

- A. A site plan showing the proposed development must be approved by the Board of Commissioners in accordance with this section before a development permit may be issued. The following activities shall be exempt from site plan review provided that sufficient information is presented to the Administrator to determine compliance with the provisions of this Ordinance:
 - 1. One and two-family dwellings;
 - 2. Temporary uses as regulated herein;
 - 3. A change in use which does not:
 - a. Require any physical changes to the building exterior or property;
 - b. Require a change in utility infrastructure;
 - c. Require a change in street or sidewalk layout.
- B. The requirements for submittal of a site plan are found in Appendix A under Mapping Requirements.
- C. Upon receipt of a qualified and complete site plan application the Administrator shall submit the plan to the Planning Board for review and recommendation to the Board of Commissioners at the Planning Board's next regular meeting occurring at least ten (10) days after receipt of the application. Failure of the Planning Board to make a recommendation to the Board of Commissioners within sixty (60) days of first consideration shall be considered a favorable recommendation.
- D. The Administrator shall place the Site Plan on the next regularly scheduled meeting of the Board of Commissioners occurring at least ten (10) days after the Planning Board's recommendation. The Board of Commissioners shall review the Site Plan and either approve, approve with conditions, reject the site plan, or refer the plan back to the Planning Board for further consideration. If the Board of Commissioners rejects a site plan, then the reasons therefore shall be stated in the record of action on the plan.

The Board of Commissioners may approve a site plan only if it meets the standards and requirements set forth in this Ordinance and provides adequate public facilities and improvements as provided for herein.

The subdivision standards contained in Sec. 100.65 shall serve as the basic standards for site plan development along with the specific standards set forth in the Special Requirement for the use or uses.

- E. Approval of the site plan and final construction drawings shall authorize the applicant to proceed with any applications for permits and approvals required in order to develop the property in conformity with the approved site plan. A permit, certificate, or other approval may be issued by the Town only if it conforms to the approved site plan and final construction drawings.

An approved site plan shall become null and void if the applicant has failed to make substantial progress on the site within two (2) years after the date of approval by the Board of Commissioners. Substantial progress means at least one-half (1/2) of the gross floor area of the site-planned development must be completed within the first two (2) years. The entire site must be completed within five (5) years of the first approval date of the site plan. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the site plan unless the Board finds that all of the following have been met:

1. A written request for extension has been made to the Board at least thirty (30) days before the expiration of the approved site plan;
2. Unconstructed portions of the site plan conform to all Ordinances, Policies and Plans of the Town in effect at the time of the requested extension.

The Board may grant a single, one (1) year extension of this time limit, provided that the conditions above have been met.

Sec. 100.65 Subdivision Standards

A. Compliance

From and after the adoption of this Ordinance, no real property lying within the Jurisdiction of this Ordinance shall be subdivided except in conformance with all applicable provisions of this Ordinance. In addition, after the effective date of this Ordinance, no plat for subdivision of land within the Jurisdiction of this Ordinance shall be certified for recording by the Review Officer, nor shall the Clerk of Superior Court order the recording of a plat until it has been submitted and approved in accordance with the provisions of this Ordinance.

B. Subdivision Defined

For the purpose of this section "Subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other division when one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included with this definition nor be subject to regulations of this Ordinance, provided, however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation "Exempt pursuant to Sec. 108.65 B. of the Town of Carthage Development Ordinance" and the signature of the Administrator or his designated agent before being presented for certification by the Review Officer:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation corridors;
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots or tracts where no street right-of-way dedication is involved or proposed and where the resultant lots are equal to or exceed the standards of this Ordinance; and
5. The division of land into burial plots where no street right-of-way dedication is involved; and
6. The division of land by will. (Note: Although the division of land by will is exempt from the requirements of this Ordinance, the resultant lots may not be eligible for a development permit if the lots do not meet the standards and requirements of this Ordinance.)

C. Coordination of Plans

All plans, plats and supporting documents to be submitted in connection with the procedures set forth in this section shall be submitted first to the Administrator. The Administrator shall develop and maintain a set of standards to serve as a basis for the type, size, graphic media, number of copies, information to be shown and other such matters in regard to the maps and documents required to be submitted in the administration of this Ordinance. Such standards may also include standards for street, storm drainage and utility Construction Plans. A listing of such standards is appended to this Ordinance as Appendix A and is presumed to be necessary to satisfy the requirements of this Ordinance. However, it is recognized that each development is unique, and therefore, the Administrator may exercise flexible judgment in requiring less or more information and submittals according to the needs of the particular case.

D. Subdivision Review Procedure

1. Approval Levels

The Subdivision review procedure shall consist of three levels of required approval:

- . Preliminary Plan
- . Construction Plans
- . Final Plat

Preliminary Plan approval shall be a prerequisite to Final Plat approval except for minor Subdivisions where Preliminary Plan approval is not required.

Prior to Preliminary Plan application, the subdivider may submit to the Administrator a sketch plan showing the concept of the proposed subdivision. The subdivider may at that time discuss the proposed subdivision with the Administrator and become familiar with the Subdivision Standards. This procedure does not require formal application or fee. The Administrator may, at his option, present any sketch plan to the Planning Board for review. Approval of Construction Plans is the responsibility of the Administrator and his agents. Construction Plans are not required to be submitted as part of the Preliminary Plan approval. It is the responsibility of the subdivider to ensure that the Preliminary Plan design is feasible for public facility services. The Administrator may require, however, the submittal for review and approval of all or part of Subdivision Construction Plans in order for the Planning Board/Board of Commissioners to ascertain the feasibility of serving all or part of a proposed Subdivision.

