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- D. Sensitive construction techniques will be used so as to have the least amount of impact on sites with a slope greater than 15 degrees.
  - E. Large-scale, single-use buildings (such as conference facilities, theaters, athletic arenas, superstores) will be located behind or above habitable street-front space.
  - F. Structures on corner lots will observe the front yard setback requirements of the street they face. The side yard setback for the elevation facing the intersecting street will be the average of the front yard setbacks of the houses within 300 feet.

### **6.2.3 Relationship of Building to Surrounding Built Environment**

- A. Development should incorporate predominant characteristics of the neighborhood, including built form, vegetation, topography, and influences such as road layout, lot size, and pattern and translate them into innovative design solutions.
- B. Buildings will not significantly overshadow secluded private open spaces or main public area windows. Insure no significant loss of amenity to adjacent dwellings, private open space, or streetscape, while being cognizant of local community expectations.
- C. Active recreation and service areas will be located away from the secluded private open spaces of adjacent dwellings.
- D. Large-scale recreational uses, such as sports fields, will be located on the perimeter of neighborhoods.
- E. Houses with either or both identical or similar building elevations or floor plans should not be located on adjacent lots or directly across the street from each other. Where a single house design is used repeatedly, materials and detailing of major façade elements should be varied.

## **6.3 General Building Design Regulations**

### **6.3.1 Architectural Style**

- A. Design regulations are not intended to promote the replication of the existing built form of Franklinville, but to allow imaginative design that is respectful of its neighborhood. The regulations are meant to help achieve good design, not a certain stylistic result. They will also establish a consistent framework for submitting and assessing proposed development.
- B. New downtown buildings should be designed to be respectful in context to the existing built environment not as explicit reproductions of past historical styles. This regulation does not preclude use of materials, scale or massing found on older buildings. Spatial elements like massing, proportions, scale, setbacks, spaces between buildings, and their relative positions should be used to integrate new development into existing neighborhoods.
- C. Buildings that are stylized in an attempt to use the building itself as advertising will be discouraged, particularly where the proposed architecture is the result of a “corporate” or franchise style. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant.

### **6.3.2 Mass, scale and proportion**

- A. Height can lend a building dignity and grace. Conversely, it can contribute to unacceptable bulk and dominance. It is the height in combination with other features, including setbacks and the location and amount of parking, that results in a positive or negative outcome. The height and scale of each building will take into consideration its site and existing (or anticipated) neighboring buildings which includes those on properties behind a proposed building and beyond the immediately adjacent neighbors.

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- B. Windows, doors, columns, eaves, parapets, and other building components will be proportional to the overall scale of the building.
  - C. Changes of plane should have clearly delineated material transitions.

### **6.3.3 Street Rhythm**

- A. Facades along primary streets will be individually interesting, yet fit well into the streetscape.
- B. Important street vistas should terminate in a focal point, such as a building or other architectural or natural feature.

### **6.3.4 Roof Form and Pitch**

- A. Rooflines will accommodate simple lines such as hip, flat, shed, gable to front, or gable to side, and avoid excessive articulation.
- B. Mansard roofs will have functional dormers which project out from the roof. Dormers will have a symmetrical gable or hip roof.

### **6.3.5 Façade Articulation and Detailing**

- A. Architectural elements like openings, sill details, bulkhead, posts, and other architectural features will be used to establish human scale at the street level.
- B. Buildings will avoid long, monotonous, uninterrupted walls or roof planes on their visible facades. Building wall offsets, including projections, recesses, and changes in floor level will be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets will be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. For larger scale developments, the building façade will create repetitive bays, or the façades will be divided into a balanced, yet asymmetrical, composition.
- C. All sides of the building will use materials consistent with those on the front if visible from public streets or neighboring properties, and should be carefully designed with similar detailing, and be comparable in quality and materials.
- D. All visibly exposed facades should have:
  - 1. a recognizable base course consisting of, but not limited to:
    - thicker walls, ledges or sills;
    - integrally textured materials such as stone or other masonry;
    - integrally colored and patterned materials such as smooth finished stone or tile;
    - lighter or darker colored materials, mullions, or panels; and
    - planters.
  - 2. a recognizable top consisting of, but not limited to:
    - cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone or other masonry or differently colored materials;
    - sloping roof with overhangs and brackets;
    - stepped parapets; and
    - a cornice capping the top of a building wall.

### **6.3.6 Window and Door Proportions and Design**

- A. Fenestration will be architecturally related to the style, materials, colors, and details of the building.
- B. Windows will be vertically proportioned wherever possible. Also, to the extent possible, upper story windows will be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.

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### **6.3.7 Building Materials**

- A. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.
- B. Quality finish materials will be utilized and may include, but need not be limited to:
  - brick masonry or stone
  - integrally tinted, textured masonry block
  - stucco
  - wood siding
  - concrete siding
- C. Where any sloped roofs and structural canopies are used, they will be covered with:
  - asphalt shingles
  - natural clay tiles
  - slate
  - concrete tiles
  - ribbed metal
  - wood shakes or shingles, provided the roof includes required fire protection
- D. Building materials will be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale and proportion, form, architectural detailing or color and texture, will be used to ensure that enough similarity exists for the building to relate to the rest of the neighborhood.
- E. Materials will be selected for suitability to the type of building and design for which they are used.
- F. Material or color changes at outside corners of structures, which give the impression of “thinness” and artificiality, are prohibited. Piecemeal embellishment and frequent changes in material should be avoided. Contrasting quoins are prohibited.
- G. Metal buildings will be prohibited except as specifically allowed in the planning area regulations.
- H. Accessory buildings, particularly in residential areas, must be of similar design, materials, and colors as the principal building and should be appropriately landscaped.
- I. Vinyl siding is discouraged but may be appropriate for some single-family attached or detached residential structures.

### **6.3.8 Mechanical Screening**

- A. Project elements like mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on roof, ground, or buildings will be screened from public view with materials similar to the structure or they will be so located as not to be visible from any public view or from potential buildings nearby.
- B. Rooftop mechanical equipment will not be visible from the street.
- C. Unused equipment should be removed.
- D. Noise from HVAC or other operation equipment associated with the function of proposed structures will not exceed 55 decibels as measured on a sound meter.

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## 6.4 Specific Building Type Design Regulations

### 6.4.1 Special Conditions for Storefront, Workplace, and Live/Work Buildings

#### 6.4.1.1 Mass, Scale, and Proportion

- A. The first floor should be taller than upper floors.
- B. Lower floors should be differentiated architecturally to create a sense of human scale.
- C. All buildings will have a dominant vertical proportion.

#### 6.4.1.2 General Architectural Principles

- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.
- B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
- C. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- E. Trailers (mobile units) may not be used as permanent workplace buildings.
- F. The Americans with Disabilities Act standards for accessibility shall be met.
- G. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below and can cover the first floor only (i.e. brick below wood siding).
- H. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.

#### 6.4.1.3 Window and Door Proportions and Design

- A. Street-facing, ground level facades will maintain a minimum of 75% windows or fixed glass in storefront or workplace and a minimum 50% in live/work designed to make uses inside easily discernible to -passers-by. Reflective or highly tinted glass is prohibited.
- B. Street-facing second floor facades will be transparent as well but need only maintain a minimum 30-50% area of window or fixed glass.
- C. Street level windows shall be untinted. Mirrorized glass is not permitted in any location.
- D. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons. Windows should be set to the inside of the building face wall.
- E. Storefront and live/work buildings will provide street level, pedestrian-oriented uses on all street fronts.
- F. Shutters, if used, will be used on the residential portion of buildings only and will be functional or proportional to the window on which they are used.
- G. Major building entrances that provide access to the primary use of the building will be distinguished from the entrances used for secondary uses, such as ground floor retail.
- H. The principal entrance to all buildings will front the primary street or a public open space such as a square, plaza, courtyard, or sidewalk.
- I. Civic art and artistic crafting of building materials may help distinguish building entrances.
- J. Large buildings fronting multiple streets should provide multiple entrances. Entrances connecting to a central lobby should be accessible from each street-fronting facade of the building.

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## **6.4.2 Regulations for Workplace Buildings**

Workplace buildings may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical. Southern mill villages provide examples of how these buildings can reasonably coexist with other businesses and homes. Workplace buildings are crucial to the town as employment centers and commercial service locations. They provide space for industry and offices. Randolph Industries and Deep River Fabricators are good example of workplace buildings in Franklinville.

### 6.4.2.1 Workplace Buildings - Site Design Regulations

- A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.
- B. In order to encourage pedestrian activity, multiple workplace buildings should be grouped together and small sideyards used.
- C. Building facades that front a street must extend parallel to that street.
- D. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence or hedge (min. 3' in height) will be installed along any street frontage adjacent to parking areas.
- E. Fences or walls will be no greater than six feet in height behind the front building line. Fences will be no greater than four feet in height and walls no greater than three feet in height in the front yard setback.
- F. Upper level balconies, bay windows, and their supports may encroach 5'-0" to 8'-0" into the public ROW, provided that there is a minimum of 4' from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
- G. Main pedestrian access to the building is from the street with secondary access from the parking areas.
- H. All accessory structures will be set back 5 feet from the property line.

### 6.4.2.2 Workplace Buildings - Building Design Regulations

- A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.
- B. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
- C. Building height to the ridge may vary depending on roof pitch.

## **6.4.3 Regulations for Storefront Buildings**

Storefront buildings may accommodate a variety of uses. A group of storefront buildings can be combined to form a mixed-use neighborhood center. Individual storefront buildings can provide some commercial service (i.e. a convenience food store) close to homes. Franklinville's Main Street is a good example of a neighborhood center of storefronts.

### 6.4.3.1 Storefront Buildings – Site Design Regulations

- A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.
- B. Building facades that front a street must extend parallel to that street.



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- C. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) will be installed along any street frontage adjacent to parking areas.
  - D. Fences or walls will be no greater than six feet in height behind the front building line. Fences will be no greater than four feet in height and walls no greater than three feet in height in the front yard setback.
  - E. Upper level balconies, bay windows, and their supports may encroach 5'-0" to 8'-0" into the public ROW, provided that there is a minimum of 4' from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
  - F. Main pedestrian access to the building is from the street with secondary access from the parking areas.
  - G. All accessory structures will be set back 5 feet from the property line.

#### 6.4.3.2 Storefront Buildings – Building Design Regulations

- A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.
- B. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
- C. Building height to ridge may vary depending upon roof pitch.

### **6.4.4 Regulations for Civic Buildings**

Civic buildings are used for public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. The scale and architectural sophistication of these buildings should match their civic importance and complement the best of Franklinville's existing civic buildings. Civic uses include, but are not limited to: community buildings, including meeting halls, libraries, post offices, schools, child care centers, religious institutions, recreational facilities, museums, performing arts buildings, and municipal buildings.

#### 6.4.4.1 Civic Buildings – Site Design Regulations

- A. This ordinance requires buildings of at least 2 stories, excluding single family residential. However, the LDO Administrator may approve exceptions for either workplace buildings used in light manufacturing or civic buildings.
- B. Building facades that front a street must extend parallel to that street.
- C. Placement of civic buildings within neighborhoods provides good opportunities for the creation of public spaces such as squares or plazas (See previous section on open space).
- D. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) will be installed along any street frontage adjacent to parking areas.
- E. Fences or walls will be no greater than six feet in height behind the front building line. Fences will be no greater than four feet in height and walls no greater than three feet in height in the front yard setback.
- F. Upper level balconies, bay windows, and their supports may encroach 5'-0" to 8'-0" into the public ROW, provided that there is a minimum of 4' from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
- G. Main pedestrian access to the building is from the street with secondary access from the parking areas.
- H. All accessory structures will be set back 5 feet from the property line.

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#### 6.4.4.2 Civic Buildings – Building Design Regulations

- A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.
- B. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
- C. Building height to ridge or architectural features such as a spire or cupola may vary depending upon the design.

#### **6.4.5 Regulations for Live/Work Buildings**

Live-work units combine commercial and residential uses within a single attached dwelling unit of two or more stories. At least 50% of the heated floor area must contain the residential dwelling unit(s) and parking must be located in the rear.

#### 6.4.5.1 Live/Work Buildings – Site Design Regulations

- A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.
- B. If a live/work unit supports two different uses by two different entities, different State building codes apply and must be followed.
- C. Building facades that front a street must extend parallel to that street.
- D. Upper level balconies, bay windows, and their supports may encroach 5'-0" to 8'-0" into the public ROW, provided that there is a minimum of 4' from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
- E. Fences or walls will be no greater than six feet in height behind the front building line. Fences will be no greater than four feet in height and walls no greater than three feet in height in the front yard setback.
- F. Main pedestrian access to the building is from the street with secondary access from parking areas.
- G. Rear decks may encroach into the rear yard setback a maximum of 8 feet.
- H. Accessory structures, such as detached garages, must be set a minimum of 5 feet back from property lines.

#### 6.4.5.2 Live/Work Buildings – Building Design Regulations

- A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves.
- B. In the Village Infill planning area, building height will be comparable to existing structures on the street. Otherwise, the maximum height to the eaves in that planning area is 3 stories.
- C. Building height to ridge will vary depending upon roof pitch.

#### **6.4.6 Regulations for Apartment Buildings**

Apartment buildings are residential buildings accommodating several households. In traditional towns, this building type coexists nicely with a variety of other building types. Contemporary design permits its integration with other residential types, through the coordination of site and building design. Multiple apartment buildings will be similar in their scale to large detached housing on the public street.

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#### 6.4.6.1 Apartment Building – Site Design Regulations

- A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, etc.
- B. Building facades that front a street must extend parallel to that street.
- C. Alleys are preferred for driveway and parking access. However, if front loaded driveways are used, they will be the width of a single car at the street frontage.
- D. Hedges, garden walls, or fences, may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) will be installed along any street frontage adjacent to parking areas.
- E. Fences or walls will be no greater than six feet in height behind the front building line. Fences will be no greater than four feet in height and walls no greater than three feet in height in the front yard setback.
- F. Upper level balconies, bay windows, and their supports may encroach 5'-0" to 8'-0" into the public ROW, provided that there is a minimum of 4' from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
- G. Main pedestrian access to the building will be from the street with secondary access from the parking areas.
- H. All accessory structures will be set back 5 feet from the property line.

#### 6.4.6.2 Apartment Building – Building Design Regulations

- A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.
- B. In the Village Infill planning area, building height will generally match existing structures on the street. Otherwise, the maximum height in that planning area will be 3 stories.
- C. The height of parapet walls may vary depending on the need to screen mechanical equipment.
- D. Building height to ridge may vary depending upon roof pitch.
- E. The under roof area with dormers does not count as a story.

### **6.4.7 Regulations for Attached Houses**

Attached houses are rowhouses or townhouses. Their scale can range from two attached units to a longer series of row houses or townhomes. Traditional southern homes in Savannah and Charleston provide historic models. The New Neighborhood in Davidson provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width.

#### 6.4.7.1 Attached Houses – Site Design Regulations

- A. Building facades that front a street must extend parallel to that street.
- B. Upper level balconies, bay windows, and their supports may encroach 5'-0" to 8'-0" into the public ROW.
- C. Main pedestrian access to the building is from the street with secondary access from parking areas.
- D. Rear decks may encroach into the rear yard area a maximum of 8 feet.
- E. Fences or walls will be no greater than six feet in height behind the front building line. Fences will be no greater than four feet in height and walls no greater than three feet in height in the front yard setback.

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- F. Accessory structures, such as detached garages, must be set a minimum of 5' back from property lines.

#### 6.4.7.2 Attached Houses – Building Design Regulations

- A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves.
- B. In the Village Infill planning area, building height will match existing structures on the street. Otherwise, the maximum height to the eaves in that planning area is 3 stories.
- C. Building height to ridge will vary depending upon roof pitch.
- D. The under roof area with dormers does not count as a story.

### **6.4.8 Regulations for Detached Houses**

Detached houses are currently the dominant residence type in Franklinville. Models for this type include homes on local Franklinville streets.

#### 6.4.8.1 Detached House – Site Design Regulations

- A. The Charleston side-yard house type may be used only in new developments.
- B. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the setback area up to 5' as indicated.
- C. The front face of attached garages or carports will always be recessed behind the plane of the main building façade. If a dwelling is placed up to within 5' of the sidewalk, the setback will be a minimum of 15'. In all other conditions, the minimum setback will be 10'. If a porch exists, the minimum setback will be 6' if the porch covers a minimum 60% of the front façade. It will remain 10' for a smaller porch.
- D. Fences or walls will be no greater than six feet in height behind the front building line. Fences will be no greater than four feet in height and walls no greater than three feet in height in the front yard setback.
- E. Main pedestrian access to the building is from the street or pedestrian way with secondary access from parking areas.
- F. Rear decks may encroach into the rear yard setback a maximum of 8 feet.
- G. Accessory structures, such as detached garages, must be set a minimum of 5 feet back from property lines.

#### 6.4.8.2 Detached House – Building Design Regulations

- A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves.
- B. Building height of main dwelling to ridge may vary depending upon roof pitch.
- C. The under roof area with dormers does not count as a story.

### **6.4.9 Regulations for the Renovation of Existing Structures**

- A. All new construction, including additions to existing buildings, must comply with these regulations.
- B. Changing or rebuilding 50% or more of any façade of a building, requires the entire building to comply with the regulations.
- C. Changing or rebuilding less than 50% of any façade of a building, requires only that façade to comply.
- D. All new windows, entrances, storefronts, and doorways must be designed in accordance with these regulations.

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- E. Any addition of 50% or more of the first floor area requires the entire building to come into compliance.
  - F. Routine maintenance and repair are exempt from these requirements.
  - G. See section 32.0 (Nonconformities) of this ordinance for further details.

#### **6.4.10 Regulations for Buildings Within the Town Center / Historic District**

See Section 4.4.7 Franklinville Historic District Regulations.

All changes or improvements made to structures within the historic district will conform to the Secretary of the Interior's Standards for Rehabilitation. This document is available online at: <http://www2.cr.nps.gov/tps/tax/rehabstandards.htm>

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## 6.5 Open Space Preservation and Design Regulations

### 6.5.1 Open Space – Definition and General Provisions

- A. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements established for purposes other than open space conservation, grass waterways, or floodplains.
- B. Open space is subdivided into two categories; urban and rural. Urban Open Space assumes one or more of the forms detailed in this Section, and may contain recreation equipment and amenities as indicated. Rural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance or rural heritage features will be classified, in whole or in part, as rural open space
- C. The location, nature, configuration, and use of Rural Open Space will be determined through a site-specific analysis identifying primary conservation areas and other significant features of the natural and built landscape. Primary conservation areas are considered inappropriate for most development because they contain stream buffers, flood plains, or slopes greater than 20%. These environmentally sensitive areas will be used first to meet the open space requirements. Other rural heritage features to be considered when selecting land for open space preservation include: groves of mature trees, cultivated fields, pastures, hedgerows, ponds, bridges, rock outcroppings, woods, and fence lines.
- D. Dedicated open space (as required in sub-sections below) shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Randolph County, or to the Town of Franklinville (upon approval by the Board of Commissioners)

### 6.5.2 Open Space Requirements in the Rural Residential Planning District

#### 6.5.2.1 Open Space Conservation Options in the Rural Residential Planning District

- A. When the preferred rural cluster development option is used, an area (or areas) of land equal to 30% of the gross area of each new land development will be set aside as permanent open space.
- B. When the conventional subdivision option is used, an area (or areas) of land equal to 15% of the gross area of each new land development will be set aside as permanent open space.
- C. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements established for purposes other than open space conservation, grass waterways, or floodplains. Open space is subdivided into two categories; urban and rural. Urban Open Space assumes one or more of the forms detailed in Section 6.2, and may contain recreation equipment and amenities as indicated. Rural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance or rural heritage features will be classified, in whole or in part, as rural open space
- D. The location, nature, configuration, and use of rural open space will be determined through a site-specific analysis identifying primary conservation areas and other significant features of the natural and built landscape. Primary conservation areas are considered inappropriate for most development because they contain stream buffers, flood plains, or slopes greater than 20%. These environmentally sensitive areas will be used first to meet the open space requirements. Other rural heritage features to be considered when selecting land for open

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space preservation include: groves of mature trees, cultivated fields, pastures, hedgerows, ponds, bridges, rock outcroppings, woods, and fence lines.

- E. At least 75% of the open space counted toward the basic open space requirement and density incentives will be set aside to maintain primary conservation areas and rural heritage features. Up to 25% of the project's required open space may be designated as urban open space (see Section 6.2). Whenever possible, urban open space will be located within one-quarter mile of each residential building in major subdivisions, as measured along public street rights-of-way.

#### 6.5.2.2 Density Bonuses for the Rural Cluster Development Option

- A. Extra Open Space Incentive: An incentive is provided to encourage more than the minimum amount of open space to be preserved. For each 1% of open space exceeding the required 30%, the number of units in the project may be increased by 1%. For Example: In a 100-acre subdivision requiring a minimum of 30% open space, but actually containing 55% open space, the developer would receive one unit per acre by right (100 units), plus a bonus of 25 additional units ( $0.25 \times 100 = 25$ ).
- B. Public Access Incentive: A density bonus is provided to encourage more public access to open space. Public access means preserved open space is permanently accessible, legally and physically, by all citizens and residents of the Town and its ETJ. To receive a bonus for publicly accessible open space, the Town Board must approve the location of land with public access. For each 10% increment of publicly accessible open space, the number of by-right units in the project may be increased by 1%. For Example: In a 100-acre subdivision, if 100% of the preserved open space is made accessible to the general public, the developer would receive one unit per acre by right (100 units), plus a bonus of 10 additional units ( $0.10 \times 100 = 10$ ).
- C. Infrastructure Investment Incentive: An additional density bonus is provided to encourage more private participation in the cost of extending the Town's water and sewer services to new development. To receive a bonus for sharing in the cost of extending municipal water and sewer services, the Town Board must approve the location and overall design and engineering of all proposed infrastructure projects. For each 10% increment of private cost-sharing in the extension of municipal water and sewer systems, the number of by-right units in the project may be increased by 2%. For Example: In a 100-acre subdivision, if 50% of the cost of extending water and sewer to a new project is paid for privately, the developer would receive one unit per acre by right (100 units), plus a bonus of 10 additional units ( $0.10 \times 100 = 10$ ).
- D. Simultaneous Use of Incentives: All three of the incentives outlined above may be used simultaneously. For Example: a 100-acre subdivision containing 55% open space that is 100% accessible to the public, and with all water and sewer extensions paid for privately, the developer would receive one unit per acre by right (100 units), plus 25 bonus units for additional open space, 10 bonus units for public access to open space, and 10 bonus units for sharing in the cost of extending public water and sewer, for a total of 145 units.

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### **6.5.3 Open Space Requirements in All Other Planning Districts**

- A. All residential developments with 10 or more total units or acres are required to dedicate an area (or areas) of land equal to a minimum of 15% of the gross area of each new land development to be set aside as permanent open space.
- B. Whenever possible, at least 50% of the required dedicated open space shall be set aside to maintain primary conservation areas. The remaining portion of the project's required open space may be designated as urban open space.
- C. Whenever possible, urban open space will be located within one-quarter mile of each residential building in major subdivisions, as measured along public street rights-of-way.
- D. Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height (except fences used in conjunction with ball fields). Urban Open Space shall conform to one of the Urban Open Space types described in this Section, or to a minor variation of same.
- E. Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.
- F. Significant stands of trees, stream bed areas, and other valuable topographic features should be preserved within the required open space areas.

### **6.5.4 Ownership of Required Open Space**

It is the goal of this ordinance that at least one-half of all required open space be accessible by the public or by the residents of the development. If the development includes a homeowners' association, the association may own the development's open space. If no homeowners' association exists, the development may request other ownership of the open space by the Town itself, a land conservancy approved by the Town, or other entities approved by the Town. Open space may be privately held, as long as a permanent conservation easement is placed on the land.

### **6.5.5 Maintenance of Required Open Space**

Natural features will be maintained in their natural condition, but may be modified to improve their appearance, natural functions, or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include: reforestation; woodland management; pasture or cropland management; buffer area landscaping; stream bank protection or restoration; wetlands management. Unless accepted for dedication or otherwise agreed to by the Town of Franklinville, another unit of government, or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon will be borne by the property owner.

### **6.5.6 Irrevocability of Required Open Space Conservation**

A metes and bounds description of the space to be preserved and limits on its use will be recorded on the subdivision plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives will also be permitted. Restrictive covenants will limit uses to



the continuation of certain agricultural activities (pasture land and crop cultivation) or recreational uses that preserve the view of rural heritage features from public streets. The Town will issue a letter to the property owner(s) and to the Randolph County Tax Administrator, Office of Real Estate Appraisal, upon verification by the Town that a permanent and irrevocable instrument has established a development restriction.

