



**TOWN OF CEDAR POINT
PLANNING BOARD MEETING
6:30 P.M. - TUESDAY, SEPTEMBER 14, 2021
CEDAR POINT TOWN HALL**

1. Call to Order
2. Roll Call
3. June 1, 2021 Meeting Minutes
4. New Business

1. Discussion - Multi Family Dwellings

5. Public Comments
6. Comments from Board Members
7. Adjourn

The next regularly scheduled meeting will be Tuesday, October 5, 2021 at 6:30 PM

Tab 3 Minutes of June 1, 2021 Meeting



Town of Cedar Point
Planning Board Meeting
June 6, 2021

The Town of Cedar Point Planning Board held their regularly scheduled monthly meeting on Tuesday, June 1, 2021 at 6:30 PM. Chairman Josh Reilly determined a quorum to be present and opened the meeting.

PRESENT: Chairman Reilly, Vice Chairman Williams, Members Castellano, Pittner, Marelo, Town Manager Rief and Town Clerk Calhoun

ABSENT: Member Riggs

The Minutes from the May 4, 2021 meeting were presented for Board consideration and approval. Member Castellano made a **Motion** to approve the May 4, 2021 Minutes. Member Pittner seconded. The Motion carried unanimously.

Mr. Rief then began the discussion concerning the updates to the UDO.

The Table of Permitted Uses was updated, and several clarifications were discussed. These clarifications included private stables, RA Special Use and community shopping centers.

Member Castellano made a **Motion** to adopt the changes, edits and clarifications as presented. Vice Chairman Williams seconded. The Motion carried unanimously.

There being no further business, the meeting was adjourned. Member Castellano made a **Motion** to adjourn the meeting, Vice Chairman Williams seconded. The meeting was adjourned at 7:45 PM

Josh Reilly, Chairman

Jayne Calhoun, Town Clerk

Tab 4-1. Multi Family Dwellings

TOWN OF CEDAR POINT

Mayor
Scott Hatsell

Mayor Pro-Tem
Pamela Castellano

Board of Commissioners
Frankie Winberry
John Nash
Gary Bray



Town Manager
David M. Rief

Mailing Address
427 Sherwood Avenue
Cedar Point, NC 28584
Phone: 252-393-7898
Fax: 252-393-7166

www.cedarpointnc.org

September 9, 2021

MEMO TO PLANNING BOARD

Re: UDO Language for Multi-Family Dwellings

ISSUE: Recent inquiries regarding the Town's UDO provisions and interpretations concerning multi-family housing (incl. duplexes, triplexes, quads, apartments, condos, and townhouses) have led me to the conclusion that revisions are necessary.

DISCUSSION: As will be explained at the Planning Board meeting, our current ordinances re multi-family housing have provisions that are not only vague but at times impossible to comply with. Further, they, in my opinion, fall short of providing a clear vision of what the Town would like to see in a multi-family housing project. A number of provisions are disjointed without any cross-referencing to make sure all applicable provisions are identified and addressed.

PROPOSAL: Amend the UDO language to not only provide an easy to understand set of regulations that promotes the Town's vision for this type of use, but also presents it in a way that both the Town and applicant can easily determine whether a proposed project is in compliance with the Town's standards without the need for official interpretations and justifications. Areas of regulation for this use type often include, but are not limited to, the following topics:

- Density
- Applicable Zoning Districts
- Setbacks
- Buffering
- Parking
- Open Space/Recreation
- Architectural Design
- Roads/ Access
- Trash Collection
- HOA Covenants

Attached hereto is a copy of the current UDO provisions. I have included them in order of relative importance rather than page order and have omitted provisions regarding signage. Please review them and think through the topics above in anticipation of our discussion Tuesday night. I hope to gather your feedback and then present proposed amended language based on that feedback for your consideration at the October meeting. -DMR

DEFINITIONS

105 (a) (5).

Dwelling, Duplex. A building designed, constructed or reconstructed for use as two dwelling units that are connected by a common structural or load-bearing wall.