Approved Construction Plans are a prerequisite to receive permission to proceed with construction of subdivision improvements.

2. Subdivision Types

The subdivision review procedure shall consist of two types of subdivisions:

Major Subdivisions and Minor Subdivisions

Major Subdivisions are those subdivisions which involve more than five (5) lots or more than ten (10) acres, those subdivisions which involve the dedication of new street segments (but not simply widening), those subdivisions where special developments are involved, and those subdivisions that involve dedication or reservation of land for open space, school sites and other public purposes. All other subdivisions shall be considered to be Minor Subdivisions.

3. Approval Authority

The approval authority for the levels and types of subdivision approval shall be as follows:

Preliminary Plans –

Major Subdivisions – Board of Commissioners on recommendation by the Planning Board

Final Plats -

Major Subdivisions – Board of Commissioners
Minor Subdivisions – Administrator

4. Plan and Plat Requirements

Plans, plats and supporting documents and material for the levels of subdivision approval shall be submitted in the form as provided for in the standards for such submittals contained in the Appendix of this Ordinance. The Administrator may refuse to accept the submission of any plans, plats or supporting documents which in his opinion do not meet the standards for such submittals as contained in the Administrator's Mapping Standards and this Ordinance.

5. Plan Submittal and Review Periods – Preliminary Plans

Plans, in the proper form, shall be submitted to the Administrator according to the following schedule:

Preliminary Plans – All Subdivisions

Preliminary Plans for recommendation by the Planning Board may be submitted at any time, provided, however in order to be eligible to be placed on an agenda of a Planning Board Meeting, such submittal shall have been filed with the Administrator at least twenty-one (21) days prior to that meeting. The Planning Board shall recommend approval, approval with conditions or denial of the Preliminary Plan within sixty (60) days of its first consideration. The recommendations shall be in writing and/or drawn form and dated.

Preliminary Plans for approval by the Board of Commissioners may be submitted at any time provided however, in order to be placed on an agenda of a Board of Commissioners meeting; such submittal shall have been filed with the Administrator at least seven (7) days prior to that meeting. Upon review of the Plan and the recommendation of the Planning Board, the Board of Commissioners may take whatever action it deems appropriate.

6. Plat Submittal and Review Periods – Final Plats

Plats, in the proper form, shall be submitted to the Subdivision Administrator according to the following schedule:

Final Plats – Minor Subdivisions

Final plats for Minor Subdivisions for approval by the Administrator submitted at any time. The Administrator shall approve, approve with conditions or deny the Final Plat within thirty (30) days of its first receipt. The action shall be in writing and/or drawn form and dated.

Final Plats – Major Subdivisions

Final plats for Major Subdivisions for approval by the Board of Commissioners may be submitted at any time, provided, however, in order to be placed on an agenda of a Board of Commissioners meeting, such submittal shall have been filed with the Administrator at least seven (7) days prior to that meeting. Upon review of the Plat the Board of Commissioners may take whatever action it deems appropriate.

7. Effects of Approvals - Prerequisites

Preliminary Plan approval shall constitute tentative approval of the Final Plat if the Final Plat is in substantive agreement with the Preliminary Plan and shall entitle the subdivider to proceed to prepare street, storm drainage and utility Construction Plans, if applicable, and/or to proceed to prepare Final Plat. Approval of Construction Plans shall entitle the subdivider to proceed with construction of subdivision improvements for the Preliminary Plan and no construction, including grading, shall proceed without such approval. In addition, the Administrator may require, as a prerequisite to Preliminary Plan approval, the submittal for review and approval of all or part of Subdivision Construction Plans in order to ascertain the feasibility of all or part of a proposed subdivision.

If a Final Plat of all or part of the area shown on a Preliminary Plan is not recorded in the office of the Register of Deeds within twelve (12) months, or if there is a lapse of more than twelve (12) months between the recording of sections, the Administrator may require the re-submittal of the unrecorded portion as a Preliminary Plan.

Final Plat approval shall entitle the subdivider to submit the Final Plat for recording. No Final Plat shall be regarded as finally approved until such Plat shall be recorded.

No Final Plat shall be approved for recording until all required subdivision improvements have been installed and approved.

In addition, no Final Plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Board of Commissioners, with the approved Preliminary Plan. Final Plats not in substantial agreement shall be re-submitted as Preliminary Plans as provided herein.

After the Final Plat is recorded, lots as shown on the Plat may be sold or otherwise conveyed by reference to the Plat, Building Permits may be authorized to be issued, and Certificates of Occupancy may be issued.

Approval and recording of the Final Plat shall constitute dedication by the subdivider of the right-of-way of each public street and utility and drainage easement shown on such plat. Such dedication, however, does not constitute acceptance by the Town of such right-of-way, nor does it constitute acceptance for maintenance or for other purposes of the improvements within such right-of-way and easements such as pavements, sidewalk, drainage facilities and other utility lines. Such right-of-way and improvements may be accepted by the Board of Commissioners by resolution, upon completion by the subdivider and inspection by the Administrator. In addition, land designated on an approved and recorded Final Plat as public open space and similar public purposes shall be considered to be offered for dedication until the Town has by resolution accepted such dedication and such land is deeded to the Town. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or his designees and the Town shall be held harmless for any liability involving such land. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the Board of Commissioners

E. Design Standards

1. General

All proposed subdivisions subject to these regulations shall comply with the design standards of this Section and shall be so planned as to facilitate the most advantageous development of the entire community.