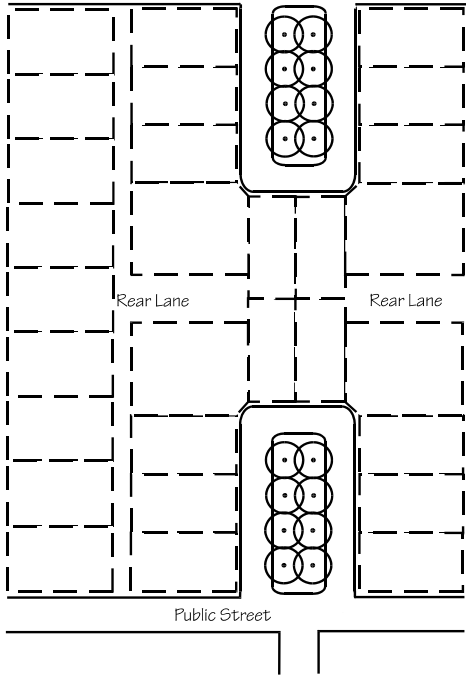
### 6.5.7 Attribution Rules to Prevent Avoidance of Required Open Space Conservation

Parcels may not be subdivided to avoid compliance with this ordinance. All contiguous parcels (i.e. those sharing at least one common line) under common ownership as of the date of adoption of this ordinance, or any time thereafter, will be considered one parcel for purposes of determining whether one of the overlay districts is required. The Town Administrator has the authority to interpret this provision in a reasonable manner in order to accomplish its intent. A person will be deemed to own any parcel:

- owned by his or her spouse on the date of adoption of this ordinance;
- acquired by his or her spouse, either parent, or any child or lineal descendant after the effective date of this ordinance; or
- owned by any entity where 80% or more of the ownership or beneficial interest is held by such person, his or her spouse, either parent, or any child or lineal descendant

### 6.5.8 Urban Open Space - Types and Design Guidelines

#### 6.5.8.1 Close

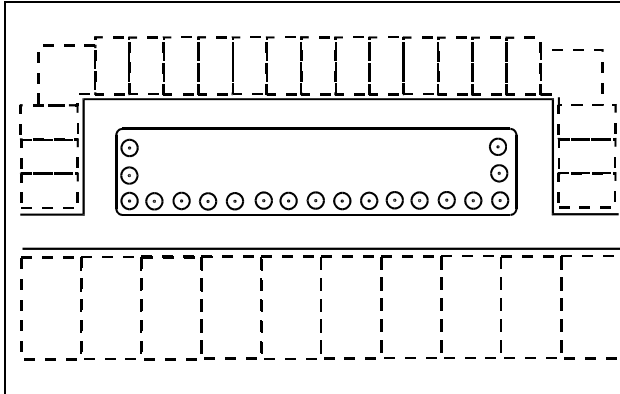


**CLOSE**

A close is a front space for buildings interior to the block. It may be pedestrian or it may have a roadway loop around a green area. Its minimum width must coincide with emergency vehicle turning radii. The close is a superior alternative to the cul-de-sac, as the focus is a green rather than vehicular paving. The close provides additional frontage for deep squares and organic blocks.

The paved area used for cars should not exceed 50% of the total area of the close.

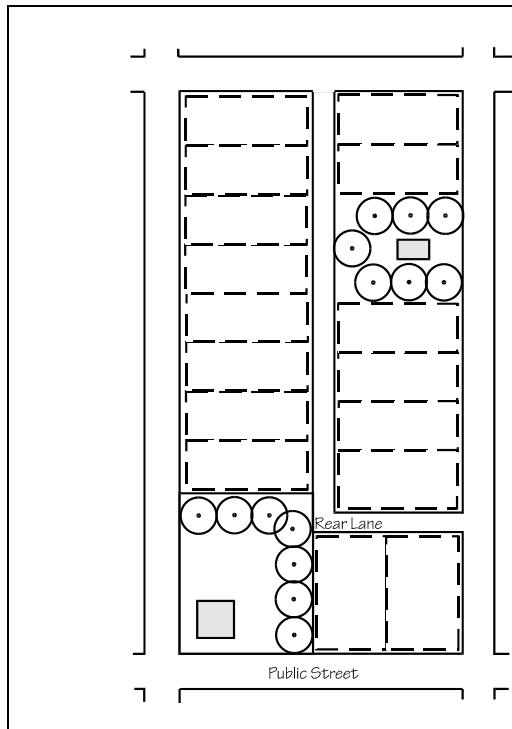
6.5.8.2 Forecourt



**FORECOURTS**

Forecourts are open space areas which act as buffers between residential and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street right-of-ways with one tree species.

6.5.8.3 Playgrounds



**PLAYGROUNDS**

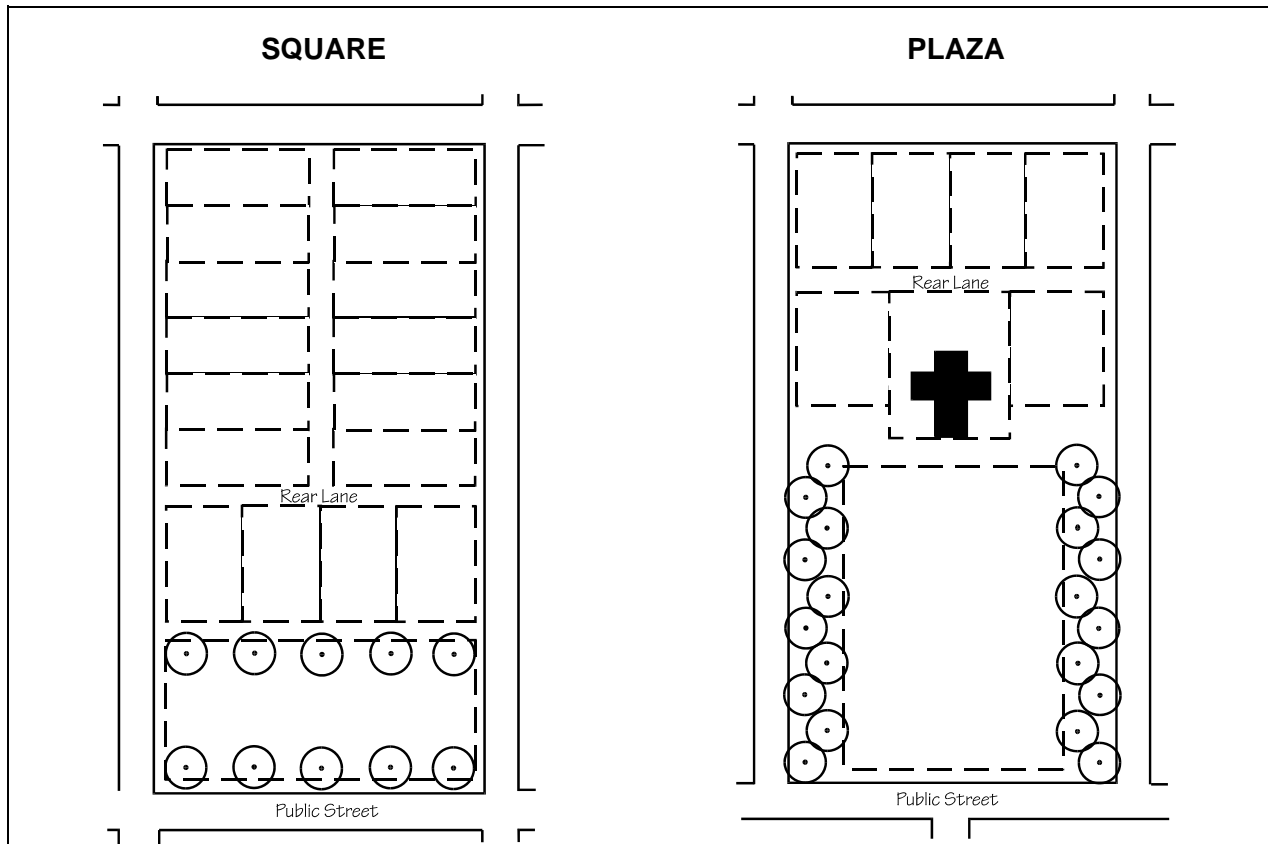
Playgrounds provide sunny and shaded play areas for children as well as open shelter with benches for parents. Playgrounds may be built within squares and parks or may stand alone within a residential block. Playing surfaces may be covered in sand, wood chips, or other equivalent material. Paths and walkways may be paved in concrete, crushed gravel, brick pavers, or similar material, or partially paved.

Recommended Playground Sizes:

Minimum Size: 10,000 square feet

Maximum Size: 20,000 square feet

6.5.8.4 Squares and Plazas



**SQUARES:** Areas for passive recreational use and usually bounded by streets on two or three sides. Detached squares (entirely bounded by streets) are occasionally used to enhance important places or intersections, or to preserve special trees or other community landmarks. Squares should be planted parallel to all street rights-of-way with one tree species a minimum of 10 feet and a maximum of 30 feet on center. All internal tree plantings (if provided) should be in geometrical layouts. Squares are often entirely paved in crushed gravel, brick pavers, or similar material, but may be partially paved with other areas covered in plantings or lawn.

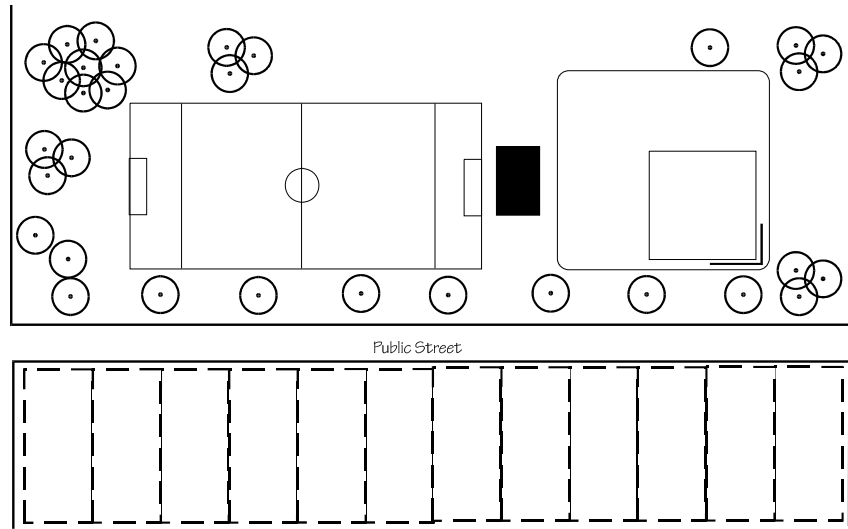
**PLAZAS:** Open gathering places adjacent to, or part of, a civic building or facility. May incorporate a variety of non-permanent activities such as vendors and display stands. Some parking may be permitted in large plazas. Plazas are usually paved in crushed gravel, brick pavers, or similar materials, and are generally level, though can be stepped or gently sloping (less than 5% grade). Plazas are often unplanted. If planted, trees should form a frame to the plaza space or for the structure which the plaza services. Tree spacing should be a minimum of 10 feet and a maximum of 30 feet on center.

The recommended square and plaza sizes (below) may be larger or smaller depending on the surrounding neighborhood or building design. A plaza's horizontal length or width should not be greater than 3 times the height of the surrounding or adjacent building(s).

Minimum Square Size: 500 square feet  
 Maximum Square Size: 30,000 square feet

Minimum Plaza Size: 2,000 square feet  
 Maximum Plaza Size: 1 acre

6.5.8.5 Parks



**PARKS**

Parks may be designed for passive and/or active recreational use. Parks should be bounded by streets on at least 50% of their perimeter (subject to lot line configurations), but are encouraged to be entirely bounded by streets.

Recommended Parks Sizes:

Minimum size: 20,000 square feet

Maximum Size: 1 acre

Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees).

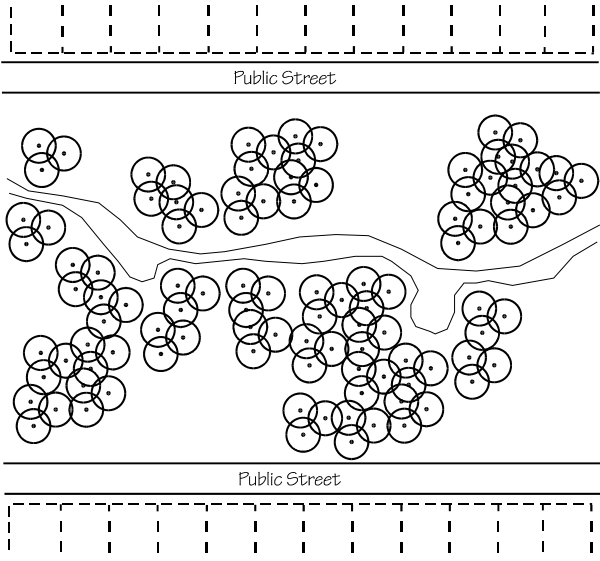
Trees should be planted parallel to all perimeter R-O-Ws with one species type, a minimum of 15 ft to a maximum of 30 ft on center. Trees shall limb up a minimum of 15 ft at maturity.

Squares and promenades within a park may be formally planted with trees parallel to the walkway. Areas under dense tree plantings shall be paved with crushed gravel. Interior portions of parks are encouraged to be kept free of tree plantings. Areas for active recreational use and any facilities which accompany such use should have a tree planting design which integrates the structures into the park and defines the areas set aside for active use from areas of passive use. Plantings in interior portions of parks are encouraged to follow topographical lines.

No areas within a park should have undergrowth or limbs lower than 12 ft from the ground, to avoid injury or damage to people or property.

Parks are encouraged to be combined with parkways, greenways, and greenbelts.

6.5.8.6 Parkways and Greenways



The diagram shows two horizontal lines representing 'Public Street'. Between these streets, there are several clusters of circles, each containing a smaller circle with a dot in the center, representing trees. A wavy line representing a creek or stream flows through the clusters. The top and bottom streets are marked with dashed vertical lines indicating their boundaries.

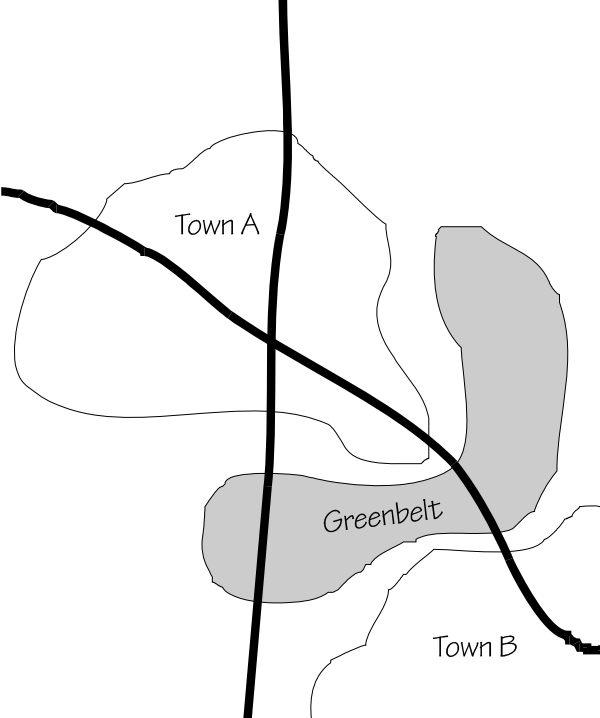
**PARKWAYS and GREENWAYS**

Parkways and greenways are linear corridors of open space incorporating natural features such as creeks and significant stands of trees within neighborhoods for conservation and recreation purposes. They separate walkers, joggers, and cyclists from vehicular traffic and provide a safe transportation corridor linking neighborhoods with parks, schools, cultural & historic sites, and other developed areas.

Parkways are entirely bounded by streets, while greenways may or may not be.

Interior areas within parkways and greenways should remain natural, and any new plantings should be native species arranged informally. New trees along street rights-of-way should be planted a minimum of 10 feet and a maximum of 30 feet on center, with one species type.

6.5.8.7 Greensbelts



The diagram shows two irregular shapes representing 'Town A' and 'Town B'. A thick, dark, winding line labeled 'Greenbelt' runs between them, separating the two towns. The greenbelt area is shaded gray.

**GREENBELTS**

Greenbelts run along the perimeter of a neighborhood or town, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or a town from agricultural areas or adjacent towns.

Greenbelts are generally left natural, but may include walking trails. Schools located adjacent to greenbelts may provide recreational and athletic fields within the greenbelt.

Tree-planting and landscaping is usually not required along road rights-of-way within greenbelts.

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## 6.6 Off-Street Parking Design Regulations

### 6.6.1 Off-Street Parking – General Design Principles

Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and to create safe and comfortable passage for pedestrians. The following standards will therefore be met.

- A. Curb cuts will be minimized.
- B. Parking lots will be placed behind buildings; side-of-building parking will be permitted only as indicated. Off-street parking is not permitted in front of the primary building façade, except where specified in an adopted street section or where detailed as a public plaza.
- C. Uninterrupted areas of parking lot will be limited to 36 spaces. Large parking lots will be broken by buildings and/or landscape features.
- D. Parking lots will be designed to allow pedestrians to safely move from their vehicles to the building. On small lots (thirty-six spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors are delineated by a paving material that differs from that of vehicular areas and are planted to provide shade. Small posts or bollards may be included.
- E. To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane) except those with turn lanes required by the Town of Franklinville or NC DOT.
- F. Adjoining parking lots serving non-residential buildings shall be interconnected.
- G. Parking, loading, and other vehicular access should occur at mid-block or alley.
- H. Parking areas will not abut pedestrian-oriented street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
- I. Off-street parking areas will be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.
- J. Off-street parking areas will be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- K. All parking areas will be curbed using a standard curb with a minimum width of 1'6". This requirement may be waived in a Watershed Protection Overlay District to permit sheet flow drainage into pervious areas or as part of an alternative engineered storm water retention system.

### 6.6.2 Parking Requirements

#### 6.6.2.1 Off-Site Parking

Off-site parking is allowed in all planning areas except the Rural and Neighborhood Residential Planning Districts. Off-site parking must be ¼ mile or less from the primary structure requiring the parking, as measured along the pedestrian access route. The following requirements apply:

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### 6.6.2.2 Amount of Off-Street Parking Required

Sufficient off-street parking must be provided to serve the needs of a particular building or development. On-street parking in front of buildings may be used to satisfy the following parking requirements:

| <b>Uses</b>                                  | <b>Number of parking Spaces Required</b>      |
|--|---|
| Residential – Apartments                     | 1 per bedroom                                 |
| Residential – Attached and Detached Homes    | 2 per home                                    |
| Commercial Uses (Retail, Office, Restaurant) | 1 per 500 square feet                         |
| Manufacturing/Warehousing/Light Assembly     | .25 per 1,000 square feet of non-office space |
| Bed & Breakfast Inns / Hotels / Motels       | 1 per room or suite                           |
| Civic Uses                                   | No Minimum                                    |

#### Exceptions:

- A. In the Town Center Planning District, existing buildings which were legally constructed without the provision of on-site parking and infill housing on existing lots of record may meet requirements with on-street parking and will be construed conforming as to parking. Such buildings are eligible for change-of-use permits for building upfits and expansions.
- B. Residential buildings may meet or contribute to meeting parking requirements with on-street parking if individual driveways are minimized and the fronting street is specifically designed to meet the parking needs of the residential buildings.
- C. Where vehicular access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not overlap, the uses may share up to 50% of required parking spaces. Shared use of parking will be guaranteed by a contract or other legally binding document.

### 6.6.2.3 Bicycle Parking

All non-residential and multi-family residential buildings will include an area for parking bicycles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include a bike rack.

### 6.6.2.4 Overflow Parking

Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free compacted, pervious ground cover; the owner of the property will be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of acceptable pervious ground cover.

### 6.6.2.5 Structured Parking

Where above-ground structured parking is located at the perimeter of a building, it should be screened in such a way that cars are not visible from adjacent buildings or the street. Locating structured parking at the interior of the block, surrounded by buildings, is the preferred method.

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**6.6.2.6 Parking Space Dimensions**

- A. Parking space dimensions (other than those designed for the disabled) shall be a minimum of nineteen (19) feet long and nine (9) feet wide. Parking spaces shall be dimensioned in relation to curbs or aisles, so long as their configuration, area, and dimensions satisfy the requirements of this Section.
- B. Parallel parking space dimensions shall be a minimum of twenty (20) feet by eight (8) feet

**6.6.2.7 Aisle and Driveway Widths**

- A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

| <b>Aisle Width</b> | <b>0°</b> | <b>30°</b> | <b>45°</b> | <b>60°</b> | <b>90°</b> |
|--------------------|-----------|------------|------------|------------|------------|
| One Way Traffic    | 13        | 13         | 18         | 20         | 24         |
| Two Way Traffic    | 19        | 20         | 22         | 24         | 24         |

- B. Driveways shall be a maximum of twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic. In no case shall a driveway width exceed twenty-four (24) feet, except as required by the North Carolina Department of Transportation (NCDOT).

**6.6.2.8 Shared Parking**

- A. The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners.
- B. Adjacent lots in the HC District shall be interconnected.
- C. Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (½) of the parking spaces credited to both uses if one use is a church, theater, assembly hall or other use whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays or upon the normal hours of operation.

**6.6.2.9 Disabled Parking**

- A. Except for a lot containing a single-family or duplex dwelling, all uses shall provide parking for the disabled in accordance with the North Carolina Building Code. The number of such spaces shall be in addition to any required spaces.
- B. Off-street parking spaces for the disabled shall be designed as follows:
  - 1. All spaces for the disabled shall have access to a curb-ramp or curb-cut to allow access to the building served, and that access is not facilitated by movement behind parked vehicles. These spaces shall be located the shortest possible distance between the parking area and the entrance to the principal building.
  - 2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall not interfere with the opening and closing of vehicle doors.
  - 3. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.
  - 4. The size of the parking space and associated access ramps or curb cuts shall be per building code specifications.



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### **6.6.3 Parking Lot Landscaping Requirements**

#### 6.6.3.1 General Requirements

- A. All new or expanded impervious surfaces in existing parking lots with 5 or more spaces will comply with this section of the land development ordinance. This will also apply to all new parking lots for storefront, workplace, civic, attached house, and apartment building types.
- B. All areas not specifically required for parking or circulation should be landscaped.
- C. Parking lots are to be treated as enclosed rooms for cars. For small lots (36 spaces or less), landscaping will be required at the perimeter; for large lots (more than 36 spaces), landscaping will be at the perimeter and the interior. In large lots, the landscaping will be placed to break the lot into parking modules of not more than thirty-six spaces [See Diagram of Off-Street Parking Design for Typical Conditions below.]

#### 6.6.3.2 Perimeter Parking Lot Landscaping Requirements

- A. Perimeter landscape areas shall be a minimum of 8 to 10 feet in width adjacent to all parking spaces and travel areas. Screening within this area shall be provided by installing a continuous row of evergreen shrubs planted at a maximum of 5 to 6 feet on center with a minimum height of 3 feet at installation (and an expected height of 5 to 6 feet at maturity).
- B. For parking lot edges abutting street rights-of-way, a 3 foot masonry wall may be installed at the back of the sidewalk to provide casual seating in place of, or in addition to the required evergreen shrubbery screen.
- C. In addition to the required evergreen shrubbery screen, large maturing canopy trees shall be planted not more than 40' on center. Tree planting strips at the perimeter of lots shall be a minimum of 10' in width. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees be substituted at a maximum of 30 feet on center.
- D. Existing vegetation located in the perimeter landscape area which meets these screening and/or tree standards may be applied toward these landscaping requirements.
- E. Parking lots behind buildings that are connected the length of the parking area need not have perimeter landscaping between the two lots. If the two lots are connected by a drive only, the requirement will be for 5' of landscaping at each lot.

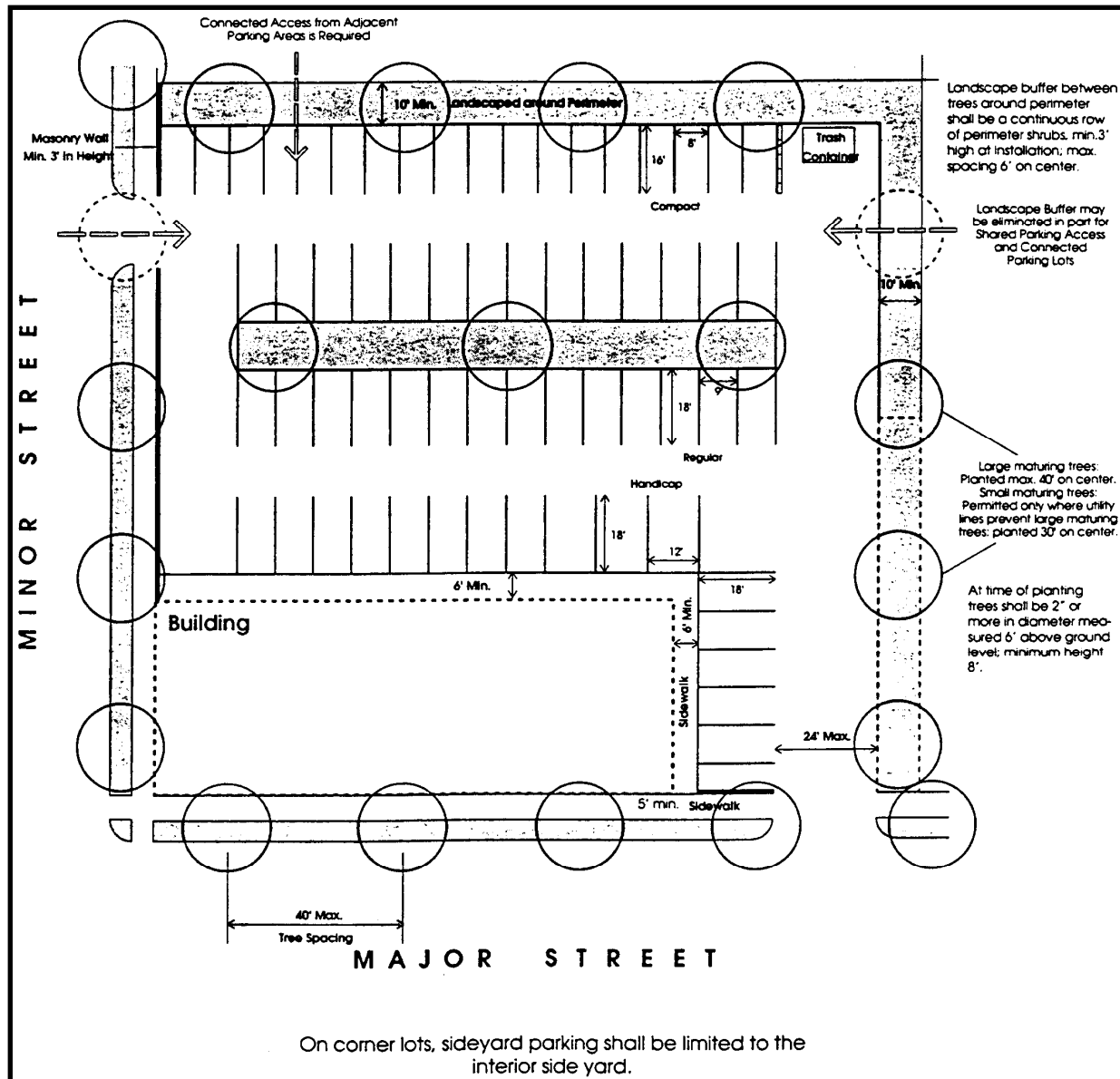
#### 6.6.3.3 Interior Parking Lot Landscaping Requirements

- A. Landscape islands within parking lots shall be located so as to define and direct vehicular movement. Landscape islands will have a minimum width of 8 feet, edges with a curb at least six inches in height to minimize damage to trees by parking or moving vehicles.
- B. Large maturing trees shall be planted within the interior landscape islands of parking lots so that each section of parking (up to 36 spaces per section) is enclosed by trees (or a building wall), with a maximum spacing of 40 feet on center
- C. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees be substituted.
- D. Dumpsters shall be set on a concrete bed and shall be hidden by an opaque fence of sufficient height to screen fully the bin and other appurtenances. No screen shall be less than 6 feet in height under any conditions. Wooden shadow box fences are recommended. Fences and walls shall be constructed to match the architectural detail of the main building. Trash containers such as dumpsters shall not be located adjacent to residential property.
- E. Wherever used, fences and walls shall be constructed to match the architectural detail of the main building(s).
- F. Lots with less than 5 parking spaces are not subject to the parking area landscaping provisions of this section.
- G. All mechanical equipment shall be screened from view.