Dwelling, Efficiency Unit. An additional dwelling unit within a single-family dwelling that shall be allowed in all residential zones if the following criteria are met:

- (a) The efficiency unit contains no more than 25% of the gross heating and/or cooled floor area of the total dwelling;
- (b) The lot meets the minimum lot size requirements of the zoning district in which it is located.

Dwelling, Live Work. One structure consisting of both a residence and business activity. The residence must be physically attached to the business.

Dwelling, Manufactured. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Any Manufactured Home older than ten (10) years in age shall be required to submit a completed home inspection report, sealed by a State Licensed inspector, certifying the structural soundness of the home prior to making application for a setup permit and shall submit a completed home inspection report, sealed by a State Licensed inspector, certifying the structural soundness of the home prior to receiving any certificate of occupation. A manufactured home is also known as mobile home. The terms “manufactured home and “mobile home” do not include a “recreational vehicle”.

Dwelling, Multi-Family. A term used to describe any structure containing more than four dwelling units.

Dwelling, Multiplex. A building designed, constructed, reconstructed, and used for more than four dwelling units. Multiplexes are designed to fit within a neighborhood scale.

Dwelling, Single-family detached. A structure other than a mobile home containing one (1) housing unit only.

Dwelling, Townhome, Row Home. A type of single-family attached dwellings, in which three (3) or more individual dwelling units are located on individual lots but attached by one or more common party walls which are shared by one or more units for more than 50 percent of their total linear distance along the lot line.

Dwelling, Triplex. A building designed, constructed, reconstructed, and used for three (3) dwelling units.

Dwelling, Quad. A building designed, constructed, reconstructed, and used for four (4) dwelling units.

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

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

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

SPECIFIC USE STANDARDS

to protecting the privacy of adjacent property owners and to maintaining the character of a residential neighborhood.

- (d) Pick-up and drop-off areas shall be separate from the drive-aisle. The pick-up and drop-off areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.

J. DRYSTACK BOAT STORAGE

1. STANDARDS OF EVALUATION

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

- (a) All principal and accessory buildings shall be no closer than thirty (30) feet from any property line. In cases where a property line is bordered by water, the applicable CAMA setback shall apply.
- (b) All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance.

K. DWELLING, EFFICIENCY UNIT

1. STANDARDS OF EVALUATION

An efficiency apartment must be located within a principal single-family dwelling, and must meet the following criteria:

- (a) The efficiency apartment must be architecturally integrated with the principal structure. Connection by breezeway, walkway, or other artificial means does not satisfy this requirement.
- (b) The lot fronts on a public street;
- (c) One of the units is occupied by the property owner;
- (d) The efficiency apartment shall contain no more than twenty-five (25) percent of the gross floor area of the total dwelling; and
- (e) The efficiency apartment must be inaccessible, or able to be made inaccessible from the principal dwelling unit.
- (f) Other situations with more than one dwelling unit within a single structure are considered attached dwellings under this ordinance.

L. DWELLING, MULTIFAMILY

1. CATEGORIES OF ATTACHED DWELLINGS

This Ordinance hereby establishes the following attached dwelling use types:

- (a) Duplex
- (b) Multiplex
- (c) Townhome, Rowhome
- (d) Triplex, Quad

2. STANDARDS OF EVALUATION

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

- (a) Site plans show compliance with the dimensional requirements for the applicable Zoning District in which the attached dwelling unit is being developed.
 - i. All proposed duplexes, triplexes, and quads shall be required to have an additional four thousand five hundred (4,500) square feet of required lot area to be developed.

