

## **Louisburg Special Highway Overlay District**

### Purpose and Intent

(a) The purpose of this district is to establish the least burdensome regulations to protect and preserve the natural scenic beauty along designated major highways within the Special Highway Overlay District in the town of Louisburg's zoning jurisdiction, while allowing the orderly development of land located along such highways. In order to protect and enhance both the public and private interests in and along the highway system, the district is adopted for the purposes of:

1) Protecting the public investment in and lengthening the time during which highways can continue to serve their functions without expansion or relocation by expediting the free flow of traffic through the creation of parallel accessways, and reducing the hazards arising from multiple points of ingress and egress and cluttered roadside development;

2) Reducing the costs of future highway expansions by requiring that buildings and structures be sufficiently set back from the right-of-way to provide adequate space for roadway improvements, site distances, and adequate storage for vehicles until they can safely enter the highway;

3) Reserving adequate roadside space through which neighborhood traffic may be admitted to and from the highway system in a manner that avoids undue traffic concentrations, sudden turnings and stoppings and other hazards; and

4) Achieving a common unified appearance along a roadway with other jurisdictions of the county.

(b) It is the intent of these regulations that development in the Special Highway Overlay District shall be in harmony with and shall preserve the natural beauty and character of the existing landscape and the historic architecture of Louisburg. Ensuring the attractiveness of uses will in turn contribute to and enhance trade, capital investment and the general welfare.

(c) As an overlay district, the Special Highway Overlay District provides additional development requirements and standards which must be met by any development on the property. All development within this overlay district shall comply with the regulations of this Part.

#### Definitions

**Amortization.** The process of providing for a timed extinction of a use which is not in compliance with this Ordinance.

**Bufferyard.** The portion of a yard where special plantings may be required by the Zoning Ordinance to separate and partially screen two adjacent land uses that are ordinarily incompatible by virtue of their use.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.

**Canopy.** A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.

**Certificate of Occupancy.** A permit issued by the zoning ordinance, setting forth that a lot, building, structure, or use complies with the zoning ordinance and that the same may be used for the purposes stated therein.

**Easement.** Any area to which the town has unlimited access for servicing utility lines.

**Fence Or Wall, Opaque.** A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.

**Height, Building.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. Spires, cupolas, antennae attached to a building, and/or projections from buildings and water towers are not to be included in the calculation of building height.

**Impervious Surface Cover.** Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the zoning ordinance, calculation is based on the entire zoning lot and gravel or paver block for parking lots containing more than twenty-five (25) spaces is considered impervious at a rate of eighty percent (80%) of the total area covered.

**Lot.** A parcel of land designated by number or other symbol as part of a legally approved and recorded subdivision, or as described by metes and bounds in a recorded deed.

**Lot Coverage.** That portion of the lot area, expressed as a percent that is covered by impervious surface cover.

**Lot Line.** A line or series of connected line segments bounding a lot.

**Restaurant (With Drive-Through Service).** An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**Screening.** The method by which the view from one site to an adjacent site is shielded or hidden. Screening techniques include bufferyards, berms, and opaque fences or walls.

**Service Road.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

**Setback.** The minimum required horizontal distance between a structure and the lot line or street centerline. Building setbacks shall be measured from either the existing right-of-way, or the proposed right-of-way, whichever is more restrictive.

**Setback Line.** The line which is parallel to and is a given distance from the applicable lot line of a lot or parcel of land as required by the dimensional requirements of this ordinance.

**Sight Distance.** Sight distance shall mean the length of roadway visible to the driver traveling along the roadway or waiting to enter or cross the roadway. The sight triangle shall include both the horizontal and vertical plane and shall exist at all street intersections and multi-family and non-residential driveway intersections.

**Streetyard.** That portion of a yard fronting on a public right-of-way or private access easement where special plantings may be required by this ordinance to separate and partially screen the view of the property as seen from the street.

**Tract.** All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

**Tree, Large Variety.** Any deciduous or evergreen tree whose maximum mature height is greater than thirty-five (35) feet.