6.6.3.4 Parking Lot Lighting Requirements

- A. Parking lots, loading areas, and walkways shall be adequately lighted by lighting fixtures on standards ranging from 8' to 20' in height, with full spectrum bulbs.
- B. Lighting fixtures shall be installed so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

**Off-Street Parking Design for Typical Conditions**



(Diagram courtesy of the Town of Mocksville Zoning Ordinance)

## 6.7 Street and Greenway Design Regulations

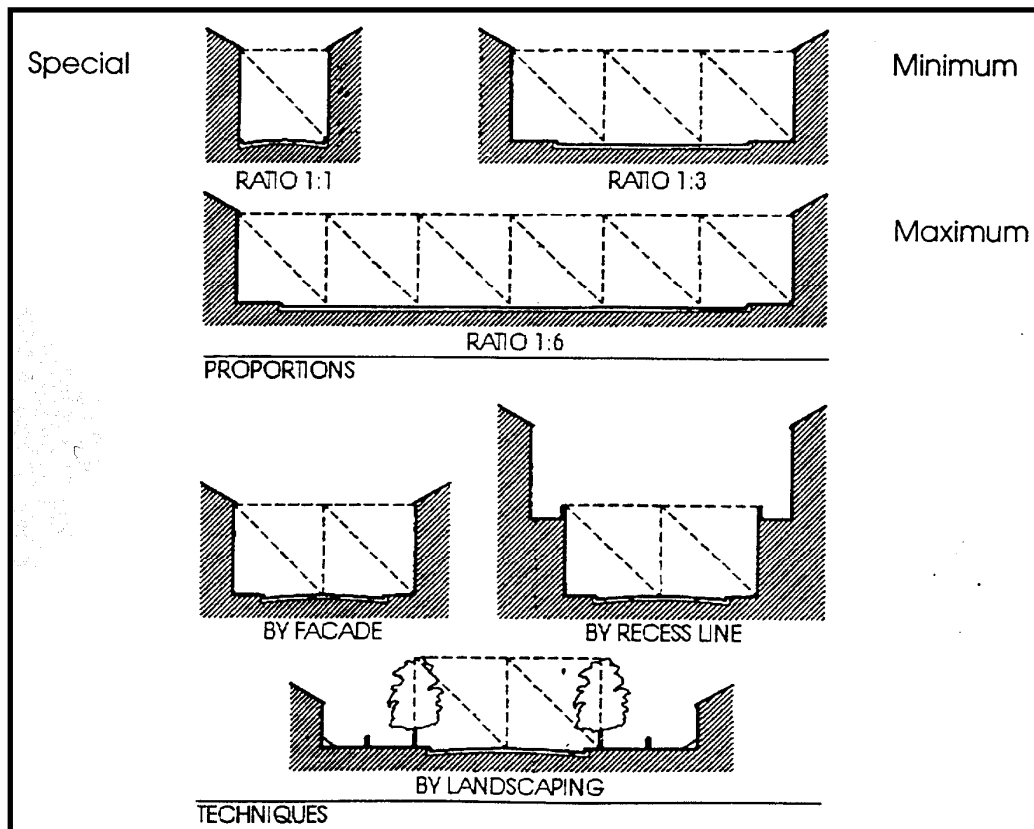
### 6.7.1 Intent

These regulations are intended to promote the design of streets that match their function, accommodate the appropriate number and speed of vehicles, and help to create a network of inviting, pedestrian-friendly public spaces throughout our community. Franklinville's hierarchical street network is to be safe, attractive, and friendly for both motorists and pedestrians.

### 6.7.2 Defining the Public Space of the Street

As the most prevalent public spaces in Franklinville, streets should be spatially defined by buildings. Proper alignment and delineation of the public street space occurs when the facades of adjacent buildings are aligned much like the walls forming a room. Buildings that make up the street edges are aligned in a disciplined manner. The defined space observes a certain ratio of height to width. Building articulation must take place primarily in the vertical plane of the façade. Appendages such as porches, balconies, and bay windows are encouraged to promote the transition between the public street and the private dwelling.

For good definition, the ratio of one increment of height to six of width is the absolute maximum, with one to three being a good effective minimum. As a general rule, the tighter the ratio, the stronger the sense of place. Very tight relationships of one to one can create special pedestrian places. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary on streets with deep building setbacks.



(Diagram courtesy of the Town of Mocksville Zoning Ordinance)

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### 6.7.3 General Street Design Principles

The land development ordinance encourages the development of a network of interconnecting streets that disperse traffic while connecting and integrating neighborhoods with the existing fabric of our community. Equally as important, this ordinance encourages the development of a network of sidewalks, bicycle lanes, and greenways that provide an attractive and safe mode of travel for cyclists and pedestrians. On-street parking is generally encouraged. The following street design principles encourage streets to be designed and used as critical public spaces by both vehicles and people:

- A. Streets shall interconnect within a development and with adjoining development.
- B. Cul-de-sacs are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic.
- C. Street stubs should be provided with development adjacent to open land to provide for future connections. Stubs must extend to the neighboring property line.
- D. Streets are the main public space of the Town and shall be scaled to the pedestrian.
- E. Streets are designed to be only as wide as necessary to accommodate the vehicular mix serving adjacent land uses, while providing adequate access.
- F. Streets shall be bordered by sidewalks on both sides. The Board of Commissioners may grant exceptions upon recommendation by the Planning Board if it is shown that local pedestrian traffic on Minor Streets and other non pedestrian-oriented streets warrant their location on one side only.
- G. Streets shall have street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.
- H. Whenever possible, streets should be designed to fit the contours of the land and should minimize removal of significant trees.
- I. Whenever a conflict exists among vehicular and pedestrian usage, the conflict should generally be resolved in favor of the pedestrian unless in the best interest of public safety.
- J. All streets, whether publicly or privately maintained, shall be constructed in accordance with the design and construction standards in this ordinance and shall be maintained for public access whether by easement or by public dedication.
- K. Closed, guarded, or gated streets are strictly prohibited.
- L. Street acceptance for public maintenance is at the discretion of the Town Board of Commissioners following submission of a petition for acceptance.
- M. All on-street parking provided shall be parallel.
- N. Angle parking is permitted upon approval of the Board of Commissioners.
- O. The use of traffic calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures.

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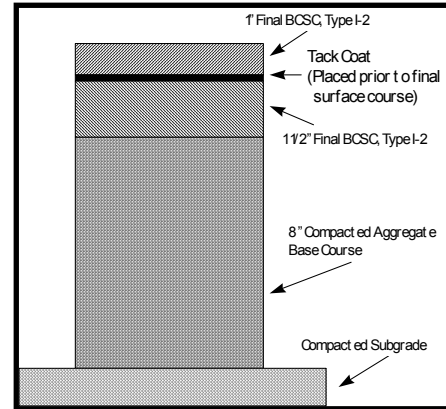
## 6.7.4 Street Engineering and Design Specifications

Street designs will permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the Town's street network. New development will generally front on existing publicly maintained streets, and will be required to upgrade those streets to meet the standards of this Section. The following specifications will apply to public infrastructure design:

### 6.7.4.1 Street Materials

Street materials will conform to the following provisions [also see diagram at right]:

- A. Subgrade must be tested by an independent testing lab, and have a density of 100% in accordance with AASHTO-T99. Base course must have a density of 90% for B.C.B.C. and 100% for A.B.C. In accordance with AASHTO-T180, surface course shall be compacted to a density of 95%. All tests to be conducted by an independent testing firm at the developer's expense and the results sent to Randolph County Engineering Department.
- B. Final 1" of asphalt to be applied when development has 75% occupancy.
- C. Alternate to the diagram: 4" of B.C.B.C., Type I-1 topped with 2" of B.C.S.C, Type I-2
- D. Exceptions may be made for pedestrian crosswalks. Sidewalk material may vary according to the overall design and character of the development.



### 6.7.4.2 Street Signs and Traffic Control Signs

All street and traffic control signs posted in accordance with the Manual of Uniform Traffic Control Devices will be installed by the developer prior to the issuance of any certificates of occupancy for any building on that street.

### 6.7.4.3 Sidewalks

Sidewalks will be constructed along both sides of all streets except alleys, lanes, and rural roads. Residential sidewalks will be a minimum of 5 ft in width. Sidewalks serving mixed use and commercial areas will be a minimum of 8 ft in width (12 – 15 feet is required in front of retail storefronts). All new sidewalks in the Town Center Historic District are encouraged to be paved in brick pavers. All other sidewalks may be concrete, pavers, or similar material. Sidewalks should not be constructed without an adequate planting strip unless on-street parking protects pedestrians.

### 6.7.4.4 Bike Paths

All new developments within the existing town limits fronting on Main Street, Clark Avenue, or Academy Street will include bike lanes, a minimum of four feet in width, on those streets. New developments outside the town limits fronting on Main Street, NC22, Academy Street, Andrew Hunter Road, Faith Rock Road, or Patterson Grove Road will include bike paths a minimum of eight feet in width and separated from vehicular traffic on those streets. Bike lanes and bike paths will be designed according to the *North Carolina Bicycle Facilities Planning and Design Guidelines*, published by NCDOT.

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#### 6.7.4.5 Cul-de-sacs

Cul-de-sacs may be permitted if topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Cul-de-sacs, if permitted, will not exceed 250 ft in length from the nearest intersection with a street providing through access (not a cul-de-sac). A close is preferred over a cul-de-sac (see Open Space Regulations).

#### 6.7.4.6 Blocks

Blocks defined by public streets are the fundamental design element of neighborhoods. Blocks may range from 150 to 600 feet in length between cross-streets. Exceptions may be made where topography, environmental protection, preservation of existing buildings, and/or unique lot configurations offer no practical alternatives. Such exceptions will be approved by the Planning Board prior to final approval. Blocks shall have sufficient width to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.

#### 6.7.4.7 Intersections

- A. All streets will intersect as nearly as possible at right angles and no street will intersect at less than 60 degrees.
- B. Intersections will be at least 200 feet apart measured from centerline to centerline (exception: lanes and alleys). Where a centerline offset occurs at an intersection, the distance between centerlines of the intersecting streets will not be less than 60 ft.
- C. Property lines at street intersections will be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.
- D. Street trees and on-street parking will be held 20' from intersections to allow turning radius of emergency vehicles.
- E. Bulb-outs are discouraged at narrow streets (less than 30' outside of curb to outside of curb), but encouraged on wider streets.
- F. Proper sight lines will be maintained at all street intersections to permit adequate sight distance.
- G. Long segments of straight streets should be interrupted by intersections designed to:
  - 1. disperse traffic flow and reduce speeds, thereby eliminating the creation of de facto collector streets with high speed / high volume traffic.
  - 2. terminate vistas with a significant natural feature, a prominent building, a small park, or other public space.

#### 6.7.4.8 Curb Radii

Curb radii should generally not exceed 25 feet in order to reduce pedestrian crossing times.

#### 6.7.4.9 Utility Location

Underground utilities should be located in alley and lanes whenever possible. If no alley or lane is provided, then a 5-foot (minimum) utility easement will be provided behind the sidewalk located within either the right-of-way or a public utility easement.

#### 6.7.4.10 Curbs and Drainage

Curbing is required along all streets except in the Rural Residential District. Streets facing commercial, mixed-use, and attached residential development require standard curb and gutter. Standard curbing is required along all streets with marked on-street parking and around all required landscaping areas and parking lots. Valley curbing is permitted along streets which serve homes with front-loaded off-street parking or have occasional off-street parking. Drainage shall be provided using closed curb and gutter systems along all streets except in the Rural Residential Planning District.

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6.7.4.11 Centerline Radius

A 90 ft. minimum radius and minimum 50' tangent will be provided between reverse curves on all streets. Centerlines may be varied upon approval of the LDO Administrator.

6.7.4.12 Street Lights

Streetlights will be installed by the developer on all streets at an average separation of 160' to 200'. The Town will accept responsibility of the lights at the time streets are accepted for maintenance and one-time decorative fees have been paid to the Town or light provider.

6.7.4.13 Pedestrian Crosswalks

Where deemed necessary by the Planning Board, a pedestrian crosswalk at least ten feet in width may be required to provide convenient public access to a public area such as a park, greenway, or school, or to a water area such as a stream, river, or lake. Crosswalks must be ADA compliant.

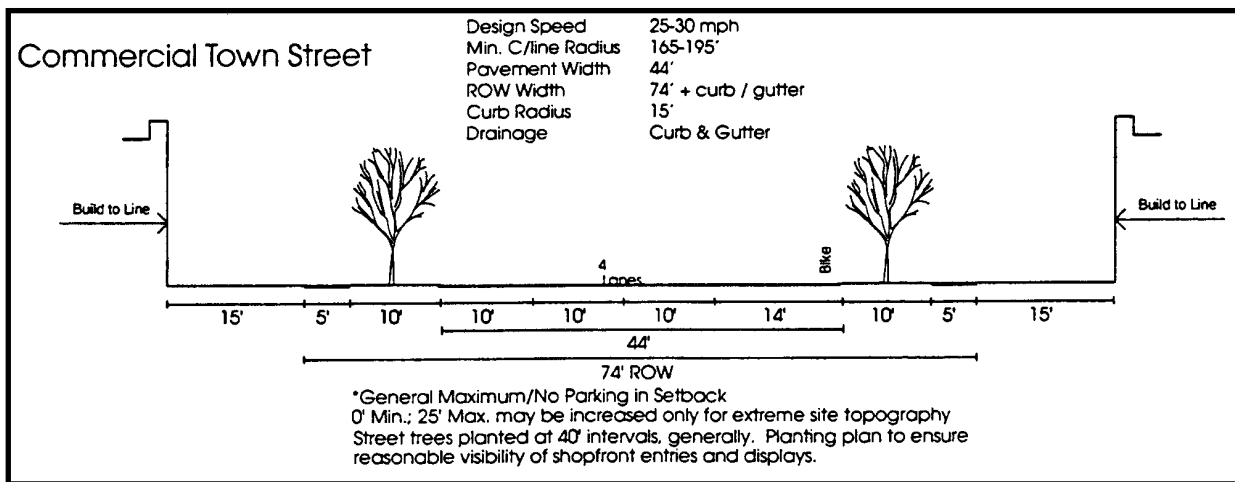
6.7.4.14 Posted Speed Limits

All streets with a design speed of less than 30 M.P.H. will be posted in accordance with the Manual of Uniform Traffic Control Devices.

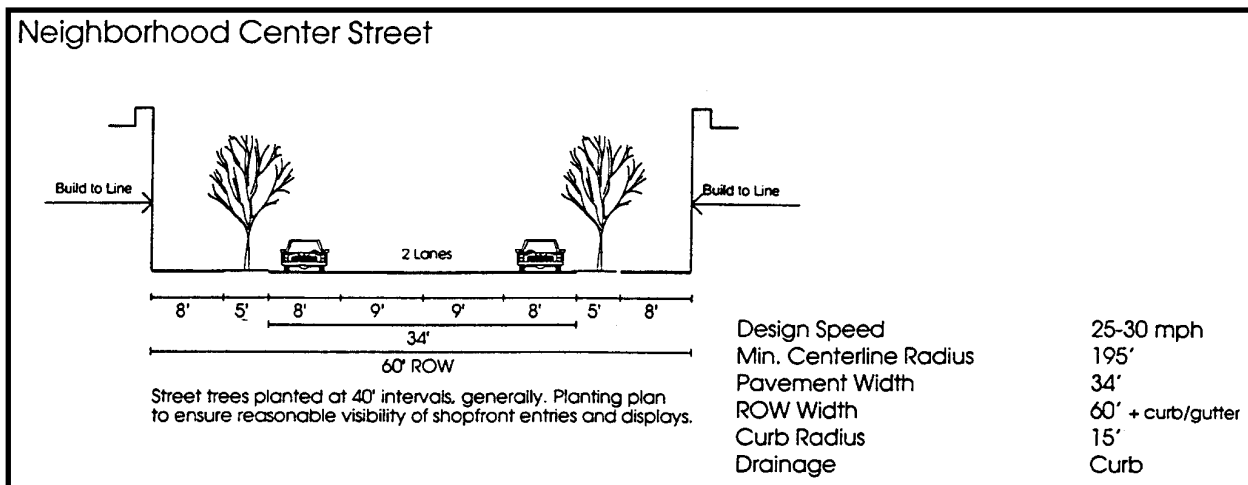
## 6.7.5 Street Types

The illustrations below present typical examples of ways in which town street cross-sections can be assembled. Lane measurements are measured from face of curb to face of curb. Add 1 or 2 feet for standard curb and gutter where curb drainage is required. Minor variations and exceptions to these street cross-sections may be permitted with approval of the Planning Board in consultation with a consulting engineer or transportation planner. Such exceptions include variations to the pavement width, tree planting areas, street grade, sight distances, and centerline radii in accordance with the principles above. However, right-of-way widths should generally be preserved to maintain continuity throughout the community.

**Commercial Town Street:** A Commercial Town Street connects neighborhoods to commercial centers and carries diverse traffic volumes. It is urban in character and generally operates at low to moderate speeds (20 – 30 mph) since these streetscapes function as vibrant pedestrian environments. On-street parking is permitted on both sides.

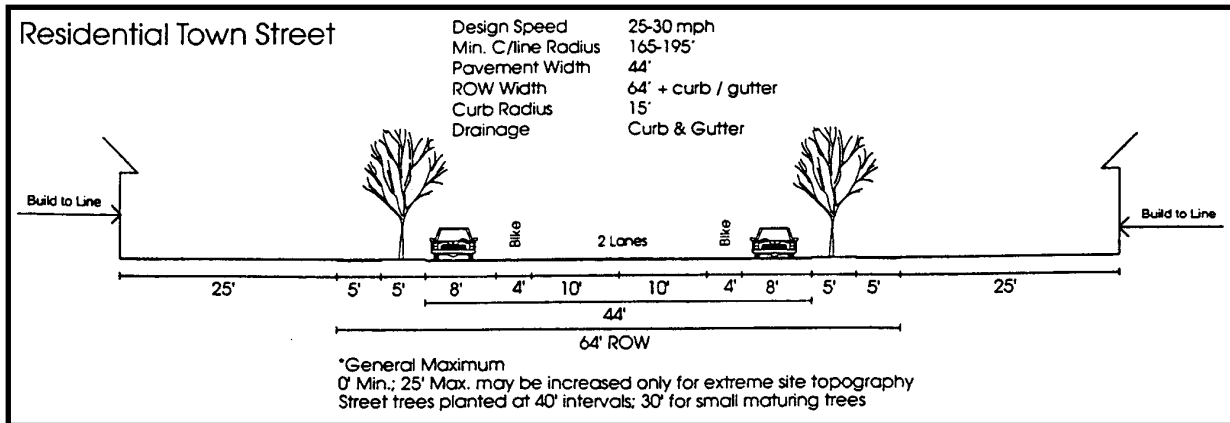


**Neighborhood Center Street:** A Neighborhood Center Street is urban in character and operates at low to moderate speeds (20 – 30 mph). On-street parking is permitted on both sides, and buildings are placed close to the street to create a pedestrian-friendly environment.

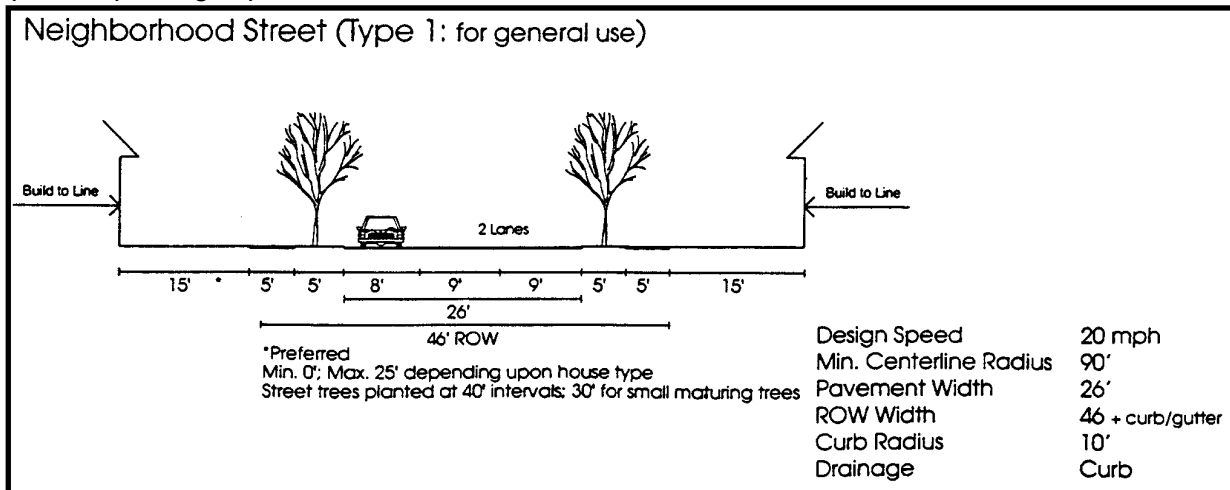




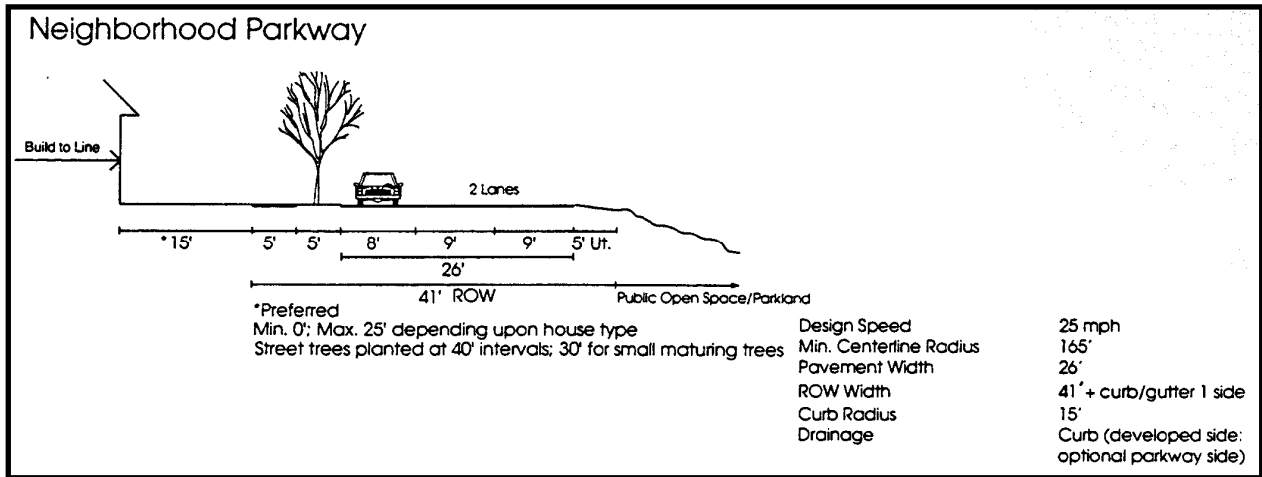
**Residential Town Street:** A Residential Town Street is urban in character and provides low-speed, pedestrian-friendly access to neighborhoods as well as neighborhood commercial and mixed-use buildings. On-street parking is permitted on both sides, and bike lanes are provided to accommodate bicyclists.