- ii. For multiplex developments, each proposed independent dwelling unit over five (5) units shall have an additional ten thousand (10,000) square feet of lot area to support each additional proposed dwelling unit.
- (b) For developments consisting of five (5) or more dwelling units, vehicular ingress and egress and exits for the development are directly off a public road(s), which is either a collector or arterial street, and meet the driveway standards in *Section 7.10, DRIVEWAY CONNECTIONS*.
- (c) Up to four (4) dwelling units are permissible on any public street.
- (d) The interior roads and parking areas shall meet the required specifications included in *Section 7.15, STREETS AND ROADS*.
- (e) The project is served or is proposed to be served by public water and sewer systems. The proposed distribution systems have been sized to meet the demands of the project, including fire protection.
- (f) The Fire Marshal has reviewed and approved in writing the fire protection plan, including the location of fire hydrants.
- (g) The utility plan has been reviewed and approved by the Town Manager and the State has approved the extension of the Town's systems. All utilities, including electrical, telephone, and cable television, are to be installed underground.
- (h) The lighting plan meets or exceeds the specification of this Ordinance.
- (i) The grading, storm drainage, and soil erosion and sedimentation control plans have been reviewed and approved by the Town Manager, or consulting Engineer, as applicable.
- (j) The pedestrian circulation minimizes the conflicts between pedestrians and motor vehicles, and it provides convenient access to all common areas and facilities and to public streets.
- (k) The proposed trash container and recycling system meets the requirements of this Ordinance and the policies of the Town of Cedar Point.
- (l) The site plan shows the phasing, if any, of the development, including any phases to be developed later. If a development is to be built in phases, and complete plans for the succeeding phases are not available, then the requirements in this section shall apply to each phase as if it were a separate and discrete development. Further, when a development is built in phases and includes improvements that are designed to relate to, benefit, or be used by the entire development, (such as swimming pools or tennis courts), the developer shall submit a schedule for completion of these improvements. All common implements necessary to comply with the requirements of this Ordinance for each phase must be completed before occupancy of a subsequent phase may commence.
- (m) An improvement must be scheduled and completed before the final phase of the development is begun. The permit-issuing authority may, in special cases (exclusive of financial hardship) authorize the applicant to commence the intended use of the property or to occupy any building before these improvements are installed provided that a performance guarantee in accordance with 160D-804.1 is furnished.

M. DWELLING, LIVE WORK

Chapter 3 – Administrative Procedures

3.1 ADMINISTRATIVE OFFICIAL

- A. The Town of Cedar Point shall administer and enforce this ordinance. The Town may be provided with the assistance of such other persons as the Board of Commissioners may direct.
- B. If the Town finds that any of the provisions of this ordinance are being violated, the Town shall perform enforcement proceedings as listed in Section 4.7 of this ordinance.

3.2 ZONING AND BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a Zoning Permit issued by the Town Manager or his designee and a Building Permit, if required, issued by the Building Inspector. No zoning or building permit shall be issued except in conformity with the provisions of this ordinance, the North Carolina State Building Code, and applicable federal, state, and local regulations. The Town Manager or his designee may issue a Zoning Permit when it has been shown that the provisions of this ordinance and applicable federal, state, and local regulations have been met. The Building Inspector may issue a Building Permit when it has been shown that the provisions of this ordinance, the North Carolina State Building Code, and applicable federal, state, and local regulations have been met. A fee for Zoning & Building Permits is required, which shall be in accordance with a regularly adopted fee schedule of the Town or County.

3.3 SITE PLAN REVIEW

- A. INTENT
It is the intent of this section to address the specific conditions and standards of evaluation for the review of site plans.
- B. APPLICABILITY
Site plans are required for all uses when listed as permitted or special uses within a district.
- C. SITE PLAN REQUIREMENTS
Each site plan submittal must follow the applicable requirements set forth in this Ordinance.
- D. DIMENSIONAL REQUIREMENTS
Dimensional requirements and development standards shall be in accordance with the zoning district in which the proposed development is to be located.
- E. REVIEW AND APPROVAL
Site plans for single-family residential projects and minor changes to existing multi-family or non-residential sites shall be reviewed for approval by the Town Manager or his designee. Site plans for multi-family residential and non-residential projects involving new buildings or substantial additions will be reviewed by the Planning

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

B. I-W INDUSTRIAL AND WHOLESALE DISTRICT

1. INTENT

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

2. DIMENSIONAL REQUIREMENTS

Unless otherwise specified, the following dimensional requirements shall apply:

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

5.7 HUMAN SERVICES CAMPUS BASE ZONING DISTRICTS

A. HSCD HUMAN SERVICES CAMPUS DISTRICT

1. INTENT

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

2. USER FEES AND MUNICIPAL SERVICE FEES

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

3. DIMENSIONAL REQUIREMENTS

Unless otherwise specified, the following dimensional requirements shall apply:

- (a) Minimum District Area: Sixty (60) acres.
- (b) Minimum District Width: None.
- (c) Minimum Front Setback: Twenty (20) feet.
- (d) Minimum Side Yard Setback: Ten (10) feet.
- (e) Minimum Rear Yard Setback: Twenty (20) feet.
- (f) Maximum Allowable Height: Forty-five (45) feet
- (g) Minimum Required Open Space: Thirty-five (35) percent of total district area
- (h) Maximum Impervious Surface Area: Sixty-five (65) percent of total district area
- (i) Minimum Single Family, Duplex, and Triplex Space Requirements: Each parcel designated for either single family, duplex, or triplex use shall adhere to the following dimensional and setback requirements from each identified parcel line:
 - i. Area:
 - Single Family: Twenty thousand (20,000) square feet.
 - Duplex: Thirty thousand (30,000) square feet.
 - Triplex: Forty Thousand (40,000) square feet.
 - ii. Setbacks: These setbacks shall be observed from the individual single family, duplex, or triplex lots designated for the use.
 - Minimum Front Yard Setback: Twenty (20) feet.
 - Minimum Side Yard Setback: Ten (10) feet.
 - Minimum Rear Yard Setback: Twenty (20) feet.
 - Minimum Parcel Width: Eighty (80) feet.
- (j) Minimum Space Requirements for other developments: All other developments within the district shall observe the following area and setback requirements from identified parcel lines:
 - Minimum Parcel Area: Fifty thousand (50,000) square feet.
 - Minimum Front Yard Setback: Thirty (30) feet.
 - Minimum Side Yard Setback: Ten (10) feet.
 - Minimum Rear Yard Setback: Thirty (30) feet.
 - Minimum Parcel Width: One hundred (100) feet.
- (k) A TIA shall be required for residential developments proposed within Town of Cedar Point that have an estimated trip generation of 2,000 vehicles per day or greater during an average weekday based on a five-day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The TIA shall be developed in accordance with "Appendix A" of this Ordinance.

5.8 MIXED - USE BASE ZONING DISTRICTS

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

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

4. PERMITTED USES

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

- i. Residential category:

- a. Dwellings, single-family.
- b. Duplex, triplex, quad.
- c. Family care homes.
- d. Group home supportive, medium, under prescribed conditions.
- e. Group home supportive, large, under prescribed conditions.
- f. Multifamily and townhouses.

- ii. Office category:

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

- iii. Commercial category:

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

MXD Zone (cont)

- a. Recommend preliminary approval to the Town Board of the project as submitted;
 - b. Recommend preliminary approval to the Town Board with conditions; or
 - c. Recommend rejection of the project specifying the reasons for the rejection.
- vii. Within 45 days following the receipt of the Planning Board's recommendations, the Town Board will review the application to determine whether the application meets the development criteria of this section. The mayor, or the Board itself, for good cause may extend the date of the review by an additional 15 days.
- viii. Following its review, the Town Board will:
- a. Give preliminary approval of the project as submitted;
 - b. Give preliminary approval with conditions; or
 - c. Reject the project specifying the reasons for the rejection.
- ix. If the Town Board gives conditional approval, the applicant must agree to the conditions and incorporate them in the plats required for development approval.
- x. If the Town Board rejects the application, the applicant shall have the right to modify the application to change the parts of the application the Town Board found non-compliant with the provisions of this section and re-submit to the Town Board for further review.
7. MXD Development Approval:
- (a) Unless the applicant has done so during the preliminary site assessment, following preliminary approval he will submit a site plan prepared by a surveyor or professional engineer to standards for recording at the Carteret County Register of Deeds Office incorporating the elements of the project given preliminary approval by the Town Board. This site plan shall depict all aspects of the project including:
 - i. Boundaries of the project
 - ii. Location of residential and non-residential areas
 - iii. Exact location of non-residential buildings and multifamily buildings
 - iv. Approximate locations of single-family detached dwellings
 - v. Interior lot lines on lots that will be sold as separate parcels
 - vi. Open areas and common areas
 - vii. Streets, sidewalks, pedestrian walkways
 - viii. Buffers and border areas
 - ix. Utility plans
 - x. Storm water systems
 - xi. Phases in which the applicant is prepared to commence work
 - xii. Location of future phases
 - xiii. Uses within the future phases
 - (b) Unless the applicant has done so during the preliminary site assessment, following preliminary approval he will submit professionally prepared elevations and floor plans of buildings and structures proposed for construction on the site. (Note: For single family detached dwellings, elevations of typical architectural styles of the dwellings is required, but not