**Tree, Small Variety (understory).** Any deciduous or evergreen tree whose maximum mature height is no greater than twenty-five (25) feet.

**Yard.** Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

**Highway district design.** The placements of structures, signage, parking, points of access, means of access (private driveway or street vs. public street) landscaping, storm drainage, utilities according to the standards of the ordinance.

**Information sign.** Any on-premise sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such *signs* include but are not limited to the following: identifying restrooms, public telephones, automated teller machines, for lease, for sale, walkways, entrance and exit drives, freight entrances, and traffic direction.

**Landscaping.** The requirements for vegetation and vegetated areas.

**Major access corridor.** A street or highway usually designed to move large volumes of through traffic from one part of an urban area to another, and usually aided with federal assistance. These corridors usually have separated grades and a minimum of traffic signals. For the purpose of this chapter, the following are major access corridors: US 401.

**Nonconforming sign.** Any sign, including signs approved by the Board of Adjustment, which was lawfully erected and maintained before the action making them nonconforming takes effect and which currently fails to conform to one (1) or more applicable regulations, standards or restrictions of this chapter.

**Off-premises sign.** Any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than the premises where the sign is located or to which it is affixed. Sometimes called non-point-of-sale sign.

**On-premises sign.** Any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, profession, commodity, attraction, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located or to which it is affixed.

**Outdoor advertising sign.** Any off-premises, off-site, poster, panel, billboard, or non-point-of-sale sign.

**Premises.** For the purpose of definition the term "premises" shall be interchangeable with the term "lot."

**Protective yard.** A landscaped yard area which contains no buildings, vehicular surface areas, loading, storage, display or service areas, and regulates certain other uses according

**Roof sign.** Any sign, including outdoor advertising, attached to and extending from a roof of a structure or building, not including emblems of religious orders.

#### Location of district

The district is located on both sides of certain designated existing or proposed major highways or principal arterials within the town's zoning jurisdiction and should begin at the outer edge of the **existing or proposed right-of-way**.

(a) The Special Highway Overlay District shall include all land adjacent to and within one thousand-two hundred and fifty (1,250) feet off of the right-of-way of the following highways within the town's zoning jurisdiction.

1) US 401- South

The 1250' dimension shall be adjusted to run with property lines that will generally effect the desired distance off of the right-of-way , yet will clearly reflect the boundary of the district on property maps.

#### Regulation of uses

(a) Permitted Uses

Subject to the provisions of this Hwy 401 - South district all general uses, conditional uses and special exceptions that are allowed in the R-1, O&I, and B-2 zoning districts are allowed in the Special Highway Overlay District unless specifically enumerated and prohibited.

Pursuant to the provisions contained in this District the Louisburg Town Council can issue in this District the following additional uses as special exceptions:

1. Alternative highway district designs; and landscaping alternate means of compliance.
2. Bed and Breakfast establishments (R-1)
3. Animal Hospitals (O&I)
4. Automotive Sales (B-2)
5. Mini-Storage warehousing - allowed as conditional use on second tier and beyond lots

(b) Prohibited Uses

Expressly prohibited uses district-wide include:

- off - premise signs;
- roof mounted signs;
- signs employing flashing or traveling lights, blinking lights or lights that may be confused with traffic signal lights;

The following uses are hereby enumerated and prohibited within the respective zoning district unless the use may be permitted by the Town Council as part of a Master Land Use Plan Special Exception. **(amnd 2/07)**

**R-1 Residential:**

- Boarding and Rooming Houses

**O&I Office/Institutional:**

- Residences allowed with R-2 requirements (only R-1 dimensions allowed for residential uses;
- Off-Street parking facilities
- Multi-Family Housing
- Flea Markets

### **B-2 Highway Business:**

- Bowling Alleys
- Gaming rooms/facilities
- Adult Entertainment establishments
- Drive-thru restaurants/food establishments: unless permitted by the Town Council as an approved use in a Master Land Use Plan Special Exception. **(amnd 2/07)**
- Golf ranges, Par 3, or miniature courses
- Convenience stores/marts: unless permitted by the Town Council as an approved use in a Master Land Use Plan Special Exception.**(amnd 2/07)**
- Flea Markets
- Mobile Home sales
- Public Utility/Cellular towers
- Drive-in theaters
- Warehouses
- Farmers Markets
- Multi-Family Housing

### **Site standards**

The standards of both the Special Highway Overlay District and the standards applicable to the proposed use which are established in the provisions for that uses zoning district shall apply (ex. A B-2 use approved within the SHOD shall meet the development provisions for such use required in the B-2 district standards of the Zoning Ordinance in addition to the specific SHOD regulations). Where the standards of the SHOD and the specific use differ, the more restrictive standard shall apply.