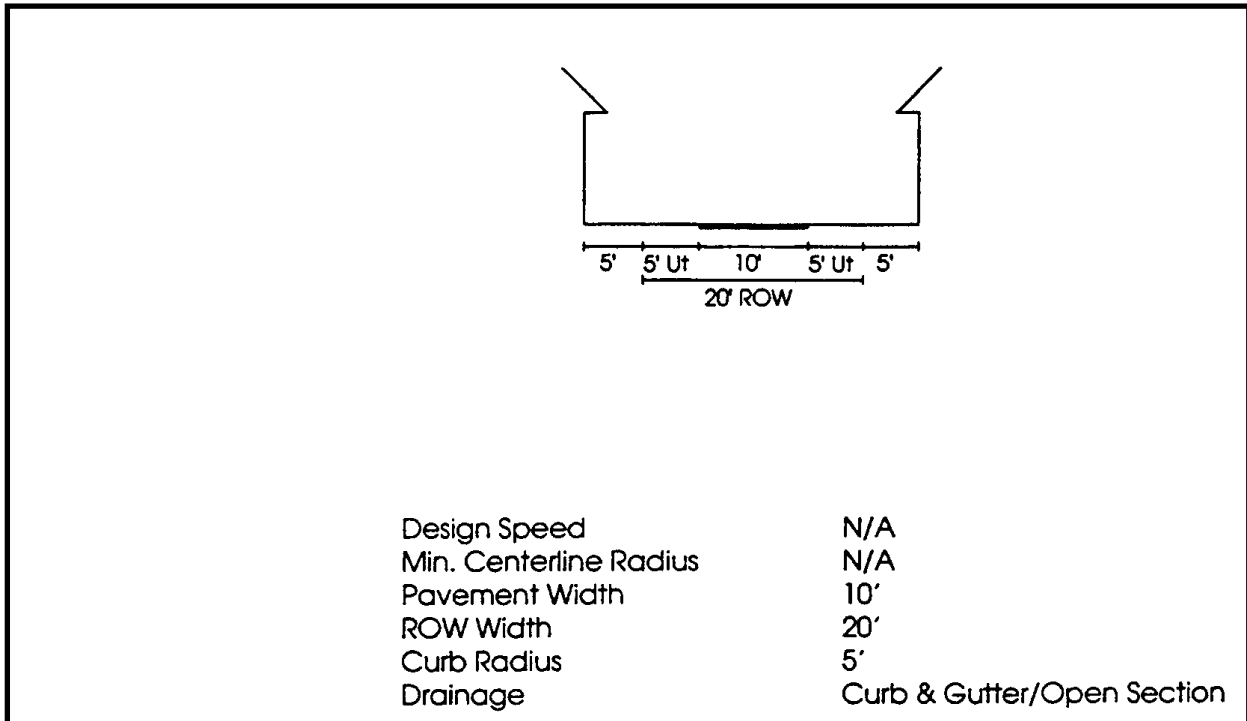
**Neighborhood Street:** A Neighborhood Street is pedestrian-oriented and residential in character, functioning primarily to provide access to neighborhood destinations and to provide connections within neighborhoods. Traffic speeds of 15 to 20 mph are appropriate. On-street parallel parking is permitted on one side of the street.



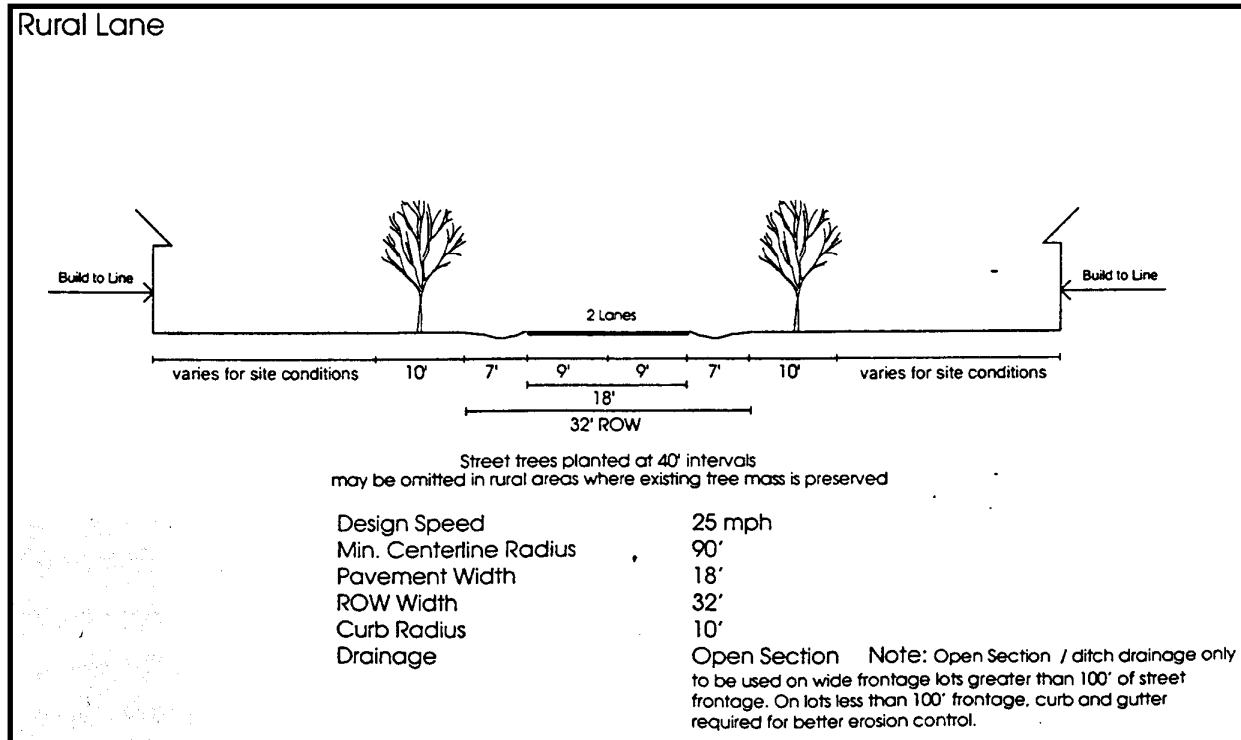
**Neighborhood Parkway:** Parkways are bounded on one side by structures and the other by a greenway, park, or open space. On-street parallel parking is permitted on one side.



**Alley:** Residential alleys are low-speed public rights-of-way providing rear access to garages and residences. Garages & parking pads will be held six feet from the edge of the right-of-way.



**Rural Lane:** Rural lanes are designed to maintain the character of Franklinville's rural areas and provide access between urban and rural neighborhoods. No curb & gutter is required. Drainage swales are provided on one or both sides of the road, with either a cross slope or center crown, respectively. A traffic speed of 25 mph is appropriate since these rural roads are designed to accommodate low traffic volumes.



### 6.7.6 Required Landscaping along Street Rights-of-Way

- A. Except along a rural road, alley, or the park side of a parkway, trees will be planted wherever a new street right-of-way is constructed, or where new construction occurs along an existing street right-of-way.
- B. Trees will consist of one large maturing tree per 40 linear feet, minimum. Existing trees may be applied toward the requirements.
- C. High canopy trees are preferred for emergency vehicle maneuvering.
- D. For large canopy trees such as Willow Oaks and Red Maples, a wider planting strip may be required. Eight feet is the preferred width for these species.

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### **6.7.7 General Greenway Design Principles**

The land development ordinance encourages the development of a network of multipurpose trails that connect active and passive parks, schools, cultural sites, neighborhoods, and commuter destinations. When a greenway is part of a development, the following standards apply.

- A. Greenways will be planned along designated linear corridors, including streams, rivers, abandoned railroads, and various utility easements.
- B. Greenways will connect to new development wherever possible. Greenway stubs should be provided when development is adjacent to open land scheduled for greenway construction to provide for future connections. Stubs must extend to the neighboring property line
- C. Greenways should be designed to fit the contours of the land and should minimize removal of significant trees.
- D. All greenways will be constructed in accordance with the design and construction standards in this ordinance and will be maintained for public access whether by easement or by public dedication.

Minor variations and exceptions to greenway cross-sections may be permitted with approval of the Planning Board.

### **6.7.8 Greenway Engineering and Design Specifications**

Greenway designs will permit comfortable use by both bicyclists and pedestrians. Refer to the *North Carolina Bicycle Facilities Planning and Design Guidelines* for specific information on engineering details.

#### **6.7.8.1 Floodway Trails**

Multi-use trails within the floodway (see Floodplain Protection Overlay – Section 4.11) are designed to accommodate a variety of users including walkers, joggers, cyclists, and roller-bladers. These trails are typically positioned within the floodway, but not directly adjacent to streams. A minimum 20 foot vegetative buffer between the stream and trail should be left intact. These trails will be 2 inch machine-laid asphaltic concrete surface with a 4 inch aggregate base over compacted soil.

#### **6.7.8.2 Floodplain Trails**

These multi-use trails are positioned outside of the floodway, within the floodplain (see Floodplain Protection Overlay – Section 4.11). Significant vegetative buffer between the stream and trail should be left intact. Floodplain trails will be a minimum of 10 feet wide. These trails will be composed of 2 inch machine-laid asphaltic concrete surface with a 4 inch aggregate base over compacted soil.

#### **6.7.8.3 Upland Trails**

Upland multi-use trails are positioned completely outside designated floodplains. The existing vegetation will remain intact. Upland trails provide the most habitat and water quality benefits. They will be a minimum of 10 feet wide, and composed of 2 inch machine-laid asphaltic concrete surface with a 4 inch aggregate base over compacted soil.

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#### 6.7.8.4 Boardwalk Trails

Boardwalks, or wood surface trails, are typically required when crossing wetlands or other poorly drained areas. Boardwalk trails are composed of lumber or synthetic wood. Boardwalk trails must be a minimum of 8 feet wide.

#### 6.7.8.5 Drainage

Greenways must have a cross slope of 2% to adequately provide for drainage. Slope should be in one direction instead of crowning. On curves, the cross slope should be towards the inside of the curve. In addition, to insure proper stormwater runoff and trail longevity, catch basins with drains and underground culverts may be required. Natural ground cover should be preserved on each side of the path for erosion control.

#### 6.7.8.6 Bridges

Railings or barriers on both sides of a bicycle path bridge must be a minimum of 54 inches high. Ends of railings must be offset away from the adjoining path to minimize the danger of cyclists running into them. Bridge decks will be designed for a live load of 85 psf. Concrete decks must have bicycle-safe expansion joints. Wood decks must have smooth joints and be laid at least 45 degrees to the direction of travel.

#### 6.7.8.7 Clearance

The vertical clearance to obstructions must be 8 foot minimum. 10 feet may be required for the passage of maintenance vehicles.

#### 6.7.8.8 Grades

Long downhill grades should be avoided through careful planning. A 5% grade is the maximum grade recommended. Sustained grades should be limited to 2%.

### **6.7.9 Street and Greenway Acceptance Policy**

Before streets or greenways will be accepted for maintenance by the Town of Franklinville, the following conditions must be met:

- A. Streets must be at least 51% developed with occupied buildings.
- B. The developer must contact the Town by letter requesting the Public Works Director to inspect the condition of the streets and greenways.
- C. If the street or greenway meets Town standards, a resolution date will be set and a one-year waiting period will commence.
- D. If the street or greenway does not meet standards, the developer must perform repairs which bring them up to standards. Upon completion of repairs, the developer must request another inspection of the street or greenway; if the repairs are satisfactory, the one-year waiting period will begin at this time.
- E. After the one-year waiting period has expired, the Public Works Director will inspect the street or greenway. If standards are still met the Town will notify the developer that the street has been accepted for maintenance purposes. If substandard conditions exist, repairs must be performed and the one-year wait will be reinstated.

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## 6.8 Landscaping Regulations

### 6.8.1 Intent

The landscaping regulations apply to both public and private property, excluding the development of individual single family or duplex residences. The purpose and intent of these regulations is to establish minimum standards for the preservation of existing vegetative cover, and the planting of new trees and shrubbery within new land development, in order to:

- Better control soil erosion
- Reduce the hazards of flooding
- Stabilize the ground water tables
- Absorb carbon dioxide
- Provide shade for cooling
- Screen noise, dust, and glare
- Enhance property values
- Provide architectural interest and human scale
- Preserve, protect, and enhance the natural environment
- Maintain and/or improve aesthetic values

### 6.8.2 Tree Preservation

#### 6.8.2.1 Preservation of Existing Vegetation

- A. Existing vegetation will be preserved whenever feasible. The decision to preserve trees shown on the environmental inventory will be made jointly by the Planning Board, developer and design team during the project approval process.
- B. When selecting which trees to preserve, the following will be considered: existing and proposed grading; age, condition and type of tree; and location of site improvements and utility connections.
- C. Trenching, placing backfill, driving, or parking equipment in the critical root zone, and the dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees to be preserved is prohibited.
- D. Should any tree designated for preservation in the landscape plan die, the owner will replace it within 180 days with landscaping equal to what would be required in this ordinance.

#### 6.8.2.2 Preservation of existing vegetation during construction

- A. Protective barricades will be placed around all trees designated to be saved, prior to the start of development activities or grading. These barricades will consist of 2"x 4" posts with 1"x 4" rails or orange safety fence. Protective barricades will remain in place until development activities are complete.
- B. The area within the protective barricade will remain free of all building materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading will not take place within the protective areas of the existing trees.
- C. Barricades will be erected at a minimum distance of 10 feet from the base of protected trees, or outside the dripline – which ever is greater.

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- D. Construction access to a site should occur where an existing or proposed entrance/exit is located.
  - E. Except for driveway access points, sidewalks, curb and gutter, land disturbance within a tree dripline is discouraged.
  - F. Where grading within a tree dripline cannot be avoided, cut and fill will be limited to ¼ to ½ of the area within the dripline, tree roots must be pruned with clean cuts at the edge of the disturbed area, and no fill will be placed within the dripline of a tree without venting to allow air and water to reach the roots.

### **6.8.3 Landscaping**

#### 6.8.3.1 Parking Lot Landscaping Requirements

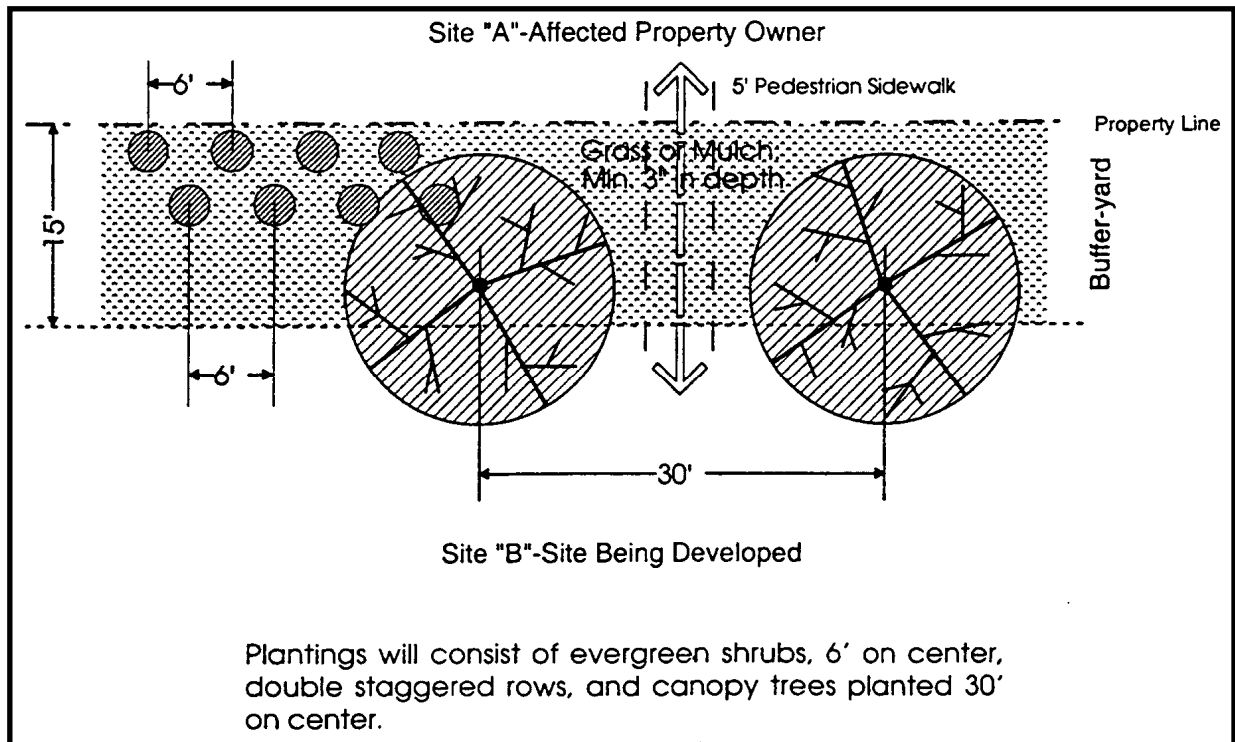
See Sub-Section 6.6.3 – Parking Lot Landscaping Requirements.

#### 6.8.3.2 Landscape Buffer Requirements

The following regulations apply to properties where a landscape screen or buffer is required during the project approval process. [For example, in situations where a new building is expected to create an incompatible relationship with existing buildings or districts, such as large scaled workplace buildings adjacent to existing residential uses. Screens are required to protect against noise, lighting and other disruptive effects, to protect the character of residential areas, and to conserve property values]:

- A. A minimum 15' wide pervious buffer space will be provided.
- B. Required landscaping will consist of a minimum of 6 large maturing trees (minimum 50% evergreen) and 40 medium shrubs (minimum 75% evergreen) for each 100 linear feet, to provide continuous coverage.
- C. New trees and shrubs should be evenly spaced at planting, with trees having an 8-foot minimum installed height, and shrubs have a 36-inch minimum installed height.
- D. For dimensions of less than 100', plantings and spacing shall be in proportion to the basic ratio described above.
- E. A solid masonry wall, minimum 6' in height, may be substituted for required shrubs.
- F. Where a natural buffer exists, it is to remain undisturbed. No limbing up. Remove dead wood only. Do not remove undergrowth.
- G. All buffers required by the watershed ordinance and stream buffer ordinance will remain completely undisturbed.
- H. Chain link and similar fencing materials, if used in addition to a landscape screen, will be planted on their exterior side with evergreen shrubs a minimum 3 feet in height and 6 foot on center at installation.
- I. No mechanical equipment such as air conditioner units are permitted within the buffer area.
- J. Permanent detention and temporary erosion and sedimentation control basins are prohibited in buffer yards.
- K. Where existing topography prevents the strict application of these standards, alternative screening methods which perform to the same or higher level will be considered.
- L. Utility easements may cross but not be placed within the long dimension of a buffer yard.
- M. Wherever practical, pedestrian access shall be provided through the buffer yard. For example, neighborhoods adjacent to the rear of commercial development.

### Example Buffer Yard Site Plan



#### 6.8.3.3 Planting Standards for Trees and Shrubs

- A. All new plant material will be of good quality, installed in a sound, workman-like manner and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen. Contractor will warrant all new plant material for 2 years from time of installation.
- B. All trees will be properly guyed or staked and mulched (3- 4" layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.
- C. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted 1 per 30 lineal feet will be substituted with the approval of the Planning Board.
- D. The owner of the property is responsible for the continued proper maintenance of all landscaping materials and will keep them in a proper, neat and orderly appearance, free from refuse and debris. All dead or unhealthy plant material will be replaced within 180 days to maintain the quality of the landscaping. In no instance will the Town of Franklinville be responsible for the maintenance of any vegetation unless such vegetation is located within the public right of way of a Town maintained street or is located on property owned by the Town of Franklinville.
- E. Where new landscape materials are to be installed, the type of material used will be complementary to plant materials existing on the property and on adjoining properties. Use of native plant materials is encouraged.
- F. At installation, large maturing trees will not be less than 10' in height with a minimum 2-1/2" caliper. Small maturing trees will be a minimum of 1-1/4" caliper and have a minimum height of 8'. Installation and construction practices will be utilized which preserve and replace existing topsoil or amend the soil to reduce compaction.
- G. At installation, evergreen trees will not be less than 8' in height with a minimum 2" caliper.



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- H. At installation, small shrubs will be a minimum 2' in height and medium or large shrubs a minimum 3'. Installation and construction practices will be utilized which preserve existing topsoil or amend the soil to reduce compaction.
  - I. No plants will be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30" and 72" in height is maintained.
  - J. Existing vegetation may be applied toward the requirements of this ordinance.
  - K. Chain link and similar fencing materials, if used, will be landscaped on their exterior side with evergreen shrubs minimum 3' in height and 6 feet on center at installation.

#### **6.8.4 Alternative Methods of Compliance**

- A. Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.
- B. The Planning Board may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness durability, and performance are equivalent to that required by this ordinance.
- C. The performance of alternate landscaping plans will be evaluated by the Planning Board to determine if the alternate plan meets the intent and purpose of this ordinance. This determination will take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening height, spread, and canopy of the planting at maturity.
- D. Decisions of the Planning Board regarding alternate methods of compliance may be appealed to the Board of Adjustment.

#### **6.8.5 Revisions to Approved Landscape Plans**

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the LDO Administrator if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

#### **6.8.6 Inspection of Sites**

- A. Town staff, or authorized representatives of the Town may periodically inspect sites subject to the provisions of this ordinance.
- B. If, through inspection, it is determined that a person has failed to comply or is no longer in compliance with the provisions of this ordinance, a notice to comply will be served upon that person by registered mail with return receipt or other means by the Town. The notice will set forth that which will be necessary to comply with the ordinance.
- C. The Town will have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance and for this purpose may

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enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this ordinance. No person will refuse entry or access to any staff or authorized representative, of the Town who requests entry for the purpose of inspection, and who presents appropriate credentials, nor will any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

- D. A certificate of occupancy for the development will not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat. The LDO Administrator or designee will inspect the site one year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained.

### **6.8.7 Emergencies**

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the Town may waive the requirements of this ordinance during the emergency period so that the requirements of this ordinance will in no way hamper private or public work to restore order in the Town. This will not be interpreted to be a general waiver of the intent of this ordinance.

### **6.8.8 Replacement of disturbed and damaged vegetation**

#### 6.8.8.1 Re-Vegetation

- A. The disturbance of any landscaped area or vegetation required by this section will constitute a violation of the site or master plan. All disturbed landscaped areas and vegetation will be replanted to meet the standards of this section as well as the approved site or master plan.
- B. Where the vegetation that has been disturbed or damaged existed on the site at the time the development was approved, all replacement vegetation will meet the standards set forth in this section taking into account any unique site conditions and significant vegetation remaining within the landscaped area. Trees or vegetation that die within one year of construction completion, because of contractor negligence, will be removed and replaced with new vegetation of equal or greater in size.
- C. Existing vegetation required to be preserved that has been damaged or destroyed during the course of development activity will be subject to civil penalty and replaced in accordance with the requirements of this section.
- D. Civil penalty: A base fine of \$2.00 for every square feet area of vegetation damaged or destroyed, not to exceed \$30,000.
- E. A revegetation plan will be submitted that takes into consideration the development condition of the site, significant vegetation remaining within landscaped areas, and the replacement plant materials. The Town of Franklinville may require equal amounts of new vegetation to be installed equal to the size of the vegetation removed.
- F. Replacement consists of one or a combination of any of the following measures:
1. Replant according to the requirements of this section. A replanting plan denoting the proposed installation will be submitted to the Town of Franklinville for approval. The LDO Administrator may elect to present the replanting plan to the Planning Board for final approval.
  2. Replace damaged or destroyed significant vegetation in both perimeter and or interior landscaped areas with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a caliper of at least 8 inches that is damaged or removed will be replaced with one or more trees that have a caliper of at least two and one half inches and a cumulative caliper equal to or greater than the original tree. Tress

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damaged or destroyed less than 8 inches in diameter will be replaced to satisfy the performance criteria of this section. Understory plantings may also be required to restore the buffer performance criteria for the disturbed area. A revegetation plan denoting the proposed installation will be submitted to the Town of Franklinville for approval. The LDO Administrator may elect to present the revegetation plan to the Planning Board for final approval. This requirement may be modified by the LDO Administrator based upon site conditions.

- G. For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required will be of the type and amount that is necessary to provide the type of landscaping required under this Section or interior preservation area identified on the landscape plan.
- H. Replanting should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected as permitted by the LDO Administrator.

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## **6.9 Lighting Regulations**

### **6.9.1 Intent**

The purpose of this section is to provide direction in controlling exterior lighting so as not to adversely affect motorists, pedestrians, and adjacent properties. Lighting intensities should be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, motorists, or the sky.

### **6.9.2 Standards for Outdoor Lighting**

- A. Outdoor lighting will be integrated with the architectural character of the building. Downcast or cutoff type lighting fixtures will be generally used to illuminate pedestrian or traffic circulation corridors and signage.
- B. Outdoor lighting will conform to the following standards:
- C. Outdoor lighting will not shine directly into the yard, or into the windows, of a residence.
- D. Outdoor lighting will be designed, located and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.
- E. Outdoor lighting will be installed at heights no greater than 18 feet above grade for non-cut-off lights, or 35 feet above grade for cut-off lights. Proposed uses have the option of providing a lower light post with a non-cutoff type of luminary or a higher pole with a luminary that totally cuts-off spill-over at an angle smaller than 90°
- F. Outdoor lighting must be located at least ten feet from property lines defining rear and side yards or required perimeter landscaped areas required by this land development ordinance. Light sources should not be located within any perimeter-landscaped areas except on pedestrian walkways.
- G. Outdoor lighting fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
- H. Lighting fixtures in scale with pedestrian activities will provide for uniform distribution of lighting to produce minimal shadows.
- I. No flickering or flashing lights will be permitted.

### **6.9.3 Standards for Outdoor Recreational Lighting**

Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for ball fields and tennis courts are not considered in this Section. Lighting conditions for such uses will be approved by the LDO Administrator, in accordance with approved standards and specifications.

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## 6.10 Sign Regulations

### 6.10.1 Intent

Signs in Franklinville are to be designed and installed in a manner which complements both the building and the general streetscape. Signs are to be designed to be pedestrian in scale. Signs are generally permitted on workplace, storefront, and live/work buildings.