BUFFERS

3. In no case may the required amount of buffering be reduced by more than fifty (50) percent.
4. Areas designated for the preservation of existing vegetation shall be marked on the *site* and inspected by the Town Manager or his/her designee prior to planning board review to ensure that the provisions of this subsection can be met.
5. If at any time the developer/owner desires to make a change in the percentage of *site* area designated for the preservation of existing vegetation, the developer/owner shall first receive written approval from the Town Manager or his/her designee, and the site plan for the development shall be amended, and approved by the Town Manager or his/her designee, to reflect the percentage of land diverted to the preservation of existing vegetation and the amount of required new buffering.

G. OWNERSHIP OF BUFFERS

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

H. DEVELOPMENT WITHIN REQUIRED BUFFER

1. The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted by this Ordinance.
2. No grading, development, or land-disturbing activities shall occur within the buffer or within the tree protection area unless approved by the permit issuing authority.
3. Sidewalks, walkways, trails, and fences may be placed in buffers provided that damage to existing vegetation is minimized.
4. Utilities are not permitted in buffers unless no reasonable alternative exists.
5. If utilities are placed in a buffer, they shall be located and installed in a way that minimizes disturbance of the buffer area. Utility lines may not run parallel to and within required buffers but may cross required buffers as near to perpendicular an angle as possible, and in any event at no less than a 60° angle. If utilities, storm water drainage channels or piping, and other similar features are placed in a buffer any way other than perpendicular or not less than at a 60-degree angle, the area making up the utility easement or area shall be replaced with an equal amount of buffer area. No canopy trees may be removed for utility installation unless no reasonable alternative exists. Storm water BMPs and impoundments may be placed within a required buffer and shall be integrated into the landscaping plan by employing rain gardens, bioretention units, constructed wetlands, and infiltration areas, as combined landscaping/storm water management features to the extent that soil permeability, depth to groundwater, or site encumbrances, such as utilities, allow.

BUFFERS

<u>Use</u>	<u>Buffer Classification</u>	<u>Use</u>	<u>Buffer Classification</u>
Golf Courses	B	Libraries	A
Governmental Offices	A	Manufactured Home Park	D
Governmental Uses	A	Manufactured/Homes/Housing	N/A
Greenhouses/Plant Nursery	A	Manufacturing Industrial	E
Group Care Facilities	A	Manufacturing Plastic	E
Handcrafting (small Items)	A	Marine Equipment Yards	D
Health/Medical Clinic	A	Marine Railway Yard	F
Home Improvement Center	D	Marine Research Facilities	A
Home Occupations	N/A	Marine, Commercial Facilities	D
Hotel/Motel	D	Medical, Dental, Optical Labs	A
Industrial Sales/repair of equipment	E	Mini Storage Warehouses	C
Institutional	B	Multifamily	N/A
Kennel(s)	D	Municipal Offices services	A
Laboratory, General Research	A	Newspapers/printing	A

7.4 LANDSCAPING

A. PURPOSE AND INTENT

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

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

B. EXEMPTIONS

1. The Board of Commissioners or Town Manager may waive the requirements of this section during an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other acts of God, following an on-site review.
2. The construction of single-family residences in subdivisions prior to the recording of a final plat for the subdivision;
3. The Town of Cedar Point shall have the authority to maintain trees and shrubbery planted on public rights-of-way or public property.
4. Utility companies, electric suppliers, and governmental agencies in the course of constructing or maintaining easements for water, sewer, electric, gas, drainage, telephone or television transmissions, or rights-of-way shall be exempt from the provisions of this Ordinance.