2. Incorporation of Other Town Ordinances, Policies and Plans

All proposed subdivision plans shall incorporate the land development requirements and provisions of all Town ordinances, policies and plans as

now or hereafter established or amended the same as if each were fully contained within these regulations. No subdivision plan may be approved which fails to incorporate such requirements and provisions or which is not consistent with such ordinances, policies, and plans. Ordinances, policies and plans include, but are not limited to, this ordinance, the Flood Damage Prevention Ordinance, the Storm Water Drainage Ordinance, the Thoroughfare Plan and any conditions of approval imposed through any approval process.

3. Appropriate to Physical Conditions

The general design of the subdivision shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Subdivision plans shall be drawn in consideration of the suitability of the land its capability to support and maintain the proposed development. Due consideration shall be given to such factors as topography, soil conditions, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, and land use relationships in addition to other factors including those prescribed by these regulations.

4. Connectivity and Appropriateness to Adjoining Property and Land Uses

The subdivision shall be designed in relationship to adjoining property and land uses. Except where the Board of Commissioners determines that a different scheme is more appropriate, the proposed street system shall extend existing and projected streets at no less than the required minimum width for the classification of the street and shall be in conformance with the following criteria:

a. Conformance With Thoroughfare Plan

The location and design of streets shall be in conformance with the Thoroughfare Plan.

b. Street Classification

All streets within and adjoining the subdivision shall be classified according to function by the Board of Commissioners. Each street segment shall be classified in accordance with the Schedule of Street Classifications contained in the Appendix of these regulations and as defined herein. The classification of a street segment shall determine the cross-section and design standard to which that street segment shall be designed and constructed. Street design standards for each street classification are shown in the Appendix.

c. Connection to Adjoining Property

Proposed streets shall be extended to the boundary of the subdivision for connection to existing streets on the boundary of adjoining property or for future connection. Cul-de-sacs shall not be used to avoid connection with an existing street to avoid extension of a thoroughfare or collector street, or to avoid connection to adjoining property. In general, cul-de-sacs shall not be used to provide access to development on the boundary of the development. Cul-de-sacs shall not exceed 800 feet in length unless necessitated by topography or property accessibility and specifically approved by the Board of Commissioners. Measurement shall be from the point where the centerline of the dead end street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac shall be no more than 800 feet from a general circulation street as measured by the centerline of the streets.

5. Reserve Strips, Half Streets and Private Streets

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required by the Board of Commissioners to prevent access to thoroughfares) and half streets shall not be permitted under any condition. Private streets shall only be permitted in cases where the approved development plan permits such streets. In any case private streets shall meet the same standards as publicly dedicated streets.

6. Intersections

Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections are to be avoided. A minimum intersection offset of two-hundred (200) feet shall be maintained.

7. Restriction of Access

Where a subdivision abuts or contains an existing or proposed thoroughfare, the Board of Commissioners may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate separation of through and local traffic.

8. Storm Drainage in Streets

All streets must be so designed as to provide for the discharge of surface water from the right-of-way of all streets. Street drainage facilities shall be designed

in accordance with the Storm Water Drainage Ordinance and the Town's standard for street construction.

9. Storm Drainage Not in Streets

Storm drainage systems and facilities shall be designed with the requirements of the Storm Water Drainage Ordinance. The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

10. Street Names

Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court.

11. Utility Easements

To provide for electric, telephone and gas service, community antenna television distribution systems, water and sewer lines and other such facilities within the subdivision, appropriate utility easements not less than twenty (20) feet, shall be provided on the final plat. The locations of such easements shall be based upon the approved construction plans. All subdivision plats shall have a note stating that all lot lines shall be subject to a ten (10) foot utility easement centered on the lot line. All utilities shall be placed underground. The subdivider shall be responsible for incorporating the design of all utilities and services into the easement and construction design.

12. Subdivision Entrance Markers and Landscaped Medians

The Board of Commissioners may permit subdivision entrance markers and landscaped medians within the public right-of-way, or an easement set aside for such purposes, subject to the following conditions and any additional conditions the Board of Commissioners may find to be appropriate in the individual circumstance:

- a. The Town will not be responsible for maintenance.
- b. An entity responsible for maintenance shall be created.
- c. No such improvements shall interfere with sight distance or with normal maintenance requirements or otherwise pose a hazard to vehicular or pedestrian traffic.
- d. In the event of loss, damage or lack of maintenance, the Town may remove all improvement and maintain the area in accordance with Town standards.

- e. NCDOT must approve any such developments in streets to be maintained by NCDOT.

13. Construction in Public Right-of-Way and Easements

The design and construction of any facilities whether required or provided, within public right-of-way and easements shall be in accordance with Town design and construction standards.