### 6.10.2 Sign Permits

A permit is required for the erection, painting, posting, reposting, placing, replacing or hanging of any sign except where specifically noted below. A fee will be charged for this permit in accordance with the schedule of fees approved by the Board of Commissioners. All signs must be approved by the Design Review Committee before a sign permit will be issued.

### 6.10.3 Allowable Signs

#### 6.10.3.1 Development Entry Signage

Monumental entry features with heavy landscaping, walls, fences, and signage are prohibited. One freestanding sign at each public street which provides access to the development will be permitted for new subdivisions and mixed-use developments. The following standards must be met:

- A. The signboard area does not exceed an area 32 square feet per side.
- B. The height of the lettering, numbers, or graphics will not exceed four inches.
- C. The height of the top of the signboard, or of any of the posts, brackets, or other supporting elements will not exceed six feet from the ground.
- D. The sign location will not interfere with pedestrian or vehicular circulation or sightlines.
- E. These signs may be permitted until the first sale of all lots is complete.

#### 6.10.3.2 Wall Signs

Wall mounted signs are permitted with the following provisions:

- A. Size may be up to 5% of ground floor façade area or 24 square feet per side, whichever is less. Signs of this size may be installed only on buildings facing a public street.
- B. One additional wall sign, up to 6 square feet in area, is permitted on any side or rear entrance open to the public.
- C. Maximum height is 18' above the sidewalk.
- D. Applied letter signs may substitute for wall signs.

#### 6.10.3.3 Projecting Signs

Signs which project from the face of a building will be permitted with the following provisions:

- A. Maximum sign area is 6 square feet per side.
- B. Distance from the lower edge of the signboard to the ground will be seven feet or greater.
- C. Height of the top edge of the signboard will not exceed the height of the wall from which it projects for single story buildings, or the height of the sill or bottom of any second story window for multi-story buildings.
- D. Distance from the building to the signboard will not exceed 6 inches.
- E. Width of signboard will not exceed three feet.
- F. Limited to one sign per building.

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#### 6.10.3.4 Freestanding (ground-mounted) Signs

Where a building is setback at least 5 feet from the front sidewalk, freestanding signs are permitted with the following conditions:

- A. Maximum sign area is 8 square feet per side.
- B. The height of the top of the signboard, or of any posts, brackets, or other supporting elements will not exceed 7 feet.
- C. The sign must be located within 10 feet of the main entrance to the business.
- D. Limited to one sign per building.
- E. In the case of a group of buildings or shops that act as a unit, one freestanding sign may be erected to advertise all of the businesses.

#### 6.10.3.5 Awning Signs

Where awnings are provided over windows or doors, awning signage is permitted with the following provisions:

- A. Maximum 10 square feet in signage area on main face of awning and 4 square feet on awning valance is allowed at the building's main entrance.
- B. One sign, on either the main face or valance is permitted on awnings at secondary entrances or windows.

#### 6.10.3.6 Window Signs

Signs directly adhered to windows or doors are permitted with the following conditions:

- A. Maximum size is 10% of window area or 4 square feet, whichever is less.
- B. Must be silk-screened or hand painted.
- C. Limited to one sign, on either the window or door.

#### 6.10.3.7 A-Frame Signs

A-Frame sidewalk signs are permitted under the following conditions:

- A. Directional signs for businesses are located in the rear of a building.
- B. The sign location will not interfere with pedestrian or vehicular circulation or sightlines.
- C. The signboard does not exceed 6 square feet per side.
- D. The sign is constructed of durable materials.

#### 6.10.3.8 Project Construction Signs

Project construction signs are permitted at construction sites with the following provisions:

- A. The sign does not exceed 32 square feet.
- B. The sign is removed within 15 days of the completion of the project.
- C. The sign location will not interfere with pedestrian or vehicular circulation or sightlines.

#### 6.10.3.9 Other Signs

- A. Wall-mounted building directory signs identifying the occupants of a building are permitted. They must be located next to the entrance, may project no more than 6 inches from the wall, and may be a maximum of 3 square feet.
- B. Business service entrances may be identified with one sign not exceeding 2 square feet.
- C. One directional sign, facing a rear parking lot is permitted. This may be either wall-mounted or freestanding and is limited to two square feet.

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#### **6.10.4 Number of Signs Permitted**

Each building may contain two signs from the following list:

- Wall Sign
- Awning Sign
- Freestanding Sign
- Window Sign

Each building may also utilize one projecting sign. Service entrance signage, building directory signage, and parking directional signage is permitted in addition to the main business signs.

#### **6.10.5 Exempt Signs**

The following signs do not require a permit:

- A. Signs erected for orderly traffic control and other municipal or governmental purposes will be permitted, including historical monuments, markers, and signs erected by a public authority.
- B. Temporary signs giving information pertaining to construction taking place on the lot upon which the sign is located are permitted only after the issuance of a building permit. Such temporary signs will be removed prior to issuance of the final certificate of occupancy.
- C. Signs advertising agricultural products produced on the premises will not exceed 4 square feet in area. There will be a limit of one such sign for each street abutting the lot. Such signs will be taken down during the seasons those agricultural products are not being sold.
- D. Realty "For Sale" or "For Rent" signs, on the premises offered for sale or rent, not exceeding 4 square feet per side in area. One sign will be allowed for each street abutting the lot.
- E. Temporary civic, cultural, and public service window posters, when located inside commercial establishments.
- F. Temporary promotional or special sales window signs, when posted inside commercial establishments for up to 30 days.

#### **6.10.6 Prohibited Signs**

The following signs are prohibited:

- A. Signs that are dilapidated or in disrepair.
- B. Internally illuminated signs.
- C. Signs on roofs, chimneys and balconies.
- D. Billboards.
- E. Off-site advertising signs except for buildings on a pedestrian walkway.
- F. Flashing, blinking or moving signs.
- G. Mobile signs.
- H. Banners, except those announcing public events sponsored by non-profit organizations. Such banners may be hung over street rights-of-way in the Town Center, provided that:
  1. Application is made 10 days before the event,
  2. The sign is removed the first working day following the event,
  3. It has no commercial advertising of any kind,
  4. It remains in place for not more than one week,
  5. It does not exceed 50 square feet in area, per side,
  6. It is hung at least 18 feet above the street, and
  7. Permission has been given by the LDO Administrator.

#### **6.10.7 Sign Permitting Process**

All signage must be reviewed by the LDO Administrator and approved by the Planning Board. Copies of the proposed layout for the sign (8½" x 11" or 11" x 17" preferred), photographs (or color copies) of the proposed location, and representative material samples are required for presentation to the Planning Board.

## 6.10.8 Sign Area and Height

### **SIGN SURFACE AREA**

Area provisions of these regulations are calculated from “sign surface area” dimensions, defined as the area of a geometric shape enclosing any message, logo, symbol, name, photograph, or display face.

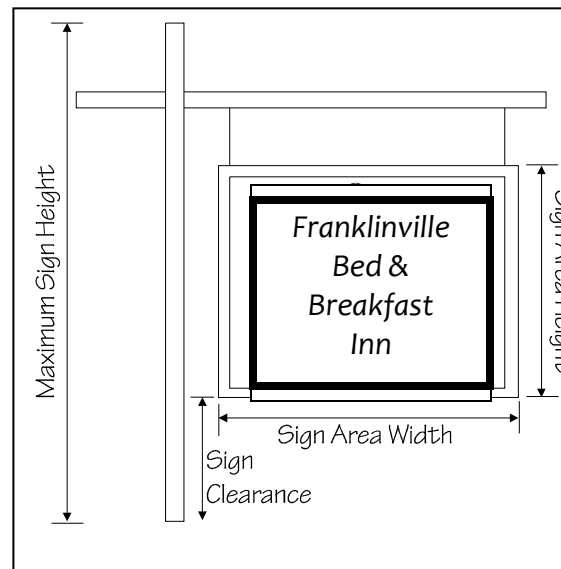
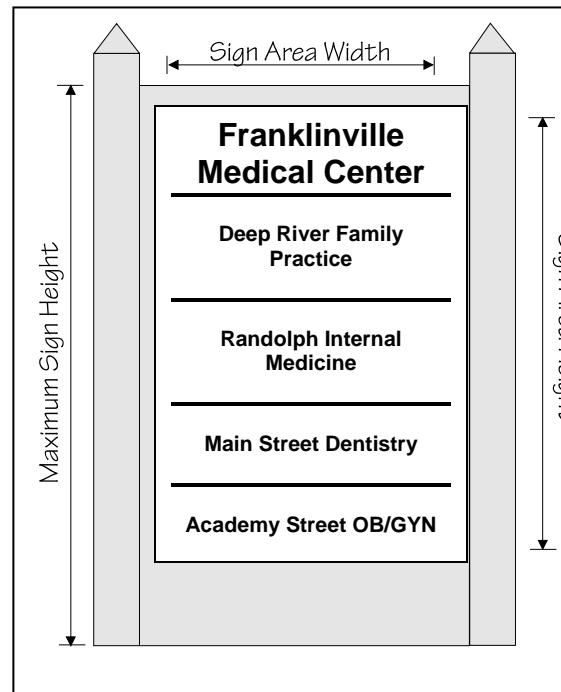
### **SIGN FRAME AREA**

The dimensions of a geometric shape formed by all supports and embellishments (including frames, braces, and borders), which extend beyond the sign surface area, and that enclose the sign surface area.

In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the area. Back-to-back signs shall be defined as double-faced signs. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface is included in computations of area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

### **SIGN HEIGHT**

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps and spires are not included in this measurement. The use of raised landscape areas (berms) is only permitted to raise the base of the sign to the mean elevation of the fronting street.





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# CHAPTER 7 – DEVELOPMENT REVIEW PROCESS

## 7.1 Purpose and Intent

The purpose of this Chapter is to establish an orderly process for the design, review, approval, and development of land within the jurisdiction of the Town of Franklinville. The intent of this Ordinance is to provide a clear and straightforward process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff and related agencies, the Planning Board, and the Town Board of Commissioners.

It is also the intent of this Chapter to ensure that land, parcels, and lots are appropriately subdivided so that their use and development complies with all applicable requirements of this Ordinance. It is also the intent to ensure that compliance is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public. This Chapter provides for adequate and efficient provision of facilities and/or infrastructure, and the dedication of land, rights-of-way, and easements, so as not to burden the fiscal resources of the Town. These provisions include the construction of buildings and utilities, streets and sidewalks, landscaping, open space, and other provisions required for the public good of the Town of Franklinville.

The Town of Franklinville Board of Commissioners shall adopt from time to time, a schedule of fees for application and approval processing as specified in this ordinance. This process, as established, provides the applicant an opportunity to submit a Development Plan for review and approval by the Land Development Ordinance (LDO) Administrator prior to the submission of Construction Documents. The Development Plan shall be the guiding document in the review of the Construction Documents for final approval and permitting.

## 7.2 Applicability

The Provisions of this Chapter shall be applicable to all Minor Site Plans and Minor Subdivisions, Major Subdivisions, Master Plans, and Special Use Site Plans. In general, this review process shall be used for all uses and development other than individual single- or two-family detached homes (as permitted) and their accessory structures on a single lot. The LDO Administrator or designee may waive the required development review process only in the following cases when it is determined that the submission of a development plan in accordance with this Chapter would serve no useful purpose:

- A. Accessory Structures (other than for single- or two-family detached homes).
- B. Any enlargement of a principal building by less than twenty percent (20%) of its existing size provided such enlargement will not result in site or landscaping improvements.
- C. A change in principal use where such change would not result in a change in lot coverage, off-street parking access, or other external site characteristics.

## 7.3 Types of Development Proposals

For the purposes of this Chapter, all development proposals shall be categorized using the following terms:

- 
- A. Minor Site Plan: Development proposal for one or two individual buildings or additions to existing buildings, on previously platted lots, without dedication of a new street.
  - B. Minor Subdivision: Development proposal involving the subdivision of land into not more than 10 single-family lots, and/or Rural Cluster Developments in Rural or Neighborhood Residential Districts.
  - C. Master Plan: A Plan depicting the subdivision of land and proposed improvements and buildings. A Master Plan combines the subdivision and site plan process to show the proposed build-out of a property on one, combined plan. All subdivisions, other than for single family detached homes, shall be submitted as Master Plans.
    - Major Subdivision: Development proposal involving the subdivision of land into more than 10 single-family lots.
    - Major Site Plans: required for any multi-family, mixed-use, or commercial development outside the Neighborhood Center (NC), Town Center (TC), or Highway Commercial (HC) Districts, or any non-residential buildings over 30,000 square feet in gross floor area.

## 7.4 Development Proposal Review Process

- A. This first stage of the review process for all development proposals is non-binding and informal, and is intended to provide information to the applicant on the procedures and policies of the Town of Franklinville, and does not confer upon the applicant any development rights.
- B. The first step in the review process for all development proposals is the submission of the following three items to the LDP Administrator for discussion:
  1. Environmental Inventory (see Section 8.8 – Environmental Inventory Requirements)
  2. General Statement of Development Intent
  3. Schematic Design.
- C. The Applicant will meet with the LDO Administrator or designee to conduct a site visit (to determine actual site conditions), to review the required environmental inventory, and to review the schematic design.
- D. The LDO Administrator will advise the applicant of all applicable Town regulations and policies and suggest development alternatives based on the environmental inventory, site visit, and Development Plan review.
- E. If warranted, the LDO Administrator may request the applicant to schedule and hold a public design workshop (charrette) to gain public input about the development proposal. Following the public workshop, the applicant will submit the resulting revised schematic design to the LDO Administrator and workshop attendees for review and comment.
- F. The LDO Administrator may submit the development proposal to other relevant Town, County, or State agencies and officials for input, recommendations, or comment about the proposed development's conformance to applicable standards and requirements. After a reasonable review of the Development Plan, the LDO Administrator shall forward all appropriate comments to the applicant. The requirements for submission are listed in Section 8.4 - Development Plan Requirements.
- G. Review and approval of the various development proposals types are provided in the following Sections below:

|  |             |
|--|-------------|
| Minor Site Plans and Minor Subdivisions              | Section 7.5 |
| Master Plans (Major Site Plans & Major Subdivisions) | Section 7.6 |
| Special Use Plans                                    | Section 7.9 |

**7.4.1 Development Proposal Review Process Diagram**



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## 7.5 Administrative Approval of Minor Site Plans and Subdivisions

Minor Site Plans and Minor Subdivisions will be approved administratively by the LDO Administrator. Upon determination by the LDO Administrator that an application is complete, the LDO Administrator will review the Construction Documents for compliance with the Ordinance and all related plans and policies. Construction Documents shall be prepared in accordance with the specifications in Chapter 8. The LDO Administrator may require that the application be circulated to relevant Town, County, and State agencies and officials for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended.

Reviewing agencies and officials may include, but need not be limited to the following:

- Town Mayor (or future Administrator)
- Town Public Works Supervisor
- Police Chief
- Town Attorney
- Parks and Recreation
- Fire Department
- Randolph County Engineering and Building Standards Department
- Randolph County Utility Department
- Randolph County Department of Environmental Protection
- Randolph County Health Department
- Piedmont Triad Rural (Transportation) Planning Organization (RPO)
- North Carolina Department of Transportation (NCDOT)
- North Carolina Department of Environment and Natural Resources (NCDENR)
- United States Army Corps of Engineers
- United States Soil Conservation Services, District Office (USSCS)

Once the LDO Administrator or designee deems the Construction Documents to be complete in information provided and in compliance with all provisions of this Ordinance, it may be approved and a planning permit or Preliminary Plat may be issued. Final Plats will also be reviewed by the LDO Administrator and approved administratively.

## 7.6 Approval of Development Master Plans

All Master Plans (consisting of Major Site Plans and Major Subdivisions) shall be approved by the Town Board of Commissioners after review and recommendation by the Planning Board, and after having held a Public Hearing.

### 7.6.1 Application and LDO Administrator Review

An environmental inventory and proposed Development Master Plan shall be submitted in accordance with the following specifications and shall be accompanied by a completed Application and payment of a fee as adopted by the Town Board of Commissioners. The LDO Administrator or designee may require that the Application be circulated to relevant governmental agencies and officials for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended. The reviewing agencies and officials may include, but need not be limited to those listed in Section 7.5 above. The requirements for submission are listed in Section 8.4.2 - Master Plan Requirements.

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### **7.6.2 Review by the Planning Board**

- A. Once the LDO Administrator determines the application is complete and has had adequate time to review and make comments, the Application shall be scheduled for review by the Planning Board at their next regularly scheduled meeting.
- B. Notice of review and consideration by the Planning Board shall be given as follows:
  - 1. A notice shall be published in a newspaper having general circulation in the town not less than ten (10) days nor more than twenty-five (25) days prior to the date established for Planning Board consideration. This notice shall also contain notice of the Public Hearing required under 7.6.3 below
  - 2. A notice of consideration by the Planning Board shall also be sent by first class mail by the LDO Administrator to the affected property and to all contiguous property owners. This notice shall also contain notice of the Public Hearing required under 7.6.3 below.
- C. The Planning Board shall have up to sixty (60) days from the date of their first regularly scheduled meeting of consideration to recommend deferral, approval, approval with conditions, or denial of the Development Master Plan to the Town Board of Commissioners. Alternately, the Planning Board may suspend the review period and request additional information of the applicant in order to aid in the review of the Development Master Plan or deferral of its consideration.
- D. If no recommendation is made within the sixty (60) day period, the Application shall move forward to the Town Board without recommendation.

### **7.6.3 Consideration and Public Hearing by the Town Board of Commissioners**

Upon receipt of recommendations from the Planning Board, the Town Board of Commissioners shall conduct a public hearing. Notice of the public hearing shall be given as part of the notification process for the review and consideration by the Planning Board (see Section 7.6.2 above). After the public hearing:

- A. The Town Board shall have up to sixty (60) days from the date of their first regularly scheduled meeting of consideration to defer, refer back to the Planning Board, approve, approve with conditions, or deny the Development Master Plan. Alternatively, the Town Board may suspend the review period and request additional information of the applicant, other governmental agencies, or interested/affected parties in order to aid in the review of the Development Master Plan or deferral of its consideration. If the Application is denied, the reasons for denial shall be provided to the applicant in writing.
- B. Following denial by the Town Board, the Applicant may file a new Application and associated fee. Unless the Town Board explicitly states conditions that must be met prior to the resubmission of an Application, the Applicant shall not submit a new Application for the same property within one (1) year of the date of denial by the Town Board unless the Application is significantly different from the previously denied Application. All Applications shall be resubmitted for full review, unless the Application is resubmitted to address conditions set forth by the Town Board for re-application.
- C. Approval of a Development Master Plan shall constitute final Town Board approval for all phases of the development except for any required approval of Construction Documents.

### **7.6.4 Review and Approval of Construction Documents**

- A. Following approval of the Master Development Plan by the Board of Commissioners, the applicant may submit Construction Documents in accordance with Section 8.5 - Construction Document Requirements.
- B. The LDO Administrator and other agencies as necessary shall review the Construction Documents for conformance with the approved Schematic Design.

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- C. Upon a completed review, subdivisions with 150 lots/units or more and non-residential development 15,000 or more gross square feet (GSF) must be submitted to the Town Board or their designated review committee for consideration of approval. The Town Board or their designated Review Committee shall have up to thirty (30) days from the date of their first regularly scheduled meeting of consideration to defer, refer to the Planning Board, approve, approve with conditions, or deny the Construction Documents.
  - D. For those developments under 150 lots/units or 15,000 GSF, the LDO Administrator shall conduct an administrative review and approve, approve with conditions, or deny the construction documents.
  - E. If the Application is denied, the reasons for denial shall be provided to the applicant in writing. Following denial by the Town Board or their designated Review Committee, the Applicant may file a new Application and associated fee and follow the procedures as prescribed in this subsection.
  - F. Approval of the Construction Documents shall constitute Preliminary Plat approval for Major Subdivisions and Planning permit Approval for Master Plans. No grading or infrastructure construction work may commence until these documents are approved.
  - G. Final Plats shall be prepared in accordance with Section 8.5.2 – Final Plat Requirements, and shall be approved administratively by the LDO Administrator.

#### **7.6.5 Effect of Approval of the Preliminary Plat**

- A. Only after receiving Preliminary Plat approval for a Major Subdivision as prescribed by this Chapter and other written approval and necessary permits from the appropriate regulating agencies, shall the sub-divider begin grading, soil erosion, and infrastructure construction on the development.
- B. Approved preliminary plats are valid for 1 year from the date of approval by the Town of Franklinville. Reasonable and necessary extensions may be granted at the Board's sole discretion if a written request by the sub-divider is made to the Town Board forty-five (45) days prior to the 1-year anniversary of preliminary plat approval. Upon expiration of approval prior to final plat approval and recordation, a new application for subdivision will be required in accordance with the process before development can recommence.
- C. Approval of a preliminary plat constituting an individual phase of a multi-phase project, which has not been entirely approved, does not constitute approval by the Town of any remaining phases. For approved preliminary plats consisting of multiple phases, only the phase that is to be developed for sale immediately shall be submitted for final plat approval.
- D. Any substantial changes proposed to an approved preliminary plat shall be reviewed by the Planning Board and approved or denied by the Town Board of Commissioners as amended Construction Documents.
- E. All required infrastructure improvements for the preliminary plat shall be in place within 1 year of preliminary plat approval. If circumstances beyond the control of the sub-divider do not allow for the completion of the required work within the 1 year period or the size of the phase is such that 1 year is insufficient time to complete all required work, then the sub-divider may file a written request for an extension with Town Board no later than forty-five (45) days prior to the 1 year anniversary of preliminary plat approval by the Town as provided above. If infrastructure work is not completed within 1 year and/or no extension request is filed with Town Board and approved, preliminary plat approval becomes null and void on the day of the 1-year anniversary and a new application will be required.

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### **7.6.6 Review and Approval of Final Plat**

- A. The sub-divider shall initiate the final subdivision plat approval process by submitting the Final Plat and copies of any required improvement guarantees to the LDO Administrator or designee, who will then have thirty (30) business days to approve or deny the Final Plat. During the review period, the LDO Administrator will confirm the accuracy of the Final Plat. If substantial errors are found, including inconsistencies with the approved preliminary plat, the plat shall not be approved and the review period suspended until the applicant has corrected such errors. A list of the needed corrections shall be provided to the applicant. Once complete, the Final Plat shall be approved or denied by the LDO Administrator or designee within thirty (30) business days of the date of final completed submission.
- B. The Final Plat shall constitute all portions of the approved preliminary plat. No Final Plat shall be approved unless and until the sub-divider has installed in that area all improvements required by this Ordinance.
- C. Any conditions placed on the approval of the Final Plat shall be addressed by the sub-divider within forty-five (45) days. Failure of the sub-divider to meet the forty-five (45)-day response period shall cause the conditional approval of the Town to be null and void.
- D. Approved Final Plats must be filed by the applicant for recording with the Register of Deeds of Randolph County within thirty (30) days of the date of approval by the LDO Administrator or designee; otherwise, such approval shall be null and void. After recordation, the sub-divider shall provide twenty (20) copies of the registered plat to the Town for distribution to various state and local government agencies and public utilities along with one (1) certified mylar copy for permanent file in the Town Hall.

### **7.7 Re-Subdivision Procedures**

- A. For any re-platting or re-subdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.
- B. Re-subdivision of lots on already approved and recorded plats can occur only under the following circumstances:
  - 1. No lot or tract of land shall be created or sold that is smaller than the minimum size as required by this Ordinance for the District in which the subdivision is located.
  - 2. Drainage, easements, or rights-of-way shall not be changed.
  - 3. Street alignment and block sizes shall not be changed.
  - 4. The property line between the back of lots shall not be changed to cause the rear setback of any lot to become non-conforming.
  - 5. The rear portion of lots shall not be subdivided from the front part.
  - 6. The character of the area shall be maintained.

### **7.8 Penalties for Transferring Lots in Unapproved Subdivisions**

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town of Franklinville, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Franklinville may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

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## **7.9 Procedures for Approval of Special Use Permits**

### **7.9.1 General Procedures**

All Special Use Permits shall be processed in accordance with the procedures outlined in this Section. The consideration of the Special Use Permits shall be conducted as a quasi-judicial process. During the public hearing, all parties presenting testimony and evidence shall be duly sworn. Testimony both in favor and against the Special Use Permits application shall be presented and will be considered towards formulating the Findings-of-Fact prescribed in this section.

### **7.9.2 Approval Requirements**

- A. The evaluation and approval of the Special Use Permit shall be based upon the sworn testimony and evidence presented at the hearing relevant to the following Findings of Fact: In addition to these procedures, the following requirements shall be met:
  - 1. The use meets all required principles and specifications of the Land Development Ordinance and Plan; and,
  - 2. The proposed development, if developed according to the plan submitted and approved, will be visually and functionally compatible to the surrounding area. See Chapter 6 for additional specifications regarding Spatial Definition and Architectural Compatibility; and,
  - 3. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed.
- B. In approving an application for a Special Use Permit, the Town Board may attach fair and reasonable ad hoc conditions which tend to support the required finding of facts as listed herein. The applicant shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Board. The Town Board may not require the landowner to waive a vested right as a condition of Special Use Plan approval.
- C. The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the plan would be contrary to one or more of these findings) shall rest entirely with the applicant or landowner.

### **7.9.3 Expiration of Special Use Permits**

A valid building permit shall have been issued for any activity authorized by a Special Use Permit within twenty-four (24) months after the date of approval of the Special Use Permit. If a valid building permit has not been issued during this time period, the Planning Board may consider recommending to the Town Board that the Special Use Permit be revoked. Such revocation may only occur after a public hearing has been conducted by the Town Board. Notification shall take place as specified in Section 7.6.3 of this Ordinance.