C. TREE PLANTING ON PUBLIC PROPERTY

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

LANDSCAPING

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

10. LANDSCAPE PLAN

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

- (a) A landscaping plan shall be submitted to the Town Manager or his/her designee for approval prior to site disturbance.
- (b) An accurate drawing of property boundaries.
- (c) A development summary including the total acres in development, proposed use(s), required parking and provided parking spaces and total building square footage
- (d) Calculations for total new and proposed impervious area on the site and for amount of landscape area.
- (e) The location of proposed buildings, driveways, parking areas, required parking spaces, and traffic patterns.
- (f) Location of overhead and underground utilities.
- (g) Location, by species, of all deciduous and evergreen trees at larger than 12” DBH and all understory trees larger than 2” DBH prior to any site disturbance on area to be developed.
- (h) Plan of required landscaping.
- (i) Dimensions from back of curb to back of curb for all landscape islands to contain trees or a typical detail.
- (j) Plant lists with common names, quantity, spacing, and size of all proposed landscaping and plant material at the time of planting.
- (k) Name of the project, owner, name, and address of engineer, scale, date, legend, and north arrow.
- (l) Minor changes or additions to existing development or approved plans may submit an abbreviated site plan. An abbreviated site plan shall be allowed when a proposed change is physically limited to only a contained portion of the site. An abbreviated site plan shall include, but not be limited to, items listed in 3 and 5 of this section. The Town Manager shall determine when an abbreviated site plan may be submitted and what items must be included.

11. PLANT STANDARDS AND PLANT INSTALLATION STANDARDS

The following standards shall apply to all new plant material installed as part of a

PARKING

2. Open space shall be arranged to have both contiguity and connectivity within the development that is dedicating the open space and to any surrounding dedicated open space. For the purposes of this paragraph, contiguity shall mean that the parcel being offered as open space is of sufficient area to be meaningful in achieving the intent of open space and connectivity shall mean that the parcel being offered as open space shall be located so that a person or wildlife can move between open space parcels without traveling across private property or along a public road or sidewalk.

7.14 OFF STREET PARKING AND LOADING REQUIREMENTS.

A. INTENT

In order to assure a proper and uniform development of public parking areas throughout the Town of Cedar Point, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street parking areas on adjacent properties, the procedures and standards set forth in this section will apply.

B. PARKING LOT REQUIREMENTS

With the exception of *single-family* and *two-family uses*, permanent off-street *parking spaces* shall be provided in accordance with the following requirements prior to the completion of construction of any *building* or *structure*, or at the time any *principal building* or *structure* is enlarged or increased in capacity by adding *dwelling units*, *hotel units*, seats or gross floor area, or before conversion from one (1) zoning *use* or occupancy to another:

1. A standard parking space must have minimum dimensions of 9 feet in width and 18 feet in length. This area does not include any passageways and driveways used for access to the space or spaces.
2. Required off-street *parking spaces* and loading spaces are permanent areas and shall not be used for any other above ground purpose.
3. Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way.
4. **No *parking spaces* for *multifamily use* shall be located in the required *front yard*.**
5. Required *parking spaces* shall be graded and paved with impervious asphalt, concrete, stone, or brick or permeable/pervious paving, concrete, pavers, or open-face paving block that is equivalent to Turfstone™ as approved by the Town. All paving materials shall be installed according to the manufacture's recommendations to ensure compressive strength, density, absorption, and durability.
6. All interior drive aisles and all parking lot entrances providing access to required *parking spaces* and loading spaces shall be graded and paved with impervious asphalt, concrete, stone, or brick or permeable/pervious paving, concrete, pavers, or open-face paving block that is equivalent to Turfstone™ as approved by the Town. All paving materials shall be installed according to the manufacture's recommendations to ensure compressive strength, density, absorption, and durability.