14. Blocks

1. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
2. Blocks shall not exceed twelve hundred (1200) feet in length nor shall they be less than four hundred (400) feet in length.
3. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

15. Lots (Building Sites)

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type development contemplated. It is the intent of these Standards that lot size, shape and orientation shall be controlled by the provisions of the general and dimensional standards. Every lot shall have sufficient area, dimensions and shape to permit a principal building to be constructed thereon in conformance with the applicable provisions of this Ordinance. Such building area shall lie at or be elevated as provided for in the

Flood Damage Prevention Ordinance. Lots shall be designed so as to provide positive drainage away from building sites and individual lots shall be coordinated with the general storm drainage plan for the subdivision. Storm drains carrying water from street rights-of-way shall be placed along lot lines where practical and shall extend for a minimum of thirty-five (35) feet back of the building lines. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways to the extent practical to avoid the creation of lots that can be built upon only by altering such drainage ways. Lots shall be arranged with due consideration given to not disturbing wetlands and other such natural features. Side lines of lots should be at or near right angles or radial to street lines. Public street access and frontage shall meet the requirements set forth in the general and dimensional standards. Parcels created through the subdivision process which are not intended for building purposes shall be so designated and perpetually bound as "not-buildable" unless subsequently released through development process. Double frontage

lots shall be avoided except where required to restrict access as set forth herein.

16. Water and Sewer

All subdivisions shall be designed to provide Town water and sewer or meet Health Department requirements for on-site systems. Water and sewer system shall be designed in accordance with Town standards. The subdivider shall be responsible for obtaining all necessary permits and approvals. (See F.3 and F.4 of this section for water and sewer system extension requirements and F.11 for fire hydrant requirements.)

17. Sidewalks

The design of all subdivisions shall provide for five-foot (5') concrete sidewalks on one side of all public streets.

18. Connection to State Streets

An approved permit is required to connect to any existing state system street.

North Carolina General Statutes 136-102.6 "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation Required of Developers" requires that new public streets outside the Town limits and changes to existing streets inside the Town limits that are the responsibility of NCDOT be in accordance with the Minimum Right-of-Way and Construction Standards established by the Board of Transportation for acceptance on the State highway system. It is the intent of these standards and requirements, as set forth, to complement and not to conflict with the requirements of NCDOT as stated in NCGS 136-102.6. In all cases the most restrictive limitation or requirement or the requirement causing the highest standard of improvement shall govern.

F. Required Improvements

1. General

All required improvements set forth in this section shall be installed or constructed by the subdivider at no cost to the Town except as may otherwise be specifically provided. Required improvements under this section shall not be installed or constructed until required Construction Plans have been approved by the Administrator and an order to proceed has been issued. The Town may, in order to serve future development, require the developer to install certain oversized improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the subdivider. In such cases, the Town may enter into an agreement to reimburse

the developer for the over sizing and/or extension based upon rates as agreed to by the Town.

Subdivisions may be designated to be constructed and platted in phases. Provided, however, the Board of Commissioners may not approve a phasing plan when in its opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall development plan. In approving phases the Board of Commissioners may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future development.

2. Street Improvements

All proposed streets shall be graded to the full width of the right-of-way and improved with a pavement width and concrete mountable curb and gutter and storm drainage section as required for the particular classification of street. Standard curb and gutter may be required on collector and major streets and in any case, where new curb and gutter is extending standard curb and gutter. All grading, pavement and curb and gutter shall be designed and installed in accordance with Town standards and the approved construction plan. Where bridges are required, such shall be installed to fit the cross-section of the street classification. In addition, street paving and curb and gutter and storm drainage, in accordance with the above conditions, shall be installed in the following situations:

- a. Any existing street segment that has not been accepted for maintenance by either the Town or the North Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the Town or the North Carolina Department of Transportation. No subdivision shall be permitted on any street that is an "island" not connected directly to the public street system.
- b. Where a subdivision fronts on any existing street segment maintained by either the Town or the North Carolina Department of Transportation and the street does not meet the minimum standards of these regulations for the classification of street, the subdivider shall improve the portion of street adjoining the subdivision to meet the minimum standards including construction and width. When the subdivision adjoins only one side of an

existing street, one-half of the minimum right-of-way shall be provided, measured from the centerline of the street.

- c. The Board of Commissioners may require pavement and widening or pavement and widening and curb and gutter and storm drainage for turning lanes along any street that forms a significant entrance to a proposed development where in the opinion of the Board of Commissioners such improvements are necessary in order to provide for safe vehicular movement into and out of the proposed subdivision.
- d. Where a street is stubbed into adjoining property for future extension and such street serves the frontage for one or more lots which are not corner lots, the Board of Commissioners may require the pavement of a temporary turn-around in a form similar to a cul-de-sac on such street where in the Board of Commissioners' opinion such turn-around is necessary for the public convenience, safety and service.

3. Drinking Water Improvements

Any Subdivision which has public water system lines available shall be required to extend the public water system throughout the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps and service to the property line of each lot as required by the standards of the Town.

For subdivisions within or partially within the Town, the term "available" shall mean that there is an existing water line of adequate size and water flow and/or pressure either crossing the subdivision property or immediately available from an adjacent public right-of-way or the Town indicates its commitment to extend such a water line to the property line of the subdivision at no cost to the subdivider.

For subdivisions located entirely outside the boundaries of the Town but within the jurisdiction of this Ordinance, the term "available" shall mean that there is an existing water line of adequate size and water flow and/or pressure within the distances shown on the Table below of the outside boundary line of the subdivision or the Town indicates its commitment to extend such a water line within the distances shown on the Table below of the property line of the subdivision at no cost to the subdivider and there are no legal or topographic problems which prevent the subdivider from connecting onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or else the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then, and in that event, public water service shall be deemed to be available if an existing or proposed public water system line extends or will be extended within the distances shown on the Table below to the larger tract of land.

In the event the Town elects not to extend a water line of sufficient size, flow and/or pressure, to the subdivision (if in the Town) or within the distance shown on the Table below of the subdivision boundary (if outside the Town) because of topographic features, legal obstacles, or financial reasons, then, the subdivider shall not be required to extend water lines to each lot nor provide water service to the subdivision.