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## 7.10 Approval of Individual Buildings in an Approved Plan

- A. Individual buildings (except the detached house building type) in an approved plan, including master plan, site plan, or minor subdivision must be approved by the Design Review Board after review and comment by the LDO Administrator.
- B. The applicant will submit the building schematic design(s) with a schematic landscape plan for review and comment by the LDO Administrator, who may require that the schematic design be circulated to relevant Town departments for comments as to compliance with all applicable standards and requirements.
- C. Once the LDO Administrator deems the building schematic design and schematic landscape plan to be complete in information provided and compliant with all provisions of this ordinance they will be forwarded to the Design Review Board for review and approval.
- D. The Design Review Board will have 60 days from the date of their first review to approve or deny the building schematic design. If they deny the schematic design, they will state their reasons for denial in writing and permit the applicant to resubmit the development for further review.
- E. Following approval of the building schematic design by the Design Review Board, the applicant will submit the building construction documents for review by the LDO Administrator. Once the LDO Administrator deems the building construction documents to be complete in information provided and in compliance with all provisions of this ordinance, they will be approved and the planning permit issued.
- F. Inspection of all improvements will be made periodically by the LDO Administrator or designee during the construction process. Following completion of the project, the developer will request a final inspection.



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## CHAPTER 8 – DEVELOPMENT PROPOSAL REQUIREMENTS

### 8.1 General Requirements for All Development Proposals

The following provisions apply to schematic designs for all development proposals subject to this ordinance – All development proposals shall:

- A. Be designed to facilitate the most advantageous development of the entire neighboring area by protecting and enhancing the stability, character, and environment of the area.
- B. Be consistent with all adopted public plans, including all specifications and requirements of the Land Development Ordinance.
- C. Provide open space as defined and required in this Ordinance, which encourages frequent use, attention, and the presence of people through placement and design. Where possible, the natural terrain, drainage, and vegetation of a site shall be preserved with superior examples contained in parkways and greenways.
- D. Have streets that extend existing streets into and through the development.
- E. Not have reserve strips adjoining street rights-of-way for the purpose of preventing access. Reverse frontage and flag lots are disallowed except with special approval due to extreme topographic circumstances or site conditions.
- F. Have lots and associated new construction front on the existing street, where no frontage condition currently exists.
- G. Protect and preserve stands of significant trees, vistas from high ground or natural water features or courses.
- H. Incorporate bike paths and pedestrian paths, which are designed to connect with similar planned or existing local or regional facilities as shown on official plans and maps of the Town of Franklinville, neighboring municipalities, or Randolph County. Streets, pedestrian paths and bike paths shall contribute to a system of fully connected routes to all destinations. Designs shall encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting, and by discouraging high-speed traffic.
- I. Be designed to accommodate and/or support existing and proposed public transportation routes and facilities.

### 8.2 Required Improvements for All Development Proposals

All development proposals shall be required to install or provide the following improvements:

- Public Water Supply Distribution and Fire Hydrants
- Public Sewer
- Public Streets (paved) and other Public Rights-of-Way
- Easements (Includes Rural Cluster Developments)
- Sidewalks
- Curb and Gutter
- Street Lights
- Dedicated Open Space
- Landscaping and Street Trees

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## 8.3 Required Conformance With Adopted Plans

### A. Open Space Designation

1. Where the designation of certain environmentally significant or sensitive features is shown on the Town of Franklinville Land Development Plan, all new residential development involving the subdivision of land under this Chapter shall make every effort to reserve those features as dedicated open space. The reservation of designated open space areas shall count towards the open space dedication requirements set forth in this Ordinance.

### B. Town Street and Thoroughfare Plans

1. Where a proposed Development Plan includes any part of a Town street or thoroughfare which has been designated as such in the Franklinville Land Development Plan or on the official Thoroughfare Plan adopted by the Town or North Carolina Department of Transportation, or as part of any Transportation Plan adopted by the Town of Franklinville, a right-of-way shall be platted in the location shown on the Plan at the width specified in this Ordinance.
2. As a condition of approval, the Developer shall be required to construct the proposed street or thoroughfare within the borders of the proposed development in accordance with the adopted standards or plans for such construction. In instances where such a street is scheduled for construction by the Town or the North Carolina Department of Transportation, the Developer may make a payment in lieu of construction equal to his pro-rata share of the costs of construction. Major thoroughfare and highway construction are exempted from this requirement.

### C. Reservation of School Sites and Other Public Buildings

1. If the County Board of Commissioners or the Randolph County Board of Education have determined the specific location and size of any school site or other public building to be reserved and if this information appears in the Land Development Plan or any comprehensive plan over which other local governments have jurisdiction, the Planning Department shall immediately notify the appropriate authority if all or part of the reserved location is included in the proposed subdivision. The responsible authority shall promptly decide whether it still wishes the site to be reserved. The responsible authority shall then have eighteen (18) months beginning upon the date of final plat approval within which to acquire the site by purchase or by condemnation as provided in G.S. 160A-372. If the Franklinville Board of Commissioners, the Randolph County Board of Education, or any other local government having jurisdiction has not purchased or begun proceedings to condemn the site within eighteen (18) months, the developer may treat the land as freed from reservation.
2. If the total development size exceeds two hundred (200) acres or five hundred (500) housing units, the developer shall reserve adequate (minimum of 18 usable acres) prominent sites for the location of schools. Sites reserved for civic uses may include up to one-half ( $\frac{1}{2}$ ) of their total area towards the open space dedication requirement.

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## 8.4 Schematic Design Requirements

### 8.4.1 Site Plan - Schematic Design Requirements

The site plan schematic design shall be submitted at a scale no smaller than 1 inch equals 50 feet (1" = 50'). It must be drawn to the following specifications and contain or be accompanied by the information listed below. No processing or review of a site schematic design plan will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination.
- C. A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties.
- D. All necessary engineering calculations required for compliance with the Watershed Protection Overlay District – Section 4.9.
- E. A timetable for estimated project completion for each phase proposed.
- F. Original contours at intervals of not greater than five feet for the entire area to be subdivided (two feet upon request of the LDO Administrator). Contours are to extend into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries for a master plan, and 50 feet at all points of common project boundaries for a site plan. Randolph County digital topography may be used to satisfy this requirement.
- G. Illustrative elevations of all proposed buildings (except detached homes) including views from the public rights-of-way.
- H. All adjacent properties and their uses.
- I. Intended conservation easements, deed restrictions prohibiting further subdivision or development, or instruments reducing development rights.
- J. Landscape schematic design.
- L. Watershed protection permit application and supporting calculations and plans in accordance with this Ordinance.
- M. Development permit and certification application with supporting documentation as required by provisions of the Floodplain Protection Overlay District (FP-O) – Section 4.11.

### 8.4.2 Master Plan - Schematic Design Requirements

The master plan schematic design will show (in simple sketch form) the proposed layout of streets, lots, buildings, public open spaces and other features in relation to existing conditions. It will also include the following information:

- A. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown.
- B. The location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract.
- C. Scale denoted both graphically and numerically with north arrow and declination.
- D. A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties.
- E. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions

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- F. The location of any building restriction areas (i.e. flood hazard areas, stream buffers, watershed protection districts, and/or jurisdictional wetlands), and any other environmentally-significant areas.
  - G. Site calculations including total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units and number of equivalent residential units.
  - H. All necessary engineering calculations required for compliance with the Watershed Protection Ordinance.
  - I. The street names, the owner's name and address, the names of adjoining subdivisions or property owners all located within the required public notification area for the project, the name of the county and state in which the development is located, the date of plan preparation, and the planning classification of the tract to be developed and of adjoining properties.
  - J. Typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, the profile of the street will include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the development abuts a tract of land that adjoins the development and may be expected to extend into the adjoining tract of land, the profile will be extended to include 300 feet of the adjoining tract.
  - K. A timetable for estimated project completion for each phase proposed.
  - L. Original contours at intervals of not greater than five feet for the entire area to be subdivided (two feet upon request of the LDO Administrator). Contours are to extend into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries for a master plan, and 50 feet at all points of common project boundaries for a site plan. Randolph County digital topography may be used to satisfy this requirement.
  - M. Illustrative elevations of all proposed buildings (except detached homes) including views from the public rights-of-way.
  - N. All adjacent properties and their uses.
  - O. Intended conservation easements, deed restrictions prohibiting further subdivision or development, or instruments reducing development rights.
  - P. Landscape schematic design.
  - Q. Current uses on-site
  - R. Watershed Protection permit application and supporting calculations and plans in accordance with Section 4.9 - Watershed Protection Overlay District (WP-O).
  - S. Development permit and certification application with supporting documentation as required by provisions of the Floodplain Protection Overlay District (FP-O) – Section 4.11.

#### **8.4.3 Buildings - Schematic Design**

A building schematic design submittal should include, as a minimum:

- A. A location map with north arrow, dimensions of site boundaries, acreage, information about ownership and uses, and existing or potential uses of adjacent property.
- B. Scaled drawings of the floor plans that indicate construction materials and framing systems.
- C. Include square footage figures for each floor. Show all proposed door and window locations.
- D. Elevations of each façade indicating heights, floor levels, and materials.

#### **8.4.4 Landscape - Schematic Design Requirements**

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A landscape schematic design must include, at a minimum, the following information:

1. General location, type and quantity of existing plant materials.
2. Existing plant materials and areas to be left in natural state.
3. Locations, size and labels for all proposed plants in rights of way.

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## 8.5 Construction Document Requirements

Site construction documents constitute the complete submittal requirements for required plats, and shall be submitted at a scale no smaller than 1 inch equals 100 feet.

### 8.5.1 Preliminary Plat Requirements

No certifications other than the Certificate of Survey and Accuracy must be provided in connection with the submission of a preliminary plat. Preliminary plats must be drawn to the following specifications and must contain or be accompanied by the applicable information listed below. No processing or review of site construction documents will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be subdivided with all bearings and distances shown.
- B. The location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract.
- C. Scale in feet denoted both graphically and numerically with north arrow and declination
- D. A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties.
- E. Existing topography and finish grading with contours drawn at two foot intervals. The LDO Administrator may permit the use of County topographic data in five foot intervals on a site-specific basis. This requirement may be waived for developments smaller than one acre or where determined that there is insufficient topographic change to warrant such information.
- F. The street names, the owner's name and address, signature of the owner or owner's duly authorized agent, the name of the surveyor, the names of adjoining subdivisions or property owners, the name of the township, county, and state in which the development is located, the date of preparation, and the planning classification of the tract to be developed and of adjoining properties.
- G. A statement from the Public Works Department regarding the availability of adequate water and sewer capacity for the proposed development.
- H. Landscape plan in accordance with Section 6.8 and lighting information in accordance with Section 6.9.
- I. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating connections to existing systems. All water supply systems and sewage collection systems noted on the construction documents will conform to current Randolph County Utility Department standards. All storm drainage systems will conform to the Randolph County Land Development Standards.
- J. The location and size of all utility lines, easements, and rights-of-way including water, sewer, storm sewer, natural gas, and electric.
- K. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands), and any other environmentally-significant or sensitive areas.
- L. Easements will be shown as follows:
  - 1. Utility easements: easements for underground or above ground utilities will be provided for and centered along rear or side lot lines, and will be a minimum of 10 feet in width. Easements for water lines, sanitary sewers, and storm drains will be centered on the pipe and a minimum determined by the Town or the utility.



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2. Drainage easements: where a development is traversed by a stream or drainage way, an easement will be provided conforming to the lines of such stream and of sufficient width to maintain the overall integrity of the drainage area, and to comply with provisions of the Stream Buffer Protection Overlay District (SB-O) – Section 4.10.
  3. Landscape easements: landscape easements along streets should be designed in accordance with the provisions of Section 6.8. The Town may require landscape easements for developments where industrial or commercial uses abut residential uses.
  4. Public access easements: public access easements will be provided for sidewalks, trails, greenways, and other pedestrian and bicycle facilities that provide connections other than within public rights-of-way.
  5. Conservation easements: deed restrictions prohibiting further subdivision or development or instruments reducing development rights.
- L. Site calculations will include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use and non-residential buildings, and gross project density per acre.
  - M. The location and dimensions of off-street parking and loading spaces, and walkways indicating the type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided.
  - N. The location, size, height, and orientation of proposed signs.
  - O. The location and dimensions of proposed recreation areas, open space, and required amenities and improvements including the calculated area of all required open space dedications in accordance with Section 6.5.
  - P. The location and dimensions of sidewalks, curb and gutters to be installed along public street frontages, and other required street improvements designated in Section 6.7 of this Ordinance, and the Franklinville/Ramseur Thoroughfare Plan. Required rights-of-way shall be drawn in the location shown on any official plan at the width and as specified in this Ordinance.
  - Q. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and design engineering data for all corners and curves. Where a proposed street is an extension of an existing street the profile of the street will include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile will be extended to include 300 feet of the said adjoining tract.
  - R. The location of any existing or proposed demolition landfills in the site. Such sites will not be used for building.
  - S. A copy of the full soil erosion and sedimentation permit application including forms, plans, and calculations to be submitted to Randolph County Land Development Services, and a copy of the approval letter prior to site plan or preliminary plat approval.
  - T. Final proposed elevations of all non-single-family residential buildings proposed for construction as part of this site plan approval. Subsequent buildings within the development may be handled as separate site plans. Such elevations will include all facades visible from public streets.
  - U. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Randolph County Health Department will be submitted with the construction documents indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.
  - V. Watershed protection permit application and supporting calculations and plans in accordance with Section 4.9.

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W. Development permit and certification application with supporting documentation as required by provisions of Flood Protection Overlay District regulations – Section 4.11.

### **8.5.2 Final Plat Requirements**

The final plat will be prepared by a registered landscape architect or surveyor, licensed to practice in the State of North Carolina and must be drawn to a scale no smaller than one (1) inch equals one-hundred (100) feet, and will meet the requirements of the Randolph County Register of Deeds Office. The final plat will constitute all portions of the preliminary plat site, which the sub-divider proposes to record, and develop at the time.

No final plat will be approved unless and until the sub-divider has installed in the platted area all improvements required by this Ordinance. The final plat shall contain the following:

- A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- C. As-built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans will show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information will not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- D. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building line, easement line, and setback line. All dimensions will be measured to the nearest one-hundredth of a foot and all angles to the nearest second.
- E. The lines and names of all streets, alley lines, lot lines, lot and block numbers, lot addresses, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to public purpose with notes stating their purposes. All lots subject to flooding will be noted with the following statement:  
"Any construction or use within the areas delineated as floodway are subject to the restrictions imposed by the Floodplain Ordinance."
- F. The accurate locations and descriptions of all monuments, markers, and control points.
- G. Underground and aerial utility easements will be shown.
- H. The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, and the date of the plat.
- I. Certification of fulfillment of the requirements of the Adequate Public Facilities Ordinance.
- J. Conservation easements, deed restrictions prohibiting further subdivision or development or instruments reducing development rights.
- K. All areas that have been used for the disposal of solid waste. This includes areas that been used for the disposal of trash, demolition waste, construction debris, stumps, and other waste materials.
- L. Stream buffers required by Sections 4.9 and 4.10.
- M. All of the appropriate certifications must appear on the final plat.

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### **8.5.3 Buildings - Construction Documents**

The building construction document submittal shall include all the drawings required in Plan Submittal Requirements for Commercial Projects by the Randolph County Planning and Zoning and Building Inspections Departments.

### **8.5.4 Landscape Construction Documents**

The Landscape construction document submittal shall include, at a minimum, the following information:

1. General location, type and quantity of existing plant materials.
2. Existing plant materials and areas to be left in natural state.
3. Locations, size and labels for all proposed plants in rights of way.
4. Methods and details for protecting the critical root zone of existing plant materials during construction.
5. Plant lists with common name, botanical name, quantity, spacing, and size of all proposed landscape material at the time of planting.
6. Location, size, and labels for all proposed plants outside of rights of way.
7. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, lights, courtyards, walks, or paved areas.
8. Planting and installation details as necessary to ensure conformance with all required standards.
9. The landscape schematic design and construction documents shall be submitted at a scale no smaller than 1 inch equals 100 feet.

### **8.5.5 Schedule of Fees**

The schedule of fees is established by the Town Board of Commissioners and is available for inspection.

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## **8.6 Development Proposal Document Requirements**

### **8.6.1 Schematic Design Documents - Number and Size Required**

All required Schematic Design documents shall be submitted in the following sizes and quantities for the various purposes specified:

- A. For initial review and comment by the Town of Franklinville - 3 (3) copies at a preferred size of 24" X 36" (with a minimum size of 18" X 24" permitted).
- B. For consideration by the Planning Board - Five (5) copies at a preferred size of 24" X 36" (with a minimum size of 18" X 24" permitted)
- C. For initial consideration by the Town Board of Commissioners – Eight (8) copies at a preferred size of 24" X 36" (with a minimum size of 18" X 24" permitted).
- D. Upon submittal to the Planning Board and Board of Commissioners - One (1) reduced black and white copy at a size of 11" X 17".

### **8.6.2 Preliminary Plat Documents - Number and Size Required**

Preliminary Plats shall be submitted in the following sizes and quantities:

- A. Five (5) copies at a preferred size of 24" X 36" (with a minimum size of 18" X 24" permitted)
- B. One (1) reduced black and white copy at a size of 11" X 17".

### **8.6.3 Final Plat Documents - Number and Size of Required**

Final Plats shall be submitted in the following sizes and quantities:

- A. Three (3) copies at a preferred size of 24" X 36" (with a minimum size of 18" X 24" permitted)
- B. One (1) mylar original at a preferred size of 24" X 36" (with a minimum size of 18" X 24" permitted)
- C. One (1) reduced black and white copy at a size of 11" X 17".

**8.6.4 Final Plat Documents – Certifications Required**

The following certifications must appear on the Final Plat:

A. Certificate of Survey and Accuracy

Certificate of Survey and Accuracy. I, \_\_\_\_\_, certify that this map was (drawn by me)(drawn under my supervision) from (an actual survey made by me)(an actual survey under my supervision)(deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_, etc)(other); that the error of closure as calculated by latitudes and departures is 1:\_\_\_\_, that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_; that this map was prepared in accordance with G.S. 47- 30 as amended. Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_ (year).

\_\_\_\_\_  
Surveyor

Official Seal

\_\_\_\_\_  
License or Registration Number

I (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_ (year).

Official Seal

\_\_\_\_\_  
Signature of Officer

B. Certificate of Ownership and Dedication

Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and described herein, which is located in the subdivision jurisdiction of the Town of Franklinville and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, preserve and protect all significant trees over 18 inches diameter in the tree and root protection area, plant supplementary trees if required, and dedicate all streets, alleys, walks, parks, and other sites and easements, to public or private uses as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines that are located in public utility easements or rights-of-way to the Town of Franklinville.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner(s)

C. Certificate of Approval of the Design and Installation of Required Improvements

Certificate of Approval of the Design and Installation of Required Improvements. I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Town Specifications and Standards or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Franklinville has been received.

\_\_\_\_\_ Date

\_\_\_\_\_ Public Works Director, Franklinville, NC

D(1). Certificate of Approval for Recording

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Development Ordinance of Franklinville, North Carolina, and that this plat has been approved by the Town of Franklinville for recording in the Office of the Register of Deeds of Randolph County. I further certify that the Town Board of Commissioners only accepts the dedication of the public parks shown thereon, if such parks are located within the corporate limits of Franklinville, but assumes no responsibility to open or maintain the same until, in the opinion of the Town Board of Commissioners, it is in the public interest to do so.

\_\_\_\_\_ Date

\_\_\_\_\_ LDO Administrator, Franklinville, North Carolina

OR

D(2). Certificate of Approval for Recording [The following certificate shall appear on plats which do not meet the definition of subdivision as defined in this Ordinance, but which need approval from the Town for recording at the Randolph County Register of Deeds Office. This Certificate is to be used in lieu of D(1). above.]

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon is exempt from the subdivision provisions of the Franklinville Land Development Ordinance, and is therefore exempt from its provisions. The plat has been found to comply with all regulations of the Franklinville Land Development Ordinance, and has been approved by the Town of Franklinville for recording in the Office of the Register of Deeds of Randolph County.

\_\_\_\_\_ Date

\_\_\_\_\_ LDO Administrator, Franklinville, North Carolina

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The following Certificate shall be placed on the final plat only when the proposed subdivision is not to be connected to publicly-owned and operated water supply and sewage disposal systems.

E. Certification of Approval of Water Supply and Sewage Disposal Systems

Certification of Approval of Water Supply and Sewage Disposal Systems. I hereby certify that the water supply and sewage systems installed or proposed for installation in \_\_\_\_\_ Subdivision meet necessary public health requirements and are hereby approved.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Randolph County Health Officer or Authorized Representative

All plats approved in the Town of Franklinville's jurisdiction must have one of the following Watershed Certificates on the final plat:

F(1). Certificate of Approval for Recording

Certificate of Approval for Recording. This property is located within a Public Water Supply Watershed. Development restrictions may apply. I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Town of Franklinville for recording at the Randolph County Register of Deeds Office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
LDO Administrator, Town of Franklinville, NC

OR

F(2). Certificate of Approval for Recording

Certificate of Approval for Recording. I certify that this plat is not within a designated Public Water Supply Watershed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
LDO Administrator, Town of Franklinville, NC

OR

F(3). Certificate of Approval for Recording

Certificate of Approval for Recording. I certify that this plat is within a designated Public Water Supply Watershed, and that the owner and developer have submitted plans and obtained permits for construction prior to the effective date of the Ordinance, and are exempt from its provisions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
LDO Administrator, Town of Franklinville, NC

G. Review Officer Certification

Review Officer Certification. State of North Carolina, Randolph County, I \_\_\_\_\_, Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all the statutory requirements for recording.

\_\_\_\_\_ Date

\_\_\_\_\_ Review Officer

H. North Carolina Department of Transportation Certification

North Carolina Department of Transportation Certification.

Division of Highways:

Proposed Subdivision Road:

Construction Standards Certification

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
District Engineer

**8.7 Requirements for the Placement of Monuments**

Unless otherwise specified by this Ordinance, the Manual of Practice for Land Surveying, as adopted by the NC State Board of Registration for Professional Engineers and Land Surveyors under provisions of Chapter 89 of the General Statutes of North Carolina, shall apply when conducting surveys of subdivision; in order to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

In addition, for the purpose of identification and protection of survey corners and monuments, each corner or monument within the subdivision shall have a disk attached to a ferrous rod or placed in concrete that shall be stamped to identify that point as a property corner and or control point. All monuments shall be set flush with or just below ground level and shall be made of durable materials. In addition, ferrous materials will be present in sufficient mass either in the monument or in close proximity to the monument to allow for detection by electronic metal detection devices. Randolph County Engineering and Building Standards Department will inspect all monuments prior to final approval of the subdivision.



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## 8.8 Environmental Inventory Requirements

An environmental inventory is required for all development proposal reviews. It is the foundation for all site decisions on the project. The inventory identifies existing vegetation, wetlands, wildlife and distinctive natural features. It provides the Town and the applicant the ability to improve the aesthetics of the proposed development, preserve vegetation and wildlife, and encourage the use of the existing forest, tree canopy, and specimen trees. The LDO Administrator may waive these requirements for Rural Cluster Developments.

Environmental inventory requirements are as follows:

- A. Provide a description and location of significant vegetation 12 inches in diameter at breast height (DBH) or greater. Include the average size and height of stands of homogeneous trees. State the typical tree species, size, spacing, and general health and vigor of forest stands.
- B. Identify all free standing, open grown or field-grown specimen trees located on the site.
- C. Show all other important natural features influencing site design such as the location of wetlands, rock outcroppings, site topography at two foot contour intervals, slopes steeper than 15%, perennial streams, stream buffers, natural drainageways, lakes and other water bodies, floodplains indicating both the flood fringe and the flood way, soil types and historical or cultural features, as well as designated open space or conservation easements on adjoining properties.
- D. The location of property lines, existing buildings or structures, easements, utility rights-of-way, any building restriction areas (i.e. flood hazard areas, stream buffers, watershed protection districts, and/or jurisdictional wetlands), or any other environmentally-significant areas.
- E. Denote the presence of any known endangered species indicated in any surveys completed by Randolph County, the State of North Carolina, or other agencies, such as the Piedmont Land Conservancy.
- F. Show all areas that have been used for the disposal of solid waste. This includes areas that have been used for the disposal of trash, demolition waste, construction debris, stumps, and other waste materials.



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## CHAPTER 9 – ORDINANCE ADMINISTRATION

### 9.1 Administration

#### 9.1.1 Land Development Ordinance (LDO) Administrator

The various provisions of the Town of Franklinville Land Development Ordinance will be administered by the Town of Franklinville Land Development Ordinance (LDO) Administrator or a designee.

#### 9.1.2 Planning Permit

No building, sign or other structure (except as otherwise provided for in this ordinance) will be erected, moved, extended or enlarged or structurally altered, nor will the use conducted within the building change, nor will any excavation or filling of any lot for the construction of any building be commenced, nor will any change in the use of a property be commenced until the LDO Administrator has issued a planning permit for such work. The fee for a planning permit will be established by the fee schedule approved by the Town Board of Commissioners.

##### 9.1.2.1 Expiration of Planning Permit

Any planning permit issued in accordance with this ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

##### 9.1.2.2 Records

The LDO Administrator will maintain a record of all planning permits on file at the Town Hall, and copies will be made available on request to interested parties.

##### 9.1.2.3 Conditions for Approval

Planning permits issued on the basis of dimensional plans approved by the LDO Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differ from that authorized will be deemed a violation of this ordinance and will be punishable as indicated in this section.