### **Development standards**

- (a) **Bufferyard requirements**

1) The width of the buffer shall be 100 feet from and parallel to the right-of-way boundary of the highway. No building or parking shall be allowed in the 100 foot buffer. The buffer may be reduced to 75 feet if additional landscaping requirements are provided. The town may further reduce the required width of the buffer strip as part of its approval of the site plan taking into consideration the topography of the area, traffic volumes for the designated highway, surrounding land uses, existing land uses, actual location of the highway, the size of land parcels affected by the buffer, and whether the buffer requirement would render the entire property unusable. In reducing the width of the buffer strip, the Board of Adjustment shall ensure that the applicant will provide appropriate landscaping meeting the requirements of this Part. In no event, however, shall the Board of Adjustment reduce the required width of the buffer strip to less than 50 feet.

No building or parking shall be allowed within any buffer. Any reduction below 75 feet requires approval from the Louisburg Board of Adjustment. Buildings and parking may be placed right up to the buffer. These setbacks shall take precedence over any other zoning ordinance setback for building and parking.

2) Within the required buffer strip, all existing vegetation shall be maintained in a natural, undisturbed state and, unless natural vegetation provides such a buffer, the applicant shall install and maintain buffer types meeting the requirements of this Part.

3) **Landscaping standards:**

The following standards shall apply to the buffer strip:

Buffer width	Canopy Trees		Understory Trees		Primary Evergreen Plants
	Quantity	Size	Quantity	Size	
50 Feet	4	3" caliper	7	2 1/2" caliper	14 5' Ht. min.
75 Feet	5	2 1/2" caliper	4	1 1/2" caliper	10 4' Ht. min.
100 feet	5	2" caliper	4	5' to 6' Ht. min	-0-

Plant quantities are per 100 linear feet of lot frontage along the highway or portion thereof. In no instance shall less than two large trees and 2 evergreen plants be installed. Plants may be clustered to allow view corridors. Canopy trees should not be planted closer together than twenty (20) feet. Locations for plant material shall follow DOT standards.

4) **Credit for existing vegetation**

Credit is given for existing trees saved over 6 inches in diameter (18.75 inches in circumference) up to 15 inches in diameter 47.0 inches in circumference measured at a height of four and one-half (4.5) feet above the ground: 1 for 1. Credit for existing trees saved over 15 inches in diameter (47.0 inches in circumference) measured at a height of four and one-half (4.5) feet above the ground: 2 for 1.

5) **No development of buildings or vehicular surface area ( parking lots )**

shall be allowed within the required buffer strip. However, the town council may, in approving the site plan for the property permit the construction of streets or easements through the buffer strip upon finding that such construction is necessary for safe ingress and egress or utility service to the site and identification signage and architectural elements that meet required site distance/site triangle criteria. The nature and limits of such construction must be designated on the approved site plan. If a utility easement must be located in the buffer strip, it should be located in the portion of the buffer area

the farthest away from the highway occupying a maximum of 10 feet of the buffer strip area.

6) All parking lots within the special highway overlay district shall be screened with a continuous planting of evergreen shrubs that will achieve a height of 3-1/2 feet-4-1/2 feet at maturity.