In any case where a public drinking water system and/or supply system intended to serve more than two (2) lots is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a "Required Improvement" within the context of this Section regardless of whether such a system is an extension of the Town system or not and such system shall be required to be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities which are essential to providing the service to the property.

Available Water System Lines

Water is available if the subdivision contains the number of lots listed in column one and public lines are within the distance shown in column two.

<u>LOTS</u>	<u>DISTANCE</u>
2-10	200 feet
11-20	300 feet
21-50	600 feet
51-100	1000 feet
101+	1500 feet

4. Sanitary Sewerage Improvements

Any subdivision which has public sewer system lines available shall be required to extend the public sewer system throughout the subdivision to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift station pumps, cleanouts, taps and service to the property line of each lot as required by the standards of the Town.

For subdivisions within or partially within the Town, the term "available" shall mean that there is an existing sewer line of adequate size and flow either crossing the subdivision property or immediately available from an adjacent public right-of-way or the Town indicates its commitment to extend such a sewer line to the property line of the subdivision at no cost to the subdivider.

For subdivisions located entirely outside the boundaries of the Town, but within the jurisdiction of the Ordinance the term "available" shall mean there is an existing sewer line of adequate size and flow within the distances shown

on the Table below of the outside boundary line of the subdivision or the Town indicates its commitment to extend such a sewer line to within the distances shown on the Table below of the property line of the subdivision at no cost to the subdivider and there are no legal or topographic problems which prevent the subdivider from connection onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or else the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then, and in that event, public sewer service shall be deemed to be available if an existing proposed public sewer system line extends or will be extended to within the distance shown on the Table below of the larger tract of land.

In the event the Town elects not to extend a sewer line of sufficient size and flow, to the subdivision (if in the Town) or within the distance shown on the Table below of the subdivision boundary (if outside the Town) because of topographic features, legal obstacles, or financial reasons, then, the subdivider shall not be required to extend sewer lines to each lot nor provide sewer service to the subdivision.

In any case where a sanitary sewerage system and/or treatment system intended to serve more than two (2) lots is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a "Required Improvement" with the context of this Section regardless of whether such system is an extension of the Town system or not and such system shall be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities which are essential to providing the service to the property.

Available Sanitary Sewer System Lines

Sanitary sewer is available if the subdivision contains the number of lots listed in column one and public lines are within the distance shown in column two.

<u>LOTS</u>	<u>DISTANCE</u>
2-10	200 feet
11-20	300 feet
21-50	600 feet
51-100	1000 feet
101+	1500 feet

5. Sidewalks

Any sidewalks required by preliminary subdivision approval shall be constructed to Town standards.

6. Street Name Signs

Standard street name signs will be installed by the Town at the developer's cost at all intersections in accordance with Town Standards. The subdivider may, however, with the approval of the Board of Commissioners of design and material, install a different street name sign type at no cost to the Town. In such case, the developer or his successors or assignees shall be responsible for replacing such signs in instances of loss, damage or deterioration; otherwise, the Town will replace such signs with its standard sign. Outside the Town limits the subdivider shall be responsible for installing street name signs at all intersections in accordance with County standards.

7. Traffic Control Signs, Signals, and Markings

Traffic control signs, signals, and markings will be installed by the Town at the developer's cost, in accordance with Town standards and specifications inside the Town. Outside the Town limits the subdivider shall be responsible for installing such facilities in accordance with NCDOT standards and specifications.

8. Street Lights

The Town will install street lights at appropriate locations inside the Town in accordance to Town standards and specifications. Where different light standards are proposed the subdivider shall enter into an agreement with the Town. Outside the Town the subdivider shall install underground wiring for street lights and may install lights at the subdivider's cost.

9. Storm Drainage Not in Public Streets

The subdivider shall install such storm drainage facilities to handle storm drainage not in public streets as are required by the Storm Water Drainage Ordinance and as shown on the approved Construction Plan.

10. Monuments and Markers

The developer shall install such property monuments and markers as are required by law and the standards of practice for land surveying in North Carolina.

11. Fire Hydrants

Fire hydrants shall be located such that each structure or portion thereof will be within four hundred feet (400') of a hydrant.

12. Other Utilities and Services

Electric power, telephone, cable television, natural gas lines and other utilities which are proposed to be installed in the development and which are required to be shown on construction plans are not "Required Improvements" within the context of this Section. Since the installation of such improvements are by agreement between the subdivider and the appropriate utility company, the execution of such agreements between the subdivider and the utility companies are deemed to satisfy the construction and installation requirements of these regulations as long as they are installed in the public right-of-way or easement in accordance with Town standards of such installations.

13. Warranty Against Defects

Prior to the approval of the Final Plat or acceptance by the Town of any improvements in any subdivision, the subdivider shall furnish to the Town a written warranty against defects which shall guarantee the material and workmanship for a period of not less than one year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the Town equal to at least ten percent (10%) of the cost of the installation of such improvements as determined by the Board of Commissioners. Such financial guarantee shall be in the form of cash, a certified check or irrevocable letter of credit.

Upon successful performance of the improvements, as determined by the Board of Commissioners, for the one-year period, the financial guarantee shall be returned to the subdivider. Upon the failure of an improvement to perform within the generally accepted standards for the type improvement as determined by the Board of Commissioners, the subdivider shall be notified and given a reasonable period of time to correct the defects. Should the subdivider fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Board of Commissioners shall find the subdivider in default.