##### 9.1.2.4 Planning Permit Not Required

Notwithstanding any other provisions of this ordinance, no planning permit is necessary for the following uses:

- A. Street construction or repair
- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
- C. Specific signs exempted in Section 6.10.5.
- D. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses
- E. Interior alterations and renovations which do not alter the footprint or height of an otherwise conforming use and/or structure

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#### 9.1.2.5 Right Of Appeal

If a request for a planning permit is disapproved or if a ruling of the LDO Administrator is questioned, any aggrieved party may appeal such ruling to the Board of Adjustment in accordance with this section.

### **9.1.3 Certificate of Occupancy**

No structure hereafter erected, moved, structurally altered or changed in use will be used or occupied until a certificate of occupancy has been issued by the Randolph County Planning and Building Inspections Department. Any certificate of occupancy issued will state that the structure or portion of a structure is in compliance with the information stated on the planning permit and with all applicable provisions of this ordinance. A record of all certificates of occupancy will be kept on file in the office of the Randolph County Planning and Building Inspections Department and copies will be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial will be specified in writing and provided to the applicant.

### **9.1.4 Violations of This Ordinance**

#### 9.1.4.1 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof will be filed with the LDO Administrator who will properly record such complaint, immediately investigate, and take action as provided by this ordinance.

#### 9.1.4.2 Penalties For Violation

In case any structure, use, or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the LDO Administrator, the Randolph County Building Inspector, any other appropriate Town authority; or any person who may be damaged by such violation.

- A. Criminal - Any person, firm, or corporation convicted of violating the provisions of this ordinance will, upon conviction, be guilty of a misdemeanor and will be fined an amount not to exceed five hundred dollars (\$500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation will be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.
- B. Equitable Remedy - The LDO Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the LDO Administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.
- C. Injunction - Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the LDO Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

- D. Order of Abatement - In addition to an injunction, the LDO Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
1. Buildings or other structures on the property be closed, demolished, or removed;
  2. Fixtures, furniture or other moveable property be moved or removed entirely;
  3. Improvements, alterations, modifications or repairs be made; or
  4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.
- E. Execution of Court Decisions - If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The LDO Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and will be conditioned of the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.
- F. Stop Work Order Issuance and Revocation of Permits - Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the LDO Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order will be in writing, directed to the person doing the work, and will state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work. The LDO Administrator may revoke any permit (e.g. Building Certificate of Occupancy) by written notification to the permit holder when violations of this ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this ordinance, or a permit has been mistakenly issued in violation of this ordinance.
- G. Civil Penalty - In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this ordinance may be enforced through the issuance of civil penalties by the LDO Administrator. Subsequent citations for the same violation may be issued by the LDO Administrator if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the LDO Administrator through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues will subject the violator to additional citations to be issued by the LDO Administrator. The following penalties are hereby established:

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| Warning Citation                                   | Correct Violation Within 10 Days   |
| First Citation                                     | \$50.00 (May be applied per tree or shrub for landscaping installation violations) |
| Second Citation<br>(For Same Offense)              | \$100.00   |
| Third And Subsequent<br>Citations For Same Offense | \$500.00   |

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NOTE: If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

- H. Non-Monetary Penalties - For violations of the Landscaping Sections of this ordinance, a non-monetary penalty, in the form of increased or additional planting requirements may be assessed in addition to or in lieu of any monetary penalties prescribed under this Section.

### **9.1.5 Appeals and Variances**

#### 9.1.5.1 Initiation Of Appeals And Variances

- A. An appeal may be initiated by any aggrieved party or by any officer, department or board of Franklinville.
- B. A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

#### 9.1.5.2 Appeals Procedure

The Board of Adjustment will hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the LDO Administrator and apply such interpretation to particular fact situations.

- A. The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed.
- B. The Board of Adjustment will have all the powers of the LDO Administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.
- C. An appeal may be made by any person who has received a ruling from the LDO Administrator. An appeal to the Board of Adjustment will be made within thirty (30) days of the decision, order, determination, or interpretation made by the LDO Administrator. The LDO Administrator may make an appeal to the Board of Adjustment at any time.

#### 9.1.5.3 Variance Procedure

When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment will have the power to vary or modify any of the regulations or provisions of this ordinance relating to the construction or alteration of buildings or structures or the use of land.

- A. The following are not cause for a variance:
  - 1. The citing of other nonconforming or conforming uses of land or structures in the same or other districts.
  - 2. The request for a particular use expressly, or by inference, prohibited in the district involved.
  - 3. The fact that the property may be utilized more profitably with a variance.
- B. The Board of Adjustment may only grant a variance having first held a public hearing on the matter and having made the following determinations:

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1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; and
  2. That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
  3. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done; and
  4. That the reasons set forth in the application justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.
  5. That if the applicant complies with the provisions of this ordinance, he can secure no reasonable return from, nor make any reasonable use of the property.
- C. The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, will be deemed a violation of this ordinance and will be punishable as prescribed in this section.
- D. Unless otherwise authorized by the Board of Adjustment and included in its decision to grant a variance, an order of the Board of Adjustment in granting a variance will expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within one year from the date of its decision.

#### 9.1.5.4 Appeals and Variances - Application Procedure

The following regulations apply to all applications submitted to the Board of Adjustment:

- A. Before a petition for an administrative appeal, interpretation of the land development ordinance, variance, or change or replacement of a nonconformity, or allowance of a temporary use will be heard and a public hearing conducted by the Board of Adjustment, an application will be submitted to the LDO Administrator along with a fee in accordance with fee schedule established by the Town Board. Said fee will be waived for any petition initiated by the LDO Administrator or other officials of Franklinville who initiate a request on behalf of the Town of Franklinville. For variance requests, the application will be accompanied by a map clearly identifying the subject property, all contiguous pieces of properties (i.e., all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, will be provided by the applicant.
- B. The filing of any application stays all proceedings unless the LDO Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that event, proceedings will not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Town Board or by a court of record.
- C. Within five working days after having received an application for an appeal, interpretation, variance, change or expansion of a nonconformity, or allowance of a temporary use, the LDO Administrator will determine whether the application is complete. If he determines that the application is not complete, he will serve a written notice on the appellant or petitioner specifying the application's deficiencies. The LDO Administrator will take no further action

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on the application until the deficiencies are remedied. If the LDO Administrator fails to so notify the appellant or petitioner, the application will be deemed complete.

#### 9.1.5.5 Appeals and Variances - Public Notification

The Town of Franklinville will give notice of all public hearings. Said notice will become a part of the record of the proceedings of the Board of Adjustment. Notice will be given in the following manner:

- A. Interpretations and appeals of the LDO Administrator
  - 1. Notice will be sent by the Town by first class mail to the applicant at least ten days prior to the public hearing.
  - 2. Notice will also be posted by the LDO Administrator in a conspicuous location in the Town Hall at least ten days prior to the public hearing. Both notices will indicate the nature of the public hearing and the date, time and place at which it is to occur.
- B. Variances and changes or expansions of nonconformities
  - 1. Notices will be provided by the applicant and sent by the Town by first class mail to the applicant and to owners of all contiguous properties at least ten days prior to the public hearing. The notice will indicate the nature of the public hearing and the date, time and place at which it is to occur.
  - 2. Notice will also be posted by the LDO Administrator in a conspicuous location in the Town Hall at least ten days prior to the public hearing. Said notice will indicate the nature of the public hearing and the date, time and place at which it is to occur.

#### 9.1.5.6 Appeals and Variances - Decisions

The Board of Adjustment will hold a public hearing on an application no later than 45 days after a complete application has been filed with the LDO Administrator. The application will be received by the Board of Adjustment at least ten days prior to the next regularly scheduled meeting of the Board to be considered at that meeting. The Board of Adjustment will decide on the matter which was presented at the public hearing within 31 days of the close of the public hearing.

The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment will be necessary to make an interpretation of the Land development ordinance, reverse any order, requirement, decision or determination of the LDO Administrator, grant a variance, allow for a change or expansion of a nonconformity allowance of a temporary use or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance. In all matters coming before the Board of Adjustment, the applicant will have the burden of providing clear, competent and material evidence in support of the application.

All decisions of the Board of Adjustment will be in writing and filed with the LDO Administrator.

#### 9.1.5.7 Variance Procedure - Effect of Approval

If an application for a variance is approved by the Board of Adjustment, the owner of the property will have the ability to (i) develop the use in accordance with the stipulations contained in the variance or (ii) develop any other use listed as a "permitted use" for the planning area in which it is located.



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## **9.1.6 Changes and Amendments to the Land Development Ordinance**

### 9.1.6.1 Amendments Initiated by the Town of Franklinville

The Board of Commissioners may from time to time, on its own motion or on the recommendation of the Planning Board, amend, supplement, change, modify, or repeal the boundaries or regulations herein or subsequently established. In addition, the Board of Commissioners may take such action on the petition of a private citizen in accordance with the following procedures.

### 9.1.6.2 Amendments by Petition

The petition, including a precise description of the proposed change, will be submitted to the LDO Administrator not later than three weeks prior to the meeting of the Board of Commissioners at which the petition is to be heard. When the petition concerns a specific piece of property, the owner of the property must sign the petition. The LDO Administrator will give notice of a public hearing for the petitioned change as provided by law. The Board of Commissioners and the Planning Board will sit jointly at the hearing.

### 9.1.6.3 Required Plans

- A. The petitioner will submit a sketch map, at a scale of not less than 1 inch equals 100 feet, nor more than 1 inch equals 20 feet, showing the following:
  1. the property for which the change is requested, with location and approximate size of existing buildings, easements, rights-of-way, open space, and existing and requested planning area; and,
  2. a perimeter line 500 feet from and surrounding the property lines of the property; and,
  3. property lines, names of property owners, existing buildings and structures, and existing land uses for all properties within the 500 foot perimeter line; and,
  4. the area within a 1,000 foot radius of the property, showing existing public streets and rights-of-way, and existing planning areas.
- B. The petitioner will also prepare a list of the owners of all properties within 500 feet of the property for which the planning area change is requested, and provide the LDO Administrator with two copies of the list. The petitioner will obtain from the LDO Administrator a copy of the legal notice for the public hearing at which the request is to be considered; and will return copies to the LDO Administrator in stamped envelopes properly addressed to all property owners on the list described above, no later than ten working days prior to the date of the public hearing. The LDO Administrator will mail these copies of the legal notice to the property owners no later than one day following receipt. The LDO Administrator should also place a sign or other legible notice on the property on which the planning area change is requested at least 10 days before the public hearing.

### 9.1.6.4 Public Hearing

No amendment of any type, regardless of how initiated, will be adopted until after public notice and hearing. The Planning Board will then be given 30 days within which to file its report and recommendations concerning the proposal. If no report is received from the Planning Board during this period, it will be deemed to have approved the proposal. The Board of Commissioners may thereupon take such action on the proposed amendment as it deems wise.

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### 9.1.6.5 Protests

In case of a protest against such change signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear or on either side, extending 100 feet therefrom, or of those directly opposite, extending 100 feet from the street frontage of such opposite lots, such amendments will not become effective except by favorable vote of  $\frac{3}{4}$  of the members of the Board of Commissioner members present. No protest petition under the above paragraph will be valid unless:

- A. It is a written petition bearing the actual signatures of a requisite number of property owners and stating their protest; and,
- B. It is received by the LDO Administrator in time to allow at least two normal work days (excluding weekends and legal holidays) prior to the advertised public hearing date to determine its sufficiency.

## **9.2 Boards and Commissions**

### **9.2.1 Boards and Commissions Established**

- A. The following Boards and Commissions are hereby established in fulfillment of the goals of the land development ordinance:
  1. Planning Board/Board of Adjustment
  2. Design Review Board/Historic Preservation Commission/Tree Commission
- B. All boards and commissions will follow the rules of procedure outlined in *Suggested Rules of Procedure for Small Local Government Boards*, published by the Institute of Government, as amended by the Board of Commissioners.

### **9.2.2 Planning Board/Board of Adjustment**

#### 9.2.2.1 Planning Board/Board of Adjustment - Authority And Responsibility

The authority to establish a Planning Board and Board of Adjustment for the Town of Franklinville is granted under the authority of G.S. 160A-19.

The Planning Board/Board of Adjustment will have the following duties and responsibilities:

1. To hear and decide appeals from any order, decision, determination, or interpretation made by the LDO Administrator pursuant to or regarding these regulations.
2. To hear and decide petitions for variances from the requirements of these regulations.
3. To make an interpretation of any portion of this ordinance.
4. To change the use of, or expand certain nonconformities.
5. To review and make a recommendation on the schematic design of all master plans.
6. To serve as the Watershed Review Board and rule on all petitions in accordance with the procedures specified in the watershed ordinance.
7. To render opinions and make recommendations on all issues and petitions related to the land development ordinance and other land use plans which may be adopted from time to time which require approval by the Board of Commissioners.
8. A subcommittee of the Planning Board will review the land development ordinance and make recommendations for changes to the full Planning Board for its consideration and recommendation prior to the end of each calendar year.

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### 9.2.2.2 Planning Board/Board of Adjustment – Membership and Terms of Office

- A. In accordance with G.S. 160A-362, the Planning Board/Board of Adjustment will consist of a total of 5 members. Representation will be provided for the extraterritorial jurisdiction by appointing up to two residents of the extraterritorial jurisdiction.
- B. Representatives from within the Town limits will be appointed by the Franklinville Board of Commissioners. Representatives from the ETJ area will be appointed by the Randolph County Board of Commissioners.
- C. The term of office will be five years. Vacancies occurring for reasons other than expiration of terms will be filled as they occur for the period of the unexpired term. The Planning Board/Board of Adjustment will elect a chair. The chair will serve a one-year term.
- D. The Board of Adjustment will be made up of all the Planning Board members.

### **9.2.3 Design Review Board/Historic Preservation Commission/Tree Commission**

#### 9.2.3.1 Design Review Board/Historic Preservation Commission/Tree Commission - Authority And Responsibility

The Design Review Board/Historic Preservation Commission/Tree Commission will have the following duties and responsibilities:

##### Design Review Board:

- 1. Review and approve schematic designs of all individual buildings in approved plans.
- 2. Review and approve all signs.

##### Historic Preservation Commission:

- 3. Recommend buildings, structures, areas, sites, or objects to be designated by ordinance as historic districts or historic landmarks.
- 4. Recommend the revocation of the designation of historic district or historic landmarks.
- 5. Grant or deny certificates of appropriateness.
- 6. Give advice to property owners concerning the treatment of the historical and visual characteristics of their properties.
- 7. Propose changes in this ordinance, and to recommend new ordinances dealing with historical resources of the Town.
- 8. Undertake programs of research, information, education, or analysis relating to any historic preservation matters under its purview.
- 9. Accept funds granted to the Commission from private or non-profit organizations.
- 10. Recommend to the Town and the State structures, sites, objects, or districts worthy of national, state or local recognition.
- 11. Initiate and participate in negotiations with owners or other parties to find means of preserving historic buildings scheduled for demolition.
- 12. Conduct public hearings on applications for certificates of appropriateness, where the Commission deems that a hearing is necessary.

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Tree Commission:

13. Serve as an advisory board to the Board of Commissioners on matters concerning trees.
14. Develop educational programs/materials for school children and adults about tree preservation and protection.
15. Serve as an information resource to the community.
16. Sponsor an annual Arbor Day ceremony (first Friday after March 15).
17. Present Tree Appreciation Awards every June for land development or redevelopment that sets an outstanding example of tree preservation, tree planting and landscaping, and/or exceeds the minimum tree requirements. Nominations are made in April/May; anyone is eligible to make a nomination.

The Commission is empowered to establish guidelines for approval of minor modifications, and to delegate to the LDO Administrator the authority to approve minor modifications. However, no request for approval of a minor modification may be denied without approval of the Commission.

9.2.3.2 Design Review Board/Historic Preservation Commission/Tree Commission - Membership

- A. In accordance with G.S. 160A-451-455, and G.S. 160A-400, the Design Review Board/Historic Preservation Commission (and Tree Commission) will consist of a total of five members. Representation will be provided for the extra-territorial jurisdiction by appointing at least one resident of the extraterritorial jurisdiction.
- B. Representatives from within the Town limits will be appointed by the Town Board of Commissioners. Representatives from the ETJ area will be appointed by the Randolph County Board of Commissioners.
- C. Where possible, the Town Board of Commissioners will appoint to a majority of the Commission those residents who have had special training or experience in a design field, such as architecture, landscape architecture, horticulture, planning, or a closely related field.
- D. The term of office will be three years, although initial appointments will be made for one, two and three years so the terms may be staggered. Vacancies occurring for reasons other than expiration of terms will be filled as they occur for the period of the unexpired term. The Design Review Board/Historic Preservation Commission/Tree Commission will elect its own chair. The chair will serve a one-year term.

**9.2.5 Meetings, Hearings And Procedures of all Boards and Commissions**

All meetings and hearings will be open to the public and will be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Planning Board, Design Review Board, Historic Preservation Commission, and Tree Commission. Such rules of procedures may be amended by the respective board or commission membership.

Any rules of procedure adopted by any board or commission will be kept on file at the offices of the LDO Administrator and will be made available to the public at any meeting or hearing.

**9.2.6 Staff**

The LDO Administrator will serve as staff to the Planning Board and will provide technical assistance to the Planning Board/Board of Adjustment, and the Design Review Board/Historic Preservation Commission/Tree Commission as requested.

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### **9.2.7 Attendance Policy for Boards and Commissions**

Any member of a Board or Commission who attends less than 75% of the regular and special meetings held by the board during any one year period may be removed from the board. Vacancies resulting from a member's failure to attend the required number of meetings will be filled as provided herein. The Chairman of the board or commission will notify the proper appointing authority if a member is absent 25% of the meetings, and a new appointment may be made by the Board of Commissioners to fill that vacancy.



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## Chapter 10 - Nonconformities

### 10.1 Purpose And Applicability

The purpose of this section is to regulate and limit the continued existence of uses and structures established prior to the effective date of this ordinance (or any amendment subsequent thereto) that do not conform to this ordinance. Any nonconformity created by a change in the classification of property or the text of these regulations will also be regulated by the provisions of this section. Many nonconformities may continue, but the provisions of this section are designed to curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the area in which it is located and the intent of this ordinance.

### 10.2 Nonconforming Uses

Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this section, but this section will only apply to the extent said nonconformities fully and clearly meet the definition of “non-conforming use” in Chapter 11 of this Ordinance.

- A. Normal structural repair and maintenance may be performed to allow the continuation of a nonconforming use. Also, a nonconforming use may be re-established in case of damage to the structure in which it is located (to an extent of less than 60 percent of its assessed value) due to fire or other disaster event pursuant to the issuance of a permit by the LDO Administrator. This will include, as well, the repair or reconstruction of any structure or on-site utility, parking or street infrastructure in support of said nonconforming use. If said structure was also nonconforming, the reconstruction will meet the requirements of the applicable planning area. An application must be filed for such building permit no later than 30 days after the structure has been destroyed or damaged, otherwise the use will not be allowed to be rebuilt. The building permit will expire six months after it is issued unless prior thereto a substantial beginning of the reconstruction will have occurred and thereafter diligently pursued.
- B. A nonconforming non-residential use will not be expanded, changed or enlarged, nor will such a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached). However, if a nonconforming non-residential use can expand within the existing structure, it may do so as long as the LDO Administrator determines that the interior expansion will not have a negative impact upon surrounding conforming uses. Any occupation of additional lands beyond the boundaries of the lot on which said nonconforming use is located is prohibited. An existing nonconforming residential use may be enlarged or altered. Any such enlargement or alteration will be in compliance with all yard requirements and other regulations of such structures as required in the specific planning area.
- C. Once a nonconforming use has been changed to a conforming use, it will not thereafter be used for any nonconforming use.
- D. If a nonconforming use is abandoned for one hundred-eighty (180) days or more, the use will not be allowed to re-establish. All new uses in said structure will thereafter be conforming. If said use is located in a structure which is destroyed (i.e. received damage to an extent of more than 60 percent of its assessed value at the time of destruction), a use may only be allowed to re-establish in accordance with the land development ordinance in effect in the area in which it is located. Assessed value will be determined by using tax

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assessment records provided by the tax assessor's office for the year in which the structure was destroyed.

### **10.3 Nonconforming Principal Structures**

A nonconforming structure containing a use permitted in the planning area in which it is located may continue only in accordance with the provisions of this section.

- A. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
- B. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.
- C. If a nonconforming non-residential structure is damaged to an extent greater than 60 percent of its assessed value for tax purposes, it may be rebuilt only after the issuance of a permit from the LDO Administrator. A building permit for reconstruction of such structure must be secured no later than 180 days from the date of its destruction. In the issuance of said permit, the LDO Administrator will follow these standards:
  - 1. If the structure can be rebuilt on the same lot and meet all setback requirements, it will be.
  - 2. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located, then it will be placed on the lot in as conforming a manner as possible.
  - 3. A nonconforming structure will not be rebuilt in a manner, which increases its nonconformity.
  - 4. The reconstruction of a nonconforming structure (at the same or smaller size) will require the installation of sufficient parking, landscaping or buffering.
- D. Should a nonconforming structure be moved for any distance on the lot upon which it is located, if possible, it will be moved so as to make the structure conforming. Otherwise the structure, if moved will be placed on the lot in as conforming a manner as possible.
- E. A nonconforming manufactured home used as a principal residential structure may only be replaced in accordance with section 4.7 of this ordinance.

### **10.4 Nonconforming Accessory Uses And Structures**

- A. A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.
- B. No nonconforming accessory use or accessory structure will continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the planning area in which it is located. No non-conforming accessory use or structure will become or replace any terminated principal non-conforming use or structure.

### **10.5 Nonconforming Lots**

- A. Except as provided in this section, a nonconforming vacant lot may be developed for any of the uses permitted by these regulations in the planning area in which it is located, provided



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that the use meets all applicable yard and setback requirements for the planning area in which the lot is located.

- B. A nonconforming vacant lot will not be developed if it could be combined with an adjoining lot (owned by the same person) on or after the effective date of these regulations in order to create a single lot. If said combination, however, results in the creation of a single lot that is more than 1 ½ times the minimum lot width or area required in the planning area, then the single lot may be divided into two lots of equal width and area without being further classified as nonconforming. For the purposes of this section, "adjoining" will be deemed to mean the sharing of one or more common lot lines and access to both lots can be provided by the same street without crossing that street.
- C. A nonconforming lot may be developed if, at the effective date of this ordinance or any subsequent date upon which the lot became nonconforming, (i) the subdivision in which the lot was located had received preliminary plat approval; or (ii) the subdivision in which the lot was located had received final plat approval.

## 10.6 Nonconforming Signs

- A. Except as herein provided, nonconforming signs that were otherwise lawful on the effective date of this ordinance may be continued.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, said sign may only be replaced with a sign which is in conformance with the terms of this ordinance.
- D. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign for a particular use in sound condition are permitted so long as the nonconformity is not in any means increased.
- E. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure will be cleared from the land. For purposes of this section, a nonconforming sign will be considered "destroyed" if it receives damage to an extent of more than 50 percent of the sign's value immediately prior to the sign having received said damage.
- F. The message of a nonconforming multi-tenant identification sign may be changed so long as it does not create any new nonconformities.
- G. If a nonconforming on-premise sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that has for a period of at least 180 days not been operated, conducted or offered, that sign will be deemed abandoned and will be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 30 days after the 180 day period has expired.

Notwithstanding the above, if there is an expansion to the heated square footage of an existing business, or a change in use to an existing building (except multi-tenant buildings), and there were one or more on-premise nonconforming signs which advertised the former or current business or use, any new signs used, and all new sign faces for the new use or business must meet all sign requirements for the underlying planning area.

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- H. If a nonconforming sign remains blank for a continuous period of 180 days, that sign will be deemed abandoned and will, within 30 days after such abandonment, be altered to comply with this ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this ordinance, a sign will be deemed "blank" if:
1. It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
  2. The advertising message it displays becomes illegible in whole or substantial part; or
  3. It does not contain an advertising message. (For such purposes, the terms "Sign For Rent", "Sign For Lease", "Building For Rent", "Building For Lease", "Building for Sale", etc. will not be deemed to be an advertising message).

## **10.7 Nonconforming Landscaping and Screening**

- A. If there is a change of use or an expansion to the heated square footage of an existing business, the lot will fully comply with all street yard landscaping, and screening requirements.
- B. Expansions to the parking area or loading areas which increase the total area more than 40 percent will be required to comply with all applicable parking and loading area landscaping and screening.

## **10.8 Nonconforming Plans**

- A. Any site specific plan (including but not limited to master plans, preliminary plats, final plats, conditional district plans, special use permit plans) for the development of property and/or construction of a building which has received final approval by the applicable Town governmental body for development and/or construction, but does not conform to this land development ordinance, may be developed and/or constructed in accordance with ordinance, rules, and regulations, including any conditions imposed by the governmental body, and the details of the site specific plan, pursuant to which such plan was approved. Any plan approved prior to the adoption of this land development ordinance, but which conforms to its provisions, will be administered, interpreted, amended and implemented in accordance with the provisions of this land development ordinance.
- B. The owner of property which contains an approved site specific plan identified in paragraph 10.8.A above may elect to develop such property and/or construct such building in accordance with the terms and provisions of this land development ordinance in lieu of this ordinance, rules and regulations pursuant to which the plan was approved. An owner who wishes to make such election will notify the LDO Administrator who will approve plan and notify the property owner in writing of the additional approvals or modifications, if any, which may be necessary in order for the plan to conform to the land development ordinance. In making such finding, the LDO Administrator will require additional approvals and/or modifications only if such are necessary in order to avoid a result which would not occur under the original approved plan or under a review under this land development ordinance.
- C. Any amendment or modification to an approved site specific plan identified in paragraph 10.8.A above, which would have required approval by the Board of Commissioners pursuant to the ordinance, rule or regulation by which the plan was approved originally, will be reviewed and approved (or denied or conditioned) in accordance with the terms and

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provisions of this land development ordinance as if it were an amendment or modification to a plan originally approved under this land development ordinance.