7) Maintenance responsibility and replacement of damaged vegetation

The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features required under this Part. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally-adapted vegetation which conforms to the standards of this Part and to the approved site plan. In the event that any vegetation or physical element functioning to meet the standards of this Part is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have one growing season to replace or replant after reconstruction is complete. During development of the property, the owner shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction. The construction of these barriers shall conform to the sketch shown below, and shall be indicated on the site plan approved by the town council. All required buffers, vehicular use areas, and other landscaped areas shall be free of refuse and debris in accordance with the site plan approved by town council, and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks. The disturbance of any landscaped area or vegetation required by this ordinance shall constitute a violation of the site plan. All disturbed landscaped areas and vegetation shall be replanted so as to meet

the standards of this ordinance as well as the approved site plan. Revegetation should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected.

**8-4.9 SUGGESTED PLANT MATERIALS LIST**

The suggested plant materials list includes common trees and shrubs suitable for use in the Franklin County area. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project.

**(A) Large Variety Trees** (mature height: thirty-five (35) feet or greater):

- |                      |                         |
|----------------------|-------------------------|
| Black Gum            | Nyssa sylvatica         |
| Chinese Elm          | Ulmus parviflora        |
| Japanese Scholartree | Sophora japonica        |
| Japanese Zelkova     | Zelkova serrata         |
| London Plane-tree    | Platanus acerifolia     |
| Pin Oak              | Quercus palustris       |
| Red Maple            | Acer rubrum             |
| River Birch          | Betula nigra            |
| Scarlet Oak          | Quercus coccinea        |
| Southern Magnolia    | Magnolia grandiflora    |
| Sugar Maple          | Acer saccharum          |
| Tulip Poplar         | Liriodendron tulipifera |
| White Oak            | Quercus alba            |
| Willow Oak           | Quercus phellos         |
| Yellowood            | Cladrastis lutea        |

**(B) Understory Trees** (mature height: fifteen (15) to thirty-five (35) feet):

- |                   |                         |
|-------------------|-------------------------|
| American Holly    | Ilex opaca              |
| Chaste Tree       | Vitex agnus-castus      |
| Chinese Pistache  | Pistachia chinensis     |
| Crabapple (var.)  | Malus hybrida (var.)    |
| Crape Myrtle      | Lagerstroemia indica    |
| Eastern Redbud    | Cercis canadensis       |
| Flowering Dogwood | Cornus florida          |
| Fringe Tree       | Chionanthus virginicus  |
| Golden-Rain-Tree  | Koelreuteria paniculata |

Ironwood	Carpinus caroliniana
Kousa Dogwood	Cornus kousa
Japanese Maple	Acer palmatum
Kwansan Cherry	Prunus serrulata 'Kwansan'
Mountain Ash	Sorbus americana
Mountain Silverbell	Halesia monticola
Saucer Magnolia	Magnolia soulangeana
Sourwood	Oxydendrum arboreum
Yoshino Cherry	Prunus yedoensis
Wax Myrtle	Myrica cerifera

**(C) Streetyard and Interior Shrubs** (mature height: approximately thirty-six (36) inches):

**(1) Evergreen.**

Azalea (var.)	Azalea sp.
Dwarf Burford Holly	Ilex cornuta 'Burfordii nana'
Euonymous (var.)	
Japanese Holly (var.)	Ilex crenata (var.)
Juniper (var.)	Juniperus sp.
Leatherleaf Viburnum	Viburnum rhytidophyllum
Warty Barberry	Berberis verruculosa

**(2) Deciduous.**

Butterfly Bush	Buddleia davidii
Dwarf Burning Bush	Euonymous alatus

'Compacta'

Forsythia	Forsythia sp.
Japanese Flowering Quince	Chaenomeles japonica
Oakleaf Hydrangea	Hydrangea quercifolia
Ornamental Grass Varieties	
Potentilla	Potentilla fruticosa
Thunberg Spirea	Spirea thunbergi
Viburnum (var.)	Viburnum sp.