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as specified in the financial agreement, the Town, may expend said funds as deemed necessary to correct the deficiencies.

Default on a project does not release the subdivider from liability/responsibility, financial or otherwise, for the completion of the improvements

14. Modifications

The Board of Commissioners may modify the requirements of this Section wherein the Board's opinion equal or better performance will result. In modifying any standard or requirement the evaluation shall be made with regard to the overall performance in carrying out the purpose of this Section. In granting modifications, the Board of Commissioners may require such conditions as will secure, insofar as practicable, the objectives or requirements modified. Violation of any condition shall constitute a violation of this Ordinance. A modification granted as part of a plan approval shall have the same duration as the plan approval.

Sec. 100.66 Soil Erosion and Sedimentation Control Standards

- A. All development shall be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in North Carolina Statute, Chapter 113A, Article 4, (Sedimentation Pollution Control);
- B. No development permit shall be issued for development that involves land-disturbing activity if more than one (1) acre is to be uncovered, unless an erosion control plan has been approved by the Division of Land Resources of the North Carolina Department Division of Environmental Management and a copy of the approved plan is submitted as part of the development permit application;
- C. No development permit shall be issued for development that involves land-disturbing activity if less than (1) acre is to be uncovered, unless the person to whom the permit is to be issued affirms on the permit application that the land-disturbing activity will be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in North Carolina General Statute, Chapter 113A, Article 4;
- D. Failure of the permit holder to perform land-disturbing activity in accordance with the standards and procedures for the control of sedimentation and soil erosion as set forth in North Carolina General Statute 113A, Article 4 shall result in the permit holder being in violation of the terms of this Ordinance and may result in the revocation of the development permit.

Sec. 100.67 General Environmental Standards

- A. The Board of Commissioners may require the developer to prepare an Environmental Impact Statement (EIS) pursuant to NCGS 113A-8 as part of the plan for any subdivision or development of two (2) acres or more where the Board of Commissioner's opinion or any environmental factor, is a significant issue regarding the particular subdivision or development. The

Board of Commissioners may waive the EIS where an EIS or equivalent document is required by a state or federal agency for the same or essentially the same factor(s)

- B. Trees, shrubs and other vegetation shall not be removed from or placed within public street right-of-ways without a permit issued by the Administrator. A permit shall also be required for any excavation of trenches or tunnels for the installation or repair of utilities taking place within the critical root zone of any tree on public right-of-way or property.

Article 10 Conditional Use Zoning Districts Established; Purpose, Intent and Regulations

A. Conditional Use Districts

For each General Use District established in Article 8, there is also established a corresponding Conditional Use District as follows:

CU - RA-40	Residential Agricultural
CU - R-20	Residential
CU - R-10	Residential
CU - RM-10	Residential
CU - R-MH	Residential Mobile Home
CU - R-HD	Residential Historic
CU - CBD	Central Business
CU - B-2	Central Business Fringe
CU - TBD	Thoroughfare Business
CU - HCD	Highway Commercial
CU - I	Industrial
CU - AP	Airport

B. Purpose and Intent

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional Use District (CUD) is a means by which such special conditions can be imposed in the furtherance of the purposes of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect and that proceeding shall be instituted to rezone the property to its previous zoning classification.

C. Conditional Use District Regulations

Within a CUD, only those uses authorized as either permitted uses or conditional uses in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the Board of Commissioners, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas, and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon request, but not to include conditions not generally a part of land development controls. In granting a Conditional Use Permit, the Board may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.

The authorization of a Conditional Use Permit in any CUD for any use that is not permitted only as a Conditional Use Permit in the zoning district that corresponds to the CUD shall preclude any requirement for obtaining a Conditional Use Permit for any such use in separate procedure.

Article 11 Overlay Districts; Purpose, Intent, and Regulations

The General Use and Conditional use Zoning Districts established by this Ordinance may also be zoned one of more Overlay Districts as a designated herein and as shown on the Official Zoning Maps or as described herein. In such case, the land is subject to not only the underlying General use or Conditional Use Zoning Districts, but also the additional requirements of the Overlay District or Districts.

Sec. 100.68 Watershed Protection Overlay District

A. Purpose and Intent

The legislature of the State of North Carolina has, in Chapter 143, Article 21, Watershed Protection Rules, and in 15A North Carolina Administrative Code 2B.0100 and 15A NCAC 2B.0200, delegated the responsibility or directed local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The intent of the Watershed Protection Overlay District is to ensure the availability of public water supplies at a safe and acceptable level of water quality for present and future residents of the Town and the surrounding region. Watershed protection measures allowed by this Section of the Ordinance include:

- a. Impervious area limitations;

- b. Stream and reservoir buffers;
- c. Restriction of land uses and density allowed within water supply basins by the use of zoning.

B. Applicability

1. The Watershed Protection District is an overlay district to be applied to designated watersheds on the Official Map of Zoning Districts with regulations superimposed on all lands lying within the watershed of a public water supply. The boundaries of the Watershed Protection District(s) shall be shown on the Official Map of Zoning Districts and Extraterritorial Jurisdiction. The Watershed Protection District consists of two (2) areas:
 - a. Killets Creek – WS-III - Critical Area
 - b. Little River – WS-III - Balance of Watershed

No development shall take place within the Watershed Protection Overlay District without a development permit issued by the Administrator showing compliance with this section.