- D. Nothing herein is intended to prohibit the exercise of any vested right established by common law, ordinance or statute.

## **10.9 Appeals And Modifications**

- A. The Planning Board will hear and decide appeals from any land owner (i) to make a change in use of a nonconforming use to a less-intense nonconforming use; (ii) to make a change in location of a nonconforming use of land to another location on the same property; or (iii) allow the replacement of a nonconforming use.
- B. The Planning Board may only grant a change in a nonconforming use or replacement of a nonconforming structure which has been destroyed after having first held a public hearing and having determined that:
1. (i) Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation, and (ii) that the proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question, and
  2. That the decision to grant the change will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.
- C. The Planning Board, in granting said changes, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms upon which the change was granted, will be deemed a violation of this ordinance and will be punishable as prescribed in Section 9.1.4 of this chapter.
- D. The Planning Board, in granting a change in a nonconformity pursuant to this section may prescribe appropriate conditions and safeguards in conformity with this ordinance in order to conform with this section. Violation of such conditions and safeguards when made a part of the terms upon which the change was granted, will be deemed a violation of this ordinance and will be punishable as prescribed in this ordinance.



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# Chapter 11 - Definitions and Rules of Construction

## 11.1 Rules of Construction

For the purposes of these regulations, the following rules of construction apply.

1. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations will be guided by statements of intent.
2. In the event of any conflict in standards applying to a project, the standard more consistent with the Comprehensive Plan will apply.
3. The words "shall," "must," and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature except when used in the negative.
5. The word "should," whether used in the positive or the negative, is a suggested guideline.
6. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
7. For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this ordinance will have their everyday dictionary definition.

## 11.2 Definitions

### AAA

**Abandon:** To cease the regular use or maintenance of a lot, building, or structure.

**Abutting:** Having common property boundaries or lot lines that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

**Accessory structure or use:** A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event will "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located

**Adjacent:** Either abutting or being directly across a street.

**Adult Bookstore:** Notwithstanding the definitions of "Adult Bookstore" contained in G.S. 14-202.10(1), "Adult Bookstore" means a business establishment that:

- a. has one of its principal business purposes the sale or rental of: or
- b. has a substantial or significant portion of its stock or trade for sale or rental of:

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- (i) "publications" that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas", as defined in G.S. 14-202.10 (10), or "specified sexual activities", as defined in G.S. 14-202.10(11); and/or
  - (ii) "sexually oriented devices", as defined in G.S. 14-202.10(9).

As used in this definition, "publications" include, by way of illustration, books, magazines, other periodicals, movies, video-tapes, and other products offered in photographic, electronic, magnetic, or other imaging medium.

In addition to all other information available to the LDO Administrator in making a determination whether a particular use is an "Adult Bookstore", any of the following will be indicia that an establishment has as one of its principal business purposes the sale or rental of (i) "publications" that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices" as defined in G.S. 14-202.10(9):

- a. Restricted access to the business establishment or portions of the business establishment by persons under 16 years of age; and/or
- b. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive; and/or
- c. The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.

**Adult Establishment:** Adult cabarets, adult bookstores, adult mini-motion picture theaters, and all other places contained in G.S. 14-202.10.

**Adult Mini-Motion Picture Theater:** Notwithstanding the definition of "Adult Mini-Motion Picture Theater" contained in G.S. 14-202.10(6), "Adult Mini-Motion Picture Theater" means an enclosed building with one or more viewing booths or partitioned areas designed to hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where:

- a. one of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that; or
- b. a substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths:

are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities" as defined in G.S. 14-202.10(11) and/or "sexually oriented devices", as defined in G.S. 14-202.10(9).

In addition to all other information available to the LDO Administrator in making a determination whether a particular use is an "Adult Mini-Motion Picture Theater", any of the following will be indicia that an establishment has as one of its principal business purposes the presentation and

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viewing in viewing booths motion pictures that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11) and/or "sexual oriented devices", as defined in G.S. 14-202.10(9):

- a. Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under 16 years of age; and/or
- b. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in viewing booths might be offensive; and/or
- c. The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.

**Affordable Housing:** Housing available for occupancy or ownership by target households at mortgage or rental payments not exceeding 30% of the base, unadjusted income limits. For purposes of determining whether a home qualifies as affordable housing, mortgage payments will be computed based upon a down payment of 10%, and an interest rate not exceeding the prime rate. This definition applies to all dwelling units, regardless of whether the owner and/or operator does or does not participate in a program sponsored by HUD.

**Agricultural Industry:** Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

**Airport:** A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

**Airport uses:** Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

**Amendment:** Any change by the Town Board to the text of these regulations or the official planning area maps.

**Amusement, commercial outdoor:** Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public.

**Amusement, commercial indoor:** Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

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**Arborist:** A professional in the field of arboriculture who provides expert advice about trees and other woody plants, their care, preservation, and value.

**Arborist, Certified:** A person who is ISA (International Society of Arborists) licensed and authorized to perform arboricultural work.

**Arborist, Consulting:** a registered member of the American Society of Consulting Arborists or a professional in the field of arboriculture, who, on a regular basis, provides expert advice about trees and other woody plants, their care, safety, preservation and value. The consultant does not have a vested economic interest in the delivery of the services recommended, nor does the consultant deliver any paid service in lieu of a consulting fee. The consultant must be able to demonstrate proficiency and credibility through evidence of the following:

1. Documentation of substantial experience in arboricultural practice;
2. Documentation of degree acquisition and/or other forms of certified training.
3. Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem solving situations.
4. Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape Appraisers, Utility Arborists Association, and Society of Municipal Arborists.

**Arena:** A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

**Automotive repair:** A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs will be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

**Awning:** A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

## **BBB**

**Bed and Breakfast Inn:** A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner will reside on site and employment will not exceed two full time employees in addition to the owner(s).

**Best Management Procedures (BMPs):** A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs: Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.



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Structural BMPs: Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

**Board of Adjustment:** The Board of Adjustment of the Town of Franklinville.

**Buffer:** (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

**Buffer, Stormwater:** A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**Building:** A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of persons, animals, or goods.

**Building face:** The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

**Building lines:** Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

**Building site:** (See also Development.) An area of land, or property where development is undertaken.

**Building Types:** Names that are used to describe structures such as workplace, storefront, apartment, attached house, detached house and civic (such as churches and schools). The building types are as follows:

- A. Workplace building: The workplace building may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical. Southern mill villages provide examples of how these buildings can reasonably coexist with other businesses and homes.
- B. Storefront building: Storefront buildings may accommodate a variety of uses. A group of storefront buildings can be combined to form a mixed-use neighborhood center. Individual storefront buildings can provide some commercial service close to homes.
- C. Civic building: Civic buildings are used for public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. Their uses include churches, libraries, post offices, and schools.
- D. Live/Work units: Live/work units combine commercial and residential uses within a single dwelling unit of two or more stories.

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- E. Apartment buildings: Apartment buildings are residential buildings accommodating several households. More than four dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.  
When well designed, this building type can coexist with a variety of other residential building types.
  - F. Attached houses: Rowhouse, townhouse, duplex, triplex, or quadraplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.
  - G. Detached houses: A dwelling unit that is developed with no party walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles. Single-family usage only.
  - H. Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but may be occupied by another. If the principal dwelling is a group home, use of an accessory dwelling will not increase the number of residents otherwise permitted in a single group home.

**Built-upon Area (B.U.):** Built-upon areas will include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g.tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

## **CCC**

**Caliper:** A standard trunk diameter measurement for trees. This measurement is taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

**Canopy:** A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

**Change of Use:** The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use will include a change from one use to another use in the list(s) of permitted uses, and will also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

**Charrette:** A collaborative design process.

**Church:** see Religious Institution.

**Clinic, medical, dental, or optical:** A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

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**Clinic, veterinary:** A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

**Commencement of construction:** The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

**Commercial communication tower:** A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term will not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

**Commercial use:** A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, financial services, health care services, skilled nursing facilities and congregate housing facilities, indoor motion picture theaters, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), hotels and inns, theaters, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category will also meet any applicable conditions set out in Section 7. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; wholesale sales; heavy manufacturing; outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

**Community Park:** A park that is intended for use by all residents of the Town and is designated as a Community Park in the Parks and Greenway inventory maintained by the LDO Administrator and adopted by the Board of Commissioners. The Town hereby finds and determines that the designation "Community Park" does not depend exclusively upon its size, location, or function.

**Congregate housing:** Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

**Consultant:** Certified professionals such as arborists, biologists, foresters and horticulturists that are approved by the LDO Administrator.

**Copy:** Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

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**Correctional Institution:** A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

**Critical Area:** The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area of the Lake Norman Watershed

**Critical Root Zone (CRZ):** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

**Cultural facility:** An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

## **DDD**

**Day care center:** A location providing day care, as a principal use or an accessory use, provided on a less than 24-hour basis for any one client, either children or adults, according to the following limiting definitions:

Child day care center: An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; usually serving more than 10 children at a time; not an accessory to residential use.

Adult day care center: An individual, agency, or organization providing supervision or care on a regular basis; usually for more than 6 adults in a place other than their usual place of abode; not an accessory to residential use.

Day care home (accessory use): Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Home (accessory use): Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for 5 to 10 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Adult Day Care Home (accessory use): Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

**Deciduous Plant:** Those plants that annually lose their leaves.

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**Dependent living facility:** Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

**Density, gross residential:** The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

**Developer:** Any person seeking approval under these regulations for any form of development.

**Development:** The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

- A. Except as provided in subsection C hereof, for the purposes of these regulations the following activities or uses will be considered development:
1. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
  2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
  3. Alteration of the shore or bank of a pond, lake, river, or other waterway,
  4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
  5. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
  6. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- B. Development includes all other activity customarily associated with it. When appropriate to the context development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.
- C. For the purposes of these regulations the following operations or uses will not be considered development; some may, however, require a building permit:
1. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed.
  2. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
  3. A change in use of land or structure from a use within a specified category of use to another use in the same category;
  4. A change in the ownership or form of ownership of any parcel or structure;

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5. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw, or
  6. The clearing of survey cuts or other paths of less than four feet in width.

**Diameter at Breast Height (DBH):** the tree trunk diameter measured in inches at a height of 4.5 feet above the ground. Generally used for measuring existing trees.

**Discharge:** The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

**Dormitory:** A building which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" will not include a boarding house, motel, hotel, group home, or health institution.

**Drip Line:** An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**Dwelling unit:** A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

Detached house. A dwelling unit that is developed with no party walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

Attached house. Rowhouse, townhouse, duplex, triplex, or quadraplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.

Apartment house. More than four dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but may be occupied by another. If the principal dwelling is a group home, use of an accessory dwelling will not increase the number of residents otherwise permitted in a single group home.

## EEE

**Elementary and secondary schools:** Publicly-owned or privately-owned preschools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of which is child day care.

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**Essential Services:** Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two way radio facilities for business or governmental communications will be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

- Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/waste water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);
- Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.
- Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

**Evergreen:** Those plants that retain foliage throughout the year.

**Evergreen Screen:** Plants growing to a minimum 8 feet in height at maturity that retains foliage year round and are planted to provide a dense vegetative screen for purposes of visual mitigation.

**Existing Development:** Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina planning law as of the effective date of the amendment incorporating Water Supply Watershed Regulations into the Franklinville Planning Ordinance based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
2. Having an outstanding valid building permit; or
3. Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan.

**Existing Lot (of Record):** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

**Exterior features:** The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

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## FFF

**Façade:** The principal vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the facade above which the facade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).

**Family:** An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

**Farm, bonafide:** Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" will not include agricultural industries.

**Farm Product Sales:** Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

**Farmhouse Cluster:** A rural subdivision for up to six house lots accessed by private drive; permitted only in the rural planning area.

**Floor:** The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

**Floor area:** The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**Floor area ratio (FAR):** The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

**Frontage:** The lot boundary which coincides with a public thoroughfare or space. The facade of a structure facing the street.

## GGG

**Gasoline service station:** Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor, or cleaning may be conducted, having no more than 4 pumping stations and accomodating 8 cars. Service stations will not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted



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**Government Building:** A building, use, or facility serving as a governmental agency, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Grade:** The elevation of the land or land level at a specific point.

**Grade, Street:** The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

**Ground Cover:** A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

**Group home:** A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others as defined in G.S., Sec. 122C-3(11)b, as amended. Group homes for up to six persons are permitted in any district which allows residential use.

## HHH

**Hazardous Material:** Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

**Hazardous materials treatment facility:** A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials;
2. A facility or location for the long term or perpetual storage of hazardous materials; or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

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**Heavy Manufacturing:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

**Heliport:** A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

**Helistop:** A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

**Home Occupations:** A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building

**Horse Farm:** Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

**Hospital:** A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

**Hotel:** A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room from an interior space.

### III

**Impervious ground cover:** Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

**Income Limits:** the publication numbered PDR-99-02 and entitled "Transmittal of Fiscal Year (FY) 1999 Income Limits for the Public Housing and Section 8 Programs," as may be amended or superseded from time to time, which document is hereby incorporated by this reference. The applicable standard will include the "Low (80%) and (50%) Income Limit - 2 Persons" for Randolph County. A copy of this publication is maintained in the office of the LDO Administrator.

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**Independent Living Facility:** Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

**Indoor Recreation:** Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

**Industrial Discharge:** The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
3. stormwater will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or
4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

**Interconnected:** Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

## JJJ

**Jail:** A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Junk yard:** A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

## KKK

**Kennel, commercial:** A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

**Kennel, private:** A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

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## LLL

**Land Clearing and Inert Debris (LCID) landfill:** A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is dearily an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

**Land Disturbing Activity:** Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction, that affects the critical root zone.

**Landscaping:** The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Any live plant material such as trees, shrubs, ground cover, and grass areas left in their natural state.

**LDO Administrator:** The employee(s) or agent(s) designated by the Town of Franklinville to oversee the administration and enforcement of these Land Development Ordinance (LDO) regulations.

**Light Manufacturing:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes do not exceed 25 percent of the floor area of all buildings on the property.

**Linear Frontage:** The length of a property abutting a public right-of-way from one side lot line to another.

**Live/Work:** An attached building type with small commercial enterprises on the ground floor and a residential unit above.

Commercial space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

**Logo:** Business trademark or symbol.

**Lot:** A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

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**Lot of Record:** A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

**Lot Types:**

**Corner Lot.** A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 .

**Interior Lot.** A lot other than a corner lot with frontage on only one street.

**Through Lot.** A lot other than a corner lot with frontage on more than one street.

**Reverse Frontage Lot.** Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

**Lot Width:**

1. The distance between the side lot lines measured along a setback line or build-to line; or
2. The distance between the side lot lines measured along an established setback line (when that line is greater than the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; or
3. If no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

**MMM**

**Maintained Easement:** A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

**Manufactured Home:** A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

**Manufactured Home Park or Rental Community:** Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

**Manufactured Home Subdivision:** Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

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**Marina, Commercial:** A facility for the wet or dry storage, launching and mooring of boats, together with all accessory structures and uses.

**Marine Railway:** A line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

**Massage therapy:** Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

1. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
2. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

**Massing:** The shape and form a building or assemblage of buildings assumes through architectural design.

**Master Plan:** A Plan depicting the subdivision of land and proposed improvements and/or buildings. Such a Plan combines the subdivision and site plan process to show the proposed build-out of a property on one, combined plan.

**Mean Sea Level:** The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Randolph County are referenced.

**Mobile Home:** A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

**Mobile Home Park:** Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.

**Mobile Home Subdivision:** Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.

**Modular Home:** A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Mooring or Float:** An object or structure secures in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

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## NNN

**Nightclub:** Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

**Nonconforming Structure:** Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the planning area maps which render such structure nonconforming, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

**Nonconforming Use:** Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the planning area maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

**Nonconforming Vacant Lot:** Any lot of record which does not meet the minimum area or with requirements established in these regulations or any amendment thereto, whichever may be applicable.

**Nonresidential Development:** All development other than residential development, agriculture and silviculture.

**Normal Pool Elevation:** The Lake Norman normal pool elevation which is at the specified contour interval above the Mean Sea Level, United States Geological Survey (U.S.G.S.) Datum.

**Nursing home, rest home, or home for the aged:** A facility or housing development in which an agency, organization, or individual provides care for 3 or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

## OOO

**Off-street parking:** Parking which occurs on a lot and not on a street or other public right of way.

**Office:** A use or structure in which business or professional services are conducted or rendered.

**Open Space:** Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. In the farmhouse cluster or low-impact subdivision, open space may also include portions of private building lots subject to a permanent open space easement. Urban open space assumes one or more of the forms detailed in Section 11, and may contain recreation equipment and amenities as indicated. Rural open space is site specific in its designation.

**Outdoor lighting:** Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

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**Outdoor recreation:** Swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation "will include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

**Out parcel:** A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.

**Overnight camping trailer park:** Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for profit basis.

**Owner:** Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

## **PPP**

**Parapet:** A low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.

**Parcel:** Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

**Park:** Any land owned by a governmental body and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife. See also Community Park.

**Park and Ride Lot:** A parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping within immediate walking distance of the park and ride facility.

**Parking Lot:** An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

**Pedestrian Oriented Development:** Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

**Protected Area:** The area adjoining and upstream of the critical areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the critical area.



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**Person:** An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

**Pier:** A structure extending into or along the water for use as a landing place for boats or as a promenade.

**Planning Board:** The Town of Franklinville Planning Board, established by ordinance in accordance with NCGS 160A-361 and 160A-362.

**Planting Area:** The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

**Planned Development:** A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

**Planting Strip:** The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

**Plaza:** An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

**Premises:** A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable planning. Out parcels of shopping centers will be considered on the premises of shopping center for the purpose of this ordinance.

**Principal building or structure:** A building or structure containing the principal use of the lot.

**Principal use:** The primary purpose or function that a lot serves or is proposed to serve.

**Project area:** Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

**Proposed right-of-way line:** The margin of a thoroughfare's right-of-way at its ultimate intended width determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the land development ordinance.

**Protected Area:** The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.

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**Public utility structure:** An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

### QQQ

**Quadrangle:** A rectangular area, such as a courtyard, enclosed by buildings.

**Quarry:** An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

### RRR

**Reach:** A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

**Redevelopment:** The demolition and reconstruction of a building or a portion of a building

**Reclassification of land:** A change in the planning area assigned to a lot pursuant to a public hearing before the Town Board and a subsequent decision by the Board.

**Regulatory Flood:** A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

**Religious institution:** A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

**Research laboratory:** A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

**Residential use:** Any detached, duplex, triplex, quadriplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, limited residence boarding house, or dormitory.

**Restaurant:** A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

**Retail establishment:** A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

**Riding Academy:** A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for profit basis. Permitted in R-1 and B-2 districts, according to the standards of Section 79.210.

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**Roof Line:** The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

## SSS

**Sanitary Landfill:** A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

**Saw mill:** A mechanized facility for cutting logs into timber for carpentry.

**School:** Publicly owned or privately owned preschools, elementary schools, middle schools, junior high schools, vocational schools and high schools; but not including institutions the primary function of which is child day care.

**Screening:** A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

**Septic Tank System:** A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

**Setback established:** The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

**Setback required:** The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. In the CB (central business) district, the setback is measured from the back of the curb to the building line. See also Yards.

**Shrub:** A woody, branching plant of relatively low height.

Shrub, Small: A shrub growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Shrub, Medium: A shrub growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Large: An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

**Sight Triangle:** In Franklinville, the triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being 35 feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being 10 feet and 70 feet from the point of intersection.

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**Sign:** Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

**Sign Structure or Support:** Any structure that supports or is capable of supporting a sign.

**Sign Types:** The following are types of signs included in this ordinance.

**Banner:** A sign intended to be hung, with message or symbol applied to plastic or fabric of any kind, but excluding flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious, or civic organization.

**Bulletin Board:** A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

**Campaign or Election Sign:** A sign that advertises a candidate or issue to be voted upon on a definite election day.

**Canopy and Awning Signs.** A sign attached to or painted or printed onto a canopy or awning. The permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

**Construction Sign:** A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

**Directional or Instructional Sign:** An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

**Directory Sign:** A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

**Ground Mounted Sign:** A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

**Flag:** A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

**Flashing Sign:** A sign that uses an intermittent or flashing light source to attract attention.

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**Identification Sign:** A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

**Incidental Sign:** A sign used in conjunction with equipment or other functional elements of a use or operation. These will include, but not be limited to signs on automatic teller machines, gas pumps, or vending machines; or newspaper delivery boxes.

**Memorial Sign or Plaque:** A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface

**Nonconforming Sign:** Any sign which was lawfully erected in compliance with applicable Ordinance provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

**Off-Premises Sign:** A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

**On-Premises Sign:** A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

**Outdoor Advertising Sign:** A type of sign, generally, but not always, consisting of a rigidly assembled sign, display, or devise, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

**Portable or Movable Sign:** A sign that is not permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another. For example, a sign on wheels.

**Projecting Sign:** A sign which is affixed to a building and supported only by the wall on which it is mounted; considered a wall sign for purposes of this ordinance.

**Real Estate Sign:** A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

**Roof Sign:** A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

**Temporary Sign:** A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

**Vehicular sign:** Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance, vehicular signs will not include business logos, identification or advertising on vehicles primarily used for other business purposes.

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Wall Sign: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls will be considered wall signs.

Window Sign: Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.

**Site Plan:** A diagram to scale showing the development plans for a project.

**Small Maturing Tree:** A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.

**Solid Waste:** Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
  - a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
  - b. Irrigation return flows; or
  - c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.)and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E- 1 through 104E- 23); or
5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

**Stadium:** A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

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**Storage, Outdoor:**

1. All goods and materials not returned to an enclosed building at the end of each business day, regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot. (To be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day.)
2. Up to two storage trailers placed on a single lot or in conjunction with a single principal use;
3. All items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
4. Vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
5. Does not include construction equipment; where permitted, outdoor storage of construction equipment is regulated below.

**Storm Drainage Design Manual:** The most recent edition of the manual adopted by the Town Board setting forth standard details for the design and construction of stormwater management systems.

**Story:** That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine will be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse will be considered a story if it exceeds one-third of the area of the roof.

**Street Line:** The outer boundary of a street right-of-way.

**Street Orientation:** The direction of the architectural front facade of a building in relation to the street.

**Street, Private:** An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

**Street, Public:** A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Franklinville or the State of North Carolina.

**Street Right-Of-Way:** Street right-of-way will mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Franklinville or Randolph County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Franklinville; or has otherwise been established as a public street prior to the adoption of this ordinance.

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**Streets:** Town street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and a fine-grained section which includes street tree planting and sidewalks either side of pavement. Specific street types are illustrated in the Streets and Greenways section of this ordinance. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function of the street. Streets meeting the Town of Franklinville standards are eligible for acceptance and maintenance by the town as public streets. Alleys may be accepted for public maintenance only if they serve a public purpose.

**Structure:** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

**Subdivider:** Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

**Subdivision:** A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate planning area classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.



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7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
  8. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
  9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemnor.

**Subdivision, Major:** A development proposal involving the subdivision of land into more than 10 single-family lots.

**Subdivision, Minor:** A development proposal involving the subdivision of land into not more than 10 single-family lots, and/or rural cluster developments in Rural or Neighborhood Residential Districts.

**Substantial Improvement:** Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to there pair or reconstruction. "Substantial improvement will not include, however, - any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

## TTT

**Temporary Structure:** A building placed on a lot for a specific purpose which is to be removed within a specified time period Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, and produce stands.

**Thoroughfare:** Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan.

**Thoroughfare Plan:** The most recent map adopted by the Franklinville Town Board and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

**Town Attorney:** The attorney for the Town of Franklinville, duly retained by the Board of Commissioners of the Town of Franklinville.

**Town Manager:** The Town Manager of the Town of Franklinville.

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**Traditional Neighborhood:** A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well defined and detailed system of interconnected streets serve the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

1. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
2. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
3. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
4. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
5. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
6. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

**Transit Shelter:** A covered structure at a transit stop.

**Transitional Setback or Yard:** That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the planning area measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

**Transitional use:** A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

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**Tree, Canopy:** Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

**Tree, Large Maturing:** A tree, usually deciduous, whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also canopy tree.

**Tree, Small Maturing:** A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 8" DBH.

**Tree, Specimen:** A tree that is unusually large or well shaped or provides a focal point or point of interest.

**Tree, Street :** A tree planted along the street within the right-of-way except along the park side of the parkway, a rural road or alley.

**Tree Topping:** An unacceptable method of pruning which involves the cutting of limbs back to a stub, bud, or a lateral branch not large enough to assume the terminal role and cause decay and spout production from the cut ends, resulting in a potentially hazardous situation.

## UUU

**University, college, and junior college:** A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

## VVV

**Vested right:** The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.

**Vines:** A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

**Vocational School:** A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, computers, or similar skills.

## WWW

**Warehousing:** The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

**Wastewater Treatment Facility.:**A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

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**Water Dependent Structures:** Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

**Watershed:** The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

**Watershed Administrator:** The individual appointed and duly sworn by the Franklinville Town Board to administer and enforce the provisions of this ordinance as follows:

1. The Watershed Administrator will issue Watershed Protection Permits and Watershed Protection Occupancy Permits according to the provisions of this ordinance. A record of all permits issued will be kept on file in the office of the Watershed Administrator.
2. The Watershed Administrator or designee will serve as staff to the Board of Adjustment when it is serving in its capacity as the Watershed Review Board.

**Wholesale Establishment:** A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

**Working Day:** Any day on which the offices of the Town of Franklinville are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board.

## YYY

**Yard, rear, required:** When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

**Yard, rear, established:** The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

**Yard, side, required:** When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard will be defined as extending from the street line to the required rear yard.

**Yard, side, established:** The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard will be defined as extending from the street line to the established rear yard.

## ZZZ

**Zero lot line:** The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