**(D) Outdoor Storage Area Screening Plants** (installation height: (4) feet):

four

American Holly	Ilex opaca
Anisetree	Illicium anisatum
Burford Holly	Ilex cornuta 'Burfordii'
Eastern Red Cedar	Juniperus virginiana
Hetz Juniper	Juniperus hetzi
Japanese Black Pine	Pinus thunbergiana
Nellie Stevens Holly	Ilex cornuta 'Nellie Stevens'
Osmanthus	Osmanthus sp.
Tall Glossy Privet	Ligustrum lucidum
Wax Myrtle	Myrica cerifera

**(E) Groundcovers** (planting areas, berms, wall planters):

	Aaronsbeard	Hypericum calycinum
	Creeping Lilyturf	Liriope spicata
	English Ivy	Hedera helix
	Hybrid Daylily	Hemerocallis hybrida
	Japanese Spurge	Pachysandra terminalis
	Juniper	Juniperus sp.
	Lily-Turf	Liriope muscarii
	Periwinkle	Vinca minor
	Purpleleaf Wintercreeper	Euonymous fortunei
coloratus	Rockspray Cotoneaster	Cotoneaster horizontalis

(b) Height requirements

In order to protect the natural scenic beauty along designated major highways within the Special Highway Overlay District, no building within 75 feet of the right-of-way shall be greater than thirty eight (38) feet in height. The town council may increase the maximum height limit as part of its approval of a site plan taking into consideration the topography of the area, traffic volumes for the designated thoroughfare, surrounding land uses, existing land uses, the actual location of the corridor, any existing or proposed buffers and historical architectural features of the building that may require a greater height to properly implement. In increasing the maximum allowed height. the town council shall ensure that the applicant meets the other requirements and the intent of this Part. In no event will the building height exceed fifty (50) feet. Building height only applies to the main/principal structure.

(c) Lot requirement

Minimum lot depth shall be 400 feet.

(d) Access standards

The following standards shall apply to access:

- 1) Full movement access points to the major highway within the Special Highway Overlay District shall be a minimum of 400 feet apart and shall be lined up across from one another across the highway. There may be shared right

in/right out access points generally midway between the full movement intersections. Driveways along the road running perpendicular between US 401 and the parallel access road shall be a minimum of 100 feet back from the intersection with US 401. Adjustments to the spacing of full movement access points shall occur only with the written recommendation of the North Carolina District Highway Engineer.

2) Access to the highway shall be by a generally parallel access road that intersects the highway at points not less than 400 feet apart. The parallel access road must be public. The parallel access road design shall be 31.5 feet in width measured from back of curb to back of curb on a 45 foot right-of-way as illustrated on the cross-section herein. A five foot wide sidewalk is required on one side. Parking shall be prohibited on either the parallel access road or the private parallel accessway. There is a streetyard required adjacent to the parallel access road with an average width of 15 feet (minimum 10 feet). This requirement applies to both sides of the parallel access road. The streetyard shall be planted with one canopy tree every 40 linear feet. Parking lots abutting the streetyard shall be screened from the streets with a continuous planting of evergreen shrubs that will achieve a height of 3 1/2 feet - 4 1/2 feet at maturity. Street trees on the perpendicular road shall be planted with one canopy tree every 50 linear feet. Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the Town and the easement holder at the time of site plan approval. Any plantings installed within an easement may be damaged or destroyed during the course or servicing. The town is not liable for damage to plantings within an easement. The town will reseed as necessary any bare or disturbed soil for erosion control purposes. Small and medium shrubs, groundcovers, or grasses may be planted within an easement. Understory trees (under 30 feet in height at maturity) may be planted a

minimum of 10 feet from the centerline of the closest pipeline within the easement or 10 feet from the center of the easement, whichever is greater. Large variety trees shall not be placed within any town utility easement. Utility easements are typically located within the first five (5) feet back of curb. Temporary driveways will be allowed until the parallel access road connects to the highway. Once the parallel access road or private parallel accessway connects to the highway, all temporary driveways to the highway shall be severed. All development is responsible for installing its portion of the parallel road or providing for right-of-way and fee in lieu of construction.

(e) Signage

Sign height shall be proportionate to building placement.