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Museums and Art Galleries	1 space per 300 square feet of gross floor area
Nursing Homes, Rest Homes, Homes for the Aged	1 space for 4 patient beds, plus 1 space per each 2 employees on the shift of greatest employment
Offices	1 space for each 200 square feet of net floor area
Post Office	1 space per 150 square feet of public service area, plus 2 spaces per 3 employees on shift of greatest employment
Public Library	1 space for each 300 square feet of net floor area
Public or Private Clubs	1 space for each 200 square feet of net floor area
Public Utility Buildings	1 space for each employee on shift of greatest employment
Public/Private Swimming Pools excluding single-family water and deck area and multi-family residential pools	1 space per 100 square feet
Radio and TV Stations	2 spaces per 3 employees on shift of greatest employment
Recreation uses such as Golf Driving Ranges, and/or Tennis, Billiards, Pool Centers or other similar uses	1 space per tee, green, or court
Recreational Clubs	1 space per 250 square feet of net floor area.
Residential Housing designed for and used by the elderly	1 space per 4 dwelling units
Residence, Multi-Family	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-1,249 sq. ft.; 2.25 spaces for units over 1,250 sq. ft.
Residence, Single-Family	2 spaces per dwelling unit

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Residential Boarding House	1 space per room or boarder whichever is greater, in addition to the normal requirement for the dwelling unit
Residential Duplex or Triplex	2 spaces per dwelling unit
Residential Efficiency Unit	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-899 sq. ft.; 2.5 spaces for units greater than 900 sq. ft.
Restaurants; Diners and Night Clubs	10 spaces minimum plus 1 space For every 3 seats
Retail Business	1 space per 200 sq. ft. of gross floor area
Schools, Elementary and Junior High, including public and private	1 space for each classroom and administrative office employee and maintenance employee, plus 5 visitor parking spaces, plus 1 school bus space for each 50 students, when necessary.
Schools, Senior High, Trade and Vocational; and Colleges and Universities	5 spaces per each room used for administrative offices or class Instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary
Wholesaling with related retail	2 spaces per 3 employees on the business shift of greatest employment, plus additional spaces per square foot of gross floor area devoted to retail sales applicable from "Retail Business" schedule.

F. OFF-STREET LOADING

One (1) or more loading spaces shall be provided for standing, loading, and unloading operations either inside or outside a building and on the same premises with every building or structure erected after the enactment of this ordinance. For uses that exceed 10,000 square feet, a standard loading dock shall be provided.

G. PARKING LOT LANDSCAPING AND BUFFERING REQUIREMENTS

Subject to other standards outlined within this Ordinance, including Section 7.3 BUFFERS, all required parking areas shall be required to adhere to the following additional interior buffering requirements:

7.20 WALLS AND FENCES

- A. The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence except as regulated below:
1. On a corner lot, no planting, structure, sign, fence, wall or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting right-of-way lines and a straight line connecting points on said street line each of which is ten (10) feet distant from the point of intersection.
 2. For driveways other than for single-family or duplex use, no planting, structure, sign, fence or obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersection of the driveway, the right-of-way line and a straight line connecting points on said edge of pavement of the driveway and right-of-way line which is ten (10) feet distant from the point of intersection.
- B. Walls and fences of wood construction must be constructed so that exposed framing of each section of fence faces the interior yard.
- C. Within any residential district, no wall or fence shall exceed four (4) feet in height within a front yard or ten (10) feet in height in a side or rear yard.
- D. Within any commercial district, no wall or fence shall exceed ten (10) feet in height.
- E. Fences used in conjunction with any permitted outdoor recreational use shall not exceed ten (10) feet in height in any zoning district.

7.21 SOIL EROSION AND DRAINAGE CONTROL

A. PURPOSE AND INTENT

This Section 7.22 is adopted for the purposes of:

1. Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to watercourses and other public and private property by sedimentation; and
2. Regulating the depositing of fill materials on individual lots to control any and all adverse effects on adjoining property owners from increased storm water runoff or accelerated erosion; and
3. Establishing procedures through which these purposes can be fulfilled.

B. EXCLUSIONS AND SCOPE

This Section 7.22 shall not apply to the following land-disturbing activities:

1. Activities occurring, and commonly associated with the normal operational characteristics, on legally established Bona Fide Farms
2. Activities undertaken on forestland for the production and harvesting of timber and timber products.
3. Activities for which a permit is required under the Mining Act of 1971, *N.C.G.S. § 74-7*.
4. Land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in *N.C.G.S. § 113A-56(a)*.
5. Activities deemed as necessary and/or essential by any recognized local, state, or federal authority for the protection of the general health, safety, and welfare of