2. Exception for existing Development: Development existing as of June 21, 1993 is not subject to the requirements of this Section. Expansions to existing development must meet the requirements of this Section; however, the impervious surface area of the existing development is not required to be included in the density calculations. A pre-existing lot owned by an individual or assignee prior to the effective date of June 21, 1993, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Section.

C. Prohibited Uses

The following uses are prohibited in the Watershed Protection Overlay Districts:

1. Uses producing and/or storing toxic and/or hazardous materials not meeting the following performance standards:
 - a. Any container or tank used to store hazardous materials shall be equipped with lead detection devices and shall be double walled or have other secondary containment devices;
 - b. Points of storage or use of hazardous materials shall be protected by a corrosion resistant lined dike, sized to handle without infiltration into subsurface the maximum amount of hazardous material to be stored or used;

- c. All floor drains that could collect hazardous materials shall be connected to a corrosion resistant tank or catch basin sized to handle the maximum amount of hazardous materials to be stored or used; these floor drains shall not be open to a natural drainage system;
 - d. Prior to site plan approval, an Emergency Contingency Plan shall be prepared and submitted through the Administrator to the Fire Chief and the Public Utilities Department, for review and approval; the Emergency Contingency Plan shall be prepared in accordance with the requirements of SARA Title III and shall be updated annually. In addition, the Emergency Contingency Plan shall include a plan for the site showing buildings and the locations of points of storage and use of hazardous materials.
- 2. Any use discharging sewage, industrial waste and/or non-process industrial waste not meeting the pre-treatment requirements of the Carthage Public Works Department or the provisions of the NC Administrative Code 2B.0201(d)(1)(B)(iv),(v) and (vii) and 2B.0203.
 - 3. Landfills and sites for land application of residents or petroleum contaminated soils.

D. Limitations or Impervious Area

- 1. Calculation of impervious surface area shall include the pavement area of all existing and proposed internal public and private streets, driveways, rooftops, parking lots, patios, and all other impervious surfaces on a project-by-project basis. For purposes of calculating the percentage of impervious area coverage, the total project area shall be regarded as the actual area of the property plus the area within the rights-of-way of the internal streets.

E. Density/Built-Upon Limitations in the Killets Creek WS III Critical Area

- 1. Single Family Residential development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except within an approved cluster development.
- 2. All other Residential and Non-Residential development shall not exceed twelve percent (12%) 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.

F. Density/Built-Up Limitations in the Little River WS III Balance of Watershed

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 one-half (1/2) acre, except within an approved cluster development.
2. All Other Residential and Non-Residential development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

G. Cluster Development

Clustering of development is allowed under the following conditions where otherwise permitted in the Zoning District:

1. 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 in the District. Built-upon area or storm water control requirements of the project shall not exceed that allowed for the balance of watershed.
2. All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.
3. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds, and individual property owners shall be responsible for maintenance.

H. Buffers Required

A minimum of thirty (30) foot vegetative buffer is required for development activities 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 stream bank or shoreline stabilization is permitted.

I. Special Density Allocation in the Little River WS III Balance of Watershed

Special non-residential intensity allocation up to ten percent (10%) 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, provided that the following conditions are met:

1. 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;
2. The Board of Commissioners must approve the Special Non-Residential Intensity Allocation;
3. Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.

Sec. 100.69 Historic Preservation Overlay District

A. Purpose and Intent

Historic areas are some of the most valued and important assets of the Town of Carthage. The establishment of Historic Preservation Districts is for the purpose of preserving the Town's heritage; safeguarding its character by preserving the district as a whole and any property therein that embodies important elements of its social, economic, cultural, political, or architectural history. The establishment of Historic Preservation district is also for the purpose of promoting the conservation of such districts for the education, pleasure and enrichment of residents of the district, the Town, and others; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of the Town and the residents of the district.

B. Historic Districts Established

Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, material, feeling, and/or association. No district shall be designated, amended, or repealed until the following has been carried out:

1. An investigation and report initiated by the Historic Preservation Commission describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared;
2. The Department of Cultural Resources, acting through the State Historical Preservation Officer or his or her designee, shall have made an analysis of and

recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Board of Commissioners within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Board of Commissioners of any responsibility for awaiting such analysis, and the Board of Commissioners may at any time thereafter take any necessary action to adopt or amend this District Ordinance with respect to Historic Districts;

3. The Board of Commissioners shall also refer the report and the proposed boundaries to the Planning Board for its recommendations prior to taking action to amend the District Ordinance;
4. With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by this Section shall be prepared by the Historic Preservation Commission and shall be referred to the Planning Board for its review and comment according to the procedures set forth in the District Ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of this Section;
5. Upon receipt of these reports and recommendation, the Board of Commissioners may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning provision.

C. Certificate of Appropriateness Required

1. From and after the designation of a historic district and the adoption of Review Criteria and Design Guidelines by the Historic Preservation Commission and approved by the Board of Commissioners, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, or other appurtenant features), no above-ground utility structure, nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. Such a certificate shall be issued by the Commission prior to the issuance of a development permit. Such certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Section. A Certificate of Appropriateness shall be required whether or not a building permit is required;
2. The Town and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character

of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the Town, NCDOT, or public utility companies.