**Sign restrictions are as follows:**

- 1) Ground signs for buildings over 100 feet from right-of-way shall be a maximum height of 12.0 feet.
- 2) Ground signs for buildings over 75 feet but less than 100 feet from the right-of-way shall be a maximum height of 8.5 feet.
- 3) Ground signs for buildings within 75 feet of the right-of-way shall be a maximum height of 3.5 feet.
- 4) There shall be one ground sign per parcel.
- 5) There shall be no signage of any type on canopies.
- 6) Free-standing signs may be no more than eighty square feet.
- 7) Attached/Wall signs shall be allowed up to a size equal to 1.25 sq. ft. per linear building frontage. Only one (1) wall sign shall be allowed beside of building.

(f) Commercial performance standards

There shall be no drive through windows facing the highway. Such windows shall be screened from view from the highway with evergreen plantings.

(g) Parking requirements

All new development shall have paved parking with curb and gutter. Curb and gutter shall be installed in accordance with the town's Standard Specifications and Details Manual.

(h) Sidewalk requirements

All new developments shall install a sidewalk along their street frontage or make a payment-in-lieu of construction if the required sidewalk is being placed on the opposite side of the roadway. Sidewalks shall be five (5) feet wide and meet the standards set forth in the town's Standard Specifications and Details Manual.

(i) Special yard and buffer requirements where nonresidential districts adjoin residential districts:

Where a lot in a nonresidential district shares a common boundary line with a lot in a residential district with no intervening street or highway, the lot in the nonresidential district shall have a required building setback along the shared boundary line of not less than fifty (50) feet and employ a thirty (30) foot wide opaque buffer. This buffer functions as an opaque screen from the ground to a height of at least six (6) feet. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than twenty (20) feet and have no unobstructed openings wider than ten (10) feet between tree canopies upon maturity. Composition of this buffer may include a wall, fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of these elements. This type excludes visual contact between uses and creates a strong impression of spatial separation. At least fifty (50) percent of the required trees and at least seventy-five (75) percent of the required shrubs shall be evergreen species locally adapted to the area.

(j) All new development shall be required to install underground power lines. If it is determined by the town that this is not feasible at the time of site development, a payment in lieu shall be made to the town of Louisburg.

(k) Structures adjacent to an historic structure:

No structure shall be allowed to develop within fifty (50) ft. of an historic structure

(l) Drainage

The size, design, and construction of drainage structures shall conform to the requirements set forth in the town's Standard Specifications and Details Manual. To prevent soil erosion and protect adjacent properties, storm drainage outlets shall employ energy dissipaters.

(m) Utility connections

1) All new development within 500 feet of public water and/or sewer shall connect to said public water and/or sewer. All water and sewer extensions to property shall be made at the sole expense of the owner, unless water and sewer extensions are made by the town under its assessment policies. Upon connection to town utilities, all applicable fees are due. If public water and/or public sewer is not available within 500 feet, then the developer shall indicate the private water and/or sewer systems used. At time of replacement of a private system, the owner must connect to public water and/or sewer if public water and/or sewer is within the required distance. No water or sewer service shall be provided to any property outside of the municipal limits of the town except upon compliance with one of the following annexation requirements:

(i) If the property is contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of such property into the municipal limits of the town; or

(ii) If the property is not contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of such property into the municipal limits of the town, provided that the town council determines that it is in the best interest of the town and that the town can provide all municipal services; or

(iii) If the town council decides not to immediately annex the property, the property owners shall enter into a written agreement with the town for annexation at such future date as the town council determines that it is in the best interest of the town and that the town can provide municipal services to the property. The agreement shall include provision for the town to terminate water and/or sewer service if the property owner fails to fulfill all requirements to annex.

## 2) Improving property.

(i) Every person improving property located within the corporate limits of the town which one (1) abuts or adjoins a street or alley along which is located a water line, or two (2) is located within 500 feet of a town water line shall make an approved water connection to the house, building or other place of human habitation or occupancy provided that no person shall be required to cross the private property of another to make such a connection. Upon connection, all applicable fees are due.

(ii) Every person improving property located within the corporate limits of the town which one (1) abuts or adjoins a street or alley along which is located a sewer line, or two (2) is located within 500 feet of a town sanitary line shall make an approved connection with the town's sanitary sewer system for all water closets, bathtubs, showers, lavatories, toilets,

sinks and sanitary sewer drains located or to be located on the property provided that no person shall be required to cross the private property of another to make such a connection. Upon connection, all applicable fees are due.

(n) Payment in lieu

Any owner or developer required to install or construct improvements (roads, sidewalks, underground power lines) may, with the approval of town council and upon a determination by the town council that such improvements are not necessary or desirable at the time but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be one and one half (1 1/2) times the actual and total estimated installation and construction cost of such improvements as determined by the town. The owner must file a surety bond, cash in escrow, or an irrevocable letter of credit with the town in this amount. This must be executed by the owner or developer prior to issuance of any building or other permit pursuant to an approved site plan, and full payment shall be made before any certificate of occupancy is issued for any use shown on the site plan.

(o) Non-conformities

1) Uses

Non-conforming uses or structures resulting from the application of the highway overlay district shall be treated in the same manner as non-conforming uses or structures in the underlying district.

2) Signage

Non-conforming signs - properties possessing non-conforming signs shall have five (5) years from the effective date of the highway overlay district to bring themselves into compliance. Properties failing to

comply by the end of the five (5) year amortization period shall be subject to a daily civil penalty for each non-conforming sign on the premises.

On an annual first-come first-served basis, subject to annual budgetary constraints, property owners with non-conforming ground signs (not applicable to roof signs or off-premise signs) may petition the Louisburg town council for the town to remove the non-conforming sign(s) from his or her property. The cost for said removal(s) shall be reimbursed to the town by the property owner at his or her option through either a lump sum payment within six-months of the date of removal or pro-rated in equal annual installments over the remainder of the five (5) year amortization period at no interest. The prorated payment plan shall be calculated based upon the remaining portion of the amortization period including the current year.

The removal option by the town with reimbursement by lump sum or annual installment shall be available for the time period between the effective date of the ordinance and the fourth anniversary of the effective date of the ordinance.

Each non-conforming sign remaining beyond the limits of the five (5) year amortization period shall be subject to a daily civil penalty and removal by the town according to a systematic schedule

approved by the town council with the costs for said removal and accumulated penalties to become a lien against the property.

### 3) Landscaping

Developed properties not possessing the minimum area and landscaping for the streetyard along the major access corridor shall have three (3) years from the effective date of the ordinance to: a) install said minimum retrofit landscaping and streetyard area as set forth herein; b) demonstrate that the one hundred (100) foot buffer width is met; or c) receive council approval for an alternate means of compliance for the following required landscaping and streetyard area.

Retrofit landscape and buffer requirements for existing developed properties fronting on the major highway:

Twenty-five (25) foot wide buffer adjacent to the right-of-way that is void of buildings or parking;

Two (2) canopy trees per one hundred (100) linear feet of frontage or portion thereof;

Two (2) understory trees per one hundred (100) linear feet of frontage or portion thereof;

Ten (10) shrubs per one hundred (100) linear feet of frontage or portion thereof;

Credit will be given for parking spaces that may be removed to accommodate plantings so that the existing use will not become non-conforming due to insufficient off-street parking.

### Variances

The Louisburg Board of Adjustment shall issue all variances to this Ordinance.

### Exceptions

(a) Site plans.

All site plans which are approved or submitted to the town prior to the effective date of this ordinance, may be constructed in accordance with the official, approved plans.

(b) Zoning board of adjustment variances and special uses.

All variances and special uses approved by the zoning board of adjustment prior to the effective date of this ordinance may be included in the future site plans.

(c) Application of Special Highway Overlay District.

All structures built pursuant to subsections (a) and (b) above, shall be subject to all of the provisions listed in this section. If, however, the approval allows construction within the Special Highway Overlay District, the completed structure shall be deemed to be conforming. Any additions or revisions to an approved plan shall be subject to the provisions of the Special Highway Overlay District.

LOUISBURG SPECIAL HIGHWAY  
OVERLAY DISTRICT

CHARLES M. ELAM & ASSOCIATES  
AND  
GLENDAS. TOPPE & ASSOCIATES  
*Final Draft*