D. Certificate of Appropriateness Procedure

1. An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Administrator. Applications for Certificates shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content, at least twenty eight (28) days prior to the regularly scheduled meeting of the Commission; otherwise, consideration shall be deferred until the following meeting;
2. The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data has been submitted. Nothing shall prevent the applicant from filing, along with the application, additional relevant information bearing on the application;
3. Upon receipt of an application, the Administrator shall notify the Historic Preservation Commission at least seven (7) calendar days before its regularly scheduled meeting;
4. Prior to issuance or denial of a Certificate of Appropriateness the Commission shall conduct a public hearing in accordance with this Ordinance. The Administrator shall be responsible for notifying the affected parties in accordance with this Ordinance;
5. The Commissioner shall take action on the application and in doing so, shall apply the Review Criteria contained in this section;
6. The Commission's action on the application shall be approval, approval with modifications, or disapproval;
7. Prior to the final action on an application, the Commission, using the Review Criteria, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district;
8. The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it is approval, approval with modifications, or denial;

9. If the Commission fails to take final action upon any application within sixty (60) days after the complete application is submitted to the Administrator, the application shall be deemed to be approved;
10. If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed construction, reconstruction, alteration, restoration or moving.

E. Review Criteria

1. Intent:

- a. It is the intention of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district shall be congruous with the special character of the district. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of the same or to impose architectural styles from particular historical periods. In considering new construction, the Commission shall encourage contemporary design that is harmonious with the character of the district;
- b. In granting a Certificate of Appropriateness, the Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity;
- c. The Commission shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features that would be incongruous with the special character of the historic district or landmark.

2. Exterior Form and Appearance:

- A. The following criteria shall be considered, when relevant, by the Commission reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:
 - i. Lot coverage, defined as the percentage of the lot area covered by primary structures;

- ii. Setback, defined as the distance from the lot lines to the building(s);
- iii. Building height;
- iv. Spacing of buildings, defined as the distance between adjacent buildings;
- v. Exterior building materials;
- vi. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- vii. Surface textures;
- viii. Roof shapes, forms and materials;
- ix. Use of local or regional architectural traditions;
- x. General form and proportions of buildings and structure, and relationship of any additions to the main structure;
- xi. Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- xii. Orientation of the building to the street;
- xiii. Scale determined by the size of the units construction and architectural detail in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
- xiv. Proportion of width to height of the total building facade;
- xv. Archaeological sites and resources associated with standing structures;
- xvi. Appurtenant fixtures and other features such as lighting;
- xvii. Structural condition and soundness;
- xviii. Walls-physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape mass, building facades, or combinations of these;
- xix. Ground cover or paving;

- xx. Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement;
 - xxi. Color (new construction, additions, alterations, and repainting only and not for existing residences);
 - xxii. Effect of trees and other landscape elements.
- B. The Secretary of the Interior's "Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness;
- C. Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

F. Certain changes not prohibited

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district that does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature that the Building Inspector, Administrator or similar official shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration, of any existing, aboveground utility structure without approval by the Commission.

G. Delay in Demolition

1. An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The Commission shall reduce the period of delay if it finds the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal;

2. In the case of demolition action by the Town, the application for such a certificate will first be reviewed by the Commission and secondly by the Board of Commissioners for final order of demolition or removal;
3. If the Commission has voted to recommend the designation of an area as a historic district and the final designation has not been made by the Board of Commissioners, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to one hundred eighty (180) days or until the Board of Commissioners takes final action on the designation, whichever occurs first.

H. Application Review by Commission

As part of its review procedure, the Commission may view the premises and seek the advice of the Department of Cultural Resources or such other expert advice as it may deem appropriate.

I. Appeal of Decision

1. In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment;
2. Written notice of the intent to appeal must be sent to the Commission, postmarked within thirty (30) days following the decision. Appeals of decisions of the Board of Adjustment shall be heard by the Superior Court of Moore County;
3. The State of North Carolina shall, for property of the State or its agencies, have a right of appeal to the North Carolina Historical Commission, which shall render its decision within thirty (30) days from the date that a notice of appeal by the State is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Commission.

J. Compliance

1. Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Town Planner. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of six (6) months shall be considered as a failure to comply with a Certificate of Appropriateness;
2. Nothing contained in the Ordinance shall prohibit, impair, or limit in any way the power of the Board of Commissioners to prevent the construction,

reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of any provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances of laws. (See General Statute 160A-175 and 160A-389.)

K. State Recommendations

The districts shall not be established or the authority and powers of a Historic Preservation Commission be implemented until the Department of Cultural Resources shall have been given opportunity, in accordance with the provision of North Carolina General Statute 160A-400.2 (2), to make recommendations with respect to the establishment of the districts.

L. Application

Historic Preservation Overlay District designation shall be applied to the following area(s) as shown on the Official Zoning Map

1. (Reserved)

Sec. 100.69A

The Downtown Retail Overlay District ("DROD") encompasses the central core of the Town of Carthage's central business district, which includes significant historic structures and has historically been the heart of commercial life in Carthage. The purpose of this district is to preserve and revitalize this core, so that it can house unique businesses offering retail goods and services that will make the Carthage downtown both a destination for visitors and a vital part of the community for years to come. Moreover, the DROD is intended to be a place where small businesses can locate and thrive. To this end, the DROD allows and encourages retail sales and services and entertainment establishments but it limits or prohibits incompatible uses that generate little or no tax revenue or are open only infrequently or at irregular times.

1. The Downtown Retail Overlay District (DROD) map as prepared by the Town of Carthage is hereby incorporated as a companion to the Zoning Map. The DROD consists of a subset of properties contained within the Central Business District.
2. All uses allowed in the Central Business District (CBD Zoning District) are allowed in the DROD with the exception of the following: