MOUNT PLEASANT
Development Ordinance

As amended through July 12, 2021

Mount Pleasant Development Ordinance Text Amendment Record

Text Amendments from June 3, 2013 (last updated 12-9-19)			
Date	**Case #**	**Description**	**Amended Sections**
6/3/2013	TA 2012-01	Minimum lot size of AG district	4.7-1
6/3/2013	TA-2012-02	AG district purpose statement	4.3.2, 4.3.3
6/3/2013	TA 2012-03	Removal of residential standards for AG, I-1 and I-2 districts	4.6-1, Remove-5.24
6/3/2013	TA 2013-01	Side street setbacks	4.7-1
12/3/2014	TA 2014-01	Sign area and shaved ice stands	Articles 5 and 12
3/14/2016	TA 2016-01	Sign regulations	Article 12, Appendix A
6/13/2016	TA 2016-02	Uses and supplemental regulations	Table 4.6-1, Article 5, Appendix A
11/14/2016	TA 2016-03	Nonconformities and district consistency	Articles 4, 5, and 13
8/14/2017	TA 2017-02	Subdivision regulations and infrastructure standards	Articles 4 and 6
9/11/2017	TA 2017-03	Religious and assembly uses in I-1 district	Section 4.3 and Table 4.6-1
11/13/2017	TA 2017-04	Amusement arcades and electronic gaming	Table 4.6-1, Appendix A
4/9/2018	TA 2018-01	Building design standards	Section 5.2, Article 11, Remove-App. E and F
8/13/2018	TA 2018-02	Accessory crematories	Table 4.6-1, Section 5.9, Appendix A
10/8/2018	TA 2018-03	Flood Damage Prevention updates	Article 4, Article 9
11/13/2018	TA 2018-04	Wirelss telecommunications	Table 4.6-1, Section 5.21
1/14/2019	TA 2018-05	Fabricated metal manufacturing in I-1 district	Table 4.6-1
2/11/2019	TA 2019-01	Commercial & recreational vehicle parking	Article 5, Appendix A
7/8/2019	TA 2019-02	Photography studios in O-I & I-1 districts	Table 4.6-1
8/12/2019	TA 2019-03	Parking standards	Section 5.2.10, Article 8
12/9/2019	TA 2019-04	Use Table, Supplemental Standards, & Definitions	Article 4, Article 5, Appendix A
12/9/2019	TA 2019-05	Riparian Stream Buffers	Section 9.2
7/12/2021	TA 2021-01	NCGS 160D Amendments	All Sections
7/12/2021	TA 2021-02	CC Parking Amortization Extension	Section 8.1

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Development Ordinance

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ARTICLE 1
GENERAL PROVISIONS

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1.1. GENERAL PROVISIONS

1.1.1. TITLE

This Ordinance shall be known and may be cited as the Mount Pleasant Development Ordinance (hereinafter "the Ordinance"). This Ordinance may also be known and may be referred to as the “MPDO”.

1.1.2. PURPOSE

The Ordinance enables the Town to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of residents. The Town is also working towards development goals that promote the welfare of the entire region, while providing uniformity, certainty, and predictability for persons subject to this Ordinance. This Ordinance also attempts to provide flexibility in dealing with situations that may fall outside typical processes and requirements. The elements that make up the Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Ordinance. Specifically, the purposes of this Ordinance are to implement and maintain consistency with the Town’s Comprehensive Plan, in accordance with NCGS 160D-501, as described below:

- to promote health, safety, and the general welfare;
- to protect and maintain community character;
- to preserve a high quality of life for residents;
- to promote economic development and sustainability;
- to establish a sustainable land development pattern that complements the character of the Town while promoting economic development and controlled growth where adequate infrastructure exists;
- provide for the orderly growth and development of the Town and for the efficient use of our resources (land, water, roads, etc.);
- to ensure the preservation of environmentally sensitive areas and provision of open space and recreational opportunities
- to provide adequate public infrastructure;
- to provide for the dedication or reservation of and rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to NCGS 136-66.10 or 136-66.11;
- provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding;

1.1.3. AUTHORITY

The Town is authorized by the North Carolina General Statutes (“NCGS”) to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building. The Town through the MPDO intends to use all powers provided by virtue of Chapter 160D of the NCGS. The MPDO also uses specific powers granted in other Sections of the NCGS relating to particular types of development or particular development issues, including but not limited to right-of-way preservation, sedimentation control, watershed protection, historic preservation, and beautification and urban design.

1.1.4. JURISDICTION & APPLICABILITY

1.1.4.1. Jurisdiction
The Ordinance shall apply to all public and private land(s), and use(s) thereon over which the Town has jurisdiction under the constitution(s) and law(s) of the State of North Carolina and of the United States, including any areas within municipal limits and extraterritorial jurisdiction (ETJ) pursuant to NCGS 160D-202. The Ordinance Administrator (hereinafter known as the "Administrator") of the Town can be contacted for further information about the use of this Ordinance.

1.1.4.2. Zoning Map Incorporated
The Official Zoning Map of the Town of Mount Pleasant, North Carolina and all notations, references, and other information shown on the map are hereby incorporated and made a part of this Ordinance.

1.1.4.3. Building and Land Use
The use of buildings and land within the Town shall be subject to all other regulations as well as this Ordinance, whether or not such other provisions are specifically referenced in this Ordinance. References to other regulations or provisions of the Ordinance are for the convenience of the reader; lack of a cross reference should not be construed as an indication that other regulations do not apply.

1.1.4.4. Permits and Certificates
No development activity shall occur on any property within the jurisdiction of this Ordinance until all applicable permits, approvals and certificates have been issued and approved by the appropriate officials.

1.1.4.5. State-Owned Land and Buildings
Pursuant to NCGS 160D-912, no land owned by the State of North Carolina may be included within an overlay district or conditional zoning district without approval of the Council of State. Also pursuant to NCGS 160D-912, all local government zoning regulations are applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

1.1.5. FEES
The Town Board may establish any administrative fees necessary to enforce of the zoning ordinance. Such fees shall be limited to the reasonable costs of administering and processing applications for development approval. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid.

1.1.6. SEVERABILITY
It is hereby declared to be the intent of the Town Board that the provisions of this Ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair or nullify this Ordinance as a whole or any other part thereof, but the rest of the Ordinance shall continue in full force and effect.

1.2. VESTED RIGHTS

1.2.1. EFFECT ON VALID BUILDING PERMITS AND VESTED RIGHTS

Unless the property owner consents, this Ordinance does not apply to the completion of the development of buildings or uses for which either:

A. Building permits have been issued pursuant to NCGS 160D-1110 prior to July 1, 2013 so long as the permits remain valid and unexpired pursuant to NCGS 160D-1111 and unrevoked pursuant to NCGS 160D-1115; or

B. Unless otherwise specified in this Ordinance, a vested right has been established and such right remains valid and unexpired pursuant to NCGS160D-108.

C. A judicial established common law vested right where (1) the owner has made substantial expenditures; (2) the expenditures were made in good faith; (3) the expenditures were made in reliance on valid government approval, if such was required; and (4) the owner would be harmed with a vested right. [ref. Browning-Ferris Indus. of S. Atl., Inc. v. Guilford County Bd. of Adjustment, 126 N.C. App. 168, 171-72, 484 S.E. 2d 411, 414 (1997)]

1.2.2. OTHER APPROVALS GRANTED PRIOR TO THE EFFECTIVE DATE

Variances, special use permits, subdivision plats, site plans and other similar development approvals that are valid on the Ordinance Effective Date will remain valid until their expiration date if applicable. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with the provisions of this Ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

1.2.3. EFFECT OF DEVELOPMENT APPROVAL

In accordance with NCGS 160D-104, unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to NCGS Chapter 160D attach to and run with the land.

1.3. CONSISTENCY WITH COMPREHENSIVE PLAN

1.3.1. GENERALLY

Pursuant to NCGS 160D-501, the Town shall adopt and reasonably maintain a Comprehensive Plan and may adopt other relevant plans as necessary. This Ordinance is intended to implement the goals, objectives, and policies of the *Comprehensive Plan*. Any amendments to, or actions pursuant to the Ordinance shall be consistent with the applicable *Comprehensive Plan*. The *Comprehensive Plan* may be amended, and the MPDO will reflect those amendments.

1.3.2. AMENDMENT CONSISTENCY

Pursuant to NCGS 160D-604 and 160D-605, the Planning & Zoning Board and Town Board of Commissioners shall review all amendments to the text of this Ordinance and the Zoning Map with consideration to the amendment's consistency with the adopted Comprehensive Plan.

1.4. INTERPRETATION

1.4.1. INTERPRETATION AND APPLICATION OF PROVISIONS

The provisions of this Ordinance are the basic and minimum requirements for the protection of public health, safety, and welfare. As provided by NCGS 160A-4, this Ordinance shall be liberally interpreted in order to further its underlying purposes. In all cases, the highest standards will be applied. The meaning of any and all words, terms or phrases in this Ordinance may be found in Appendix A.

1.4.1.1. Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of construction apply unless the context clearly indicates otherwise:

1.4.1.2. Meaning of Words

Words listed in Appendix A, Definitions, have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their common meaning.

1.4.1.3. Tense

Words used in the present tense include the future tense. The reverse shall also apply.

1.4.1.4. Singular and Plural

Words used in the singular include the plural. The reverse shall also apply.

1.4.1.5. Mandatory Terms

The words “shall”, “will”, “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.

1.4.1.6. Gender

Words used in the male gender include the female gender. The reverse shall also apply.

1.4.1.7. Time

- Any reference to “days” means calendar days unless otherwise specified.
- Any reference to “months” means calendar months unless otherwise specified.
- Any reference to “years” means calendar years unless otherwise specified.

1.4.1.8. Reference

Any reference to an Article, Section or Paragraph means an Article, Section or Paragraph of this Ordinance, unless otherwise specified.

1.4.1.9. Tables, Figures and Illustrations

Tables, figures and illustrations are provided for reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any table, figure or illustration, the text shall govern.

1.4.1.10. Current Versions and Citations

All references to other Village, County, State or Federal regulations in this Ordinance are intended to be references to the most current versions and citations of those regulations, unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

1.4.1.11. Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as” or similar terms are

intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1.4.1.12. Delegation of Authority

Whenever a provision appears requiring a specific officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.

1.4.1.13. Calculations and Rounding

Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number.

1.4.1.14. Text Controls Over Graphics

This Ordinance contains numerous graphics, pictures, illustrations, and drawings. However, text of this Ordinance shall control unless otherwise provided in the specific section.

1.4.2. CONFLICT WITH STATE OR FEDERAL REGULATIONS

If any provisions of this Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions shall govern unless the State or Federal regulation is intended to preempt the local regulation. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any State or Federal regulation.

1.4.2.1. Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Town, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

1.4.2.2. Conflict with Private Agreements and Contracts

This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The Town has no responsibility for monitoring or enforcing private agreements or contracts.

1.5. EFFECTIVE DATE

1.5.1. SCOPE

This Ordinance shall become enforceable and shall take effect when it is codified, filed and indexed in accordance with NCGS 160A-77 or 160A-78. Unless clearly subordinated to another ordinance, regulation, resolution, or express policy, this Ordinance, as amended, shall, on the effective date, prevail over any such conflicting or inconsistent ordinance, regulation, resolution, or express policy to the extent necessary to give this Ordinance full force and effect.

1.5.2. REPEAL OF PREVIOUS ORDINANCES

The prior Town of Mount Pleasant Zoning Ordinance and Subdivision Regulations are hereby repealed except to the extent whereby continuing activities or violations regulated by previous ordinances are being administered. As set forth in Section 1.2, the provisions of this Ordinance shall not apply to a validly approved and currently effective site-specific plan.

1.6. ENFORCEMENT

1.6.1. APPLICABILITY

Unless otherwise specified in other sections of this Ordinance, this Section shall set forth penalties and remedies for violations of this Ordinance.

1.6.2. APPEAL OF DETERMINATION

An appeal of a violation or decision of the Administrator, shall be to the Board of Adjustments in accordance with Sections 2.2 and 3.3 of this Ordinance.

1.6.3. VIOLATIONS GENERALLY

1.6.3.1. Failure to Comply with Ordinance Provisions or Approvals

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance.

1.6.3.2. Permits or Development Approvals only Authorize Specific Development

Permits or development approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development activity set forth in such permits or development approvals.

1.6.4. SPECIFIC VIOLATIONS

It shall be a violation of this Ordinance to undertake any land development activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

A. Developing land or a structure without first obtaining the appropriate permit or permit approval.

B. Occupying or using land or a structure without first obtaining the appropriate permit or permit approval.

C. Subdividing land without first obtaining the appropriate permit or permit approval required to engage in the subdivision.

D. Excavate, cut, clear or undertake any land disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with their terms and conditions.

E. Alter any architectural characteristic of a structure that is regulated by this Ordinance.

F. Install, create, erect, alter or maintain any sign without first obtaining the appropriate permit or permit approval.

G. Fail to remove any sign installed, created, erected, altered or maintained in violation of this Ordinance, or for which the permit has expired.

H. Create, expand, replace or modify any nonconformity except in compliance with this Ordinance.

I. Reduce or diminish the requirements for development, design or dimensional standards below the minimum requirements of this Ordinance.

J. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.

K. Through any act or omission, fail to comply with any other provisions, procedures or standards required by this Ordinance.

1.6.5. CONTINUING VIOLATIONS

A. Each day that a violation remains uncorrected after receiving proper notice shall constitute a separate violation of this Ordinance.

B. Any violation of the zoning, subdivision, flood prevention, sedimentation, and erosion control ordinances in effect prior to the adoption of this Ordinance shall continue to be a violation under this Ordinance, and is subject to penalties and enforcement under this Ordinance, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

C. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken by the Town pursuant to previous and valid ordinances and laws.

1.6.6. ENFORCEMENT GENERALLY

1.6.6.1. Responsibility for Enforcement

The Ordinance Administrator shall be responsible for enforcing the provisions of this Ordinance in accordance with NCGS 160D-404.

1.6.6.2. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint either verbally or in writing. The complaint, stating fully the cause and basis therefore, shall be made to the Ordinance Administrator, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

1.6.6.3. Responsible Persons

Any person, firm, corporation or other legal entity that violates the provisions of this Ordinance shall be subject to the remedies and penalties set forth in this Section.

1.6.7. ENFORCEMENT PROCEDURES

1.6.7.1. Inspection

Where work is being completed that is subject to a development approval, inspections of suspected violations shall be conducted in accordance with NCGS 160D-404(c) and 160D-1113.

1.6.7.2. Notice of Violation

Subject to NCGS 160D-404(a), when the Ordinance Administrator finds that a violation of this Ordinance has occurred, appropriate action shall be taken to remedy the violation consistent with Section 1.6.8, Remedies and Penalties. The Ordinance Administrator shall notify, in writing, the person violating this Ordinance. Such notice shall be sent by first class mail, certified mail, delivered in person, or posted on the property. Such notification shall indicate:

- The nature of the violation(s);

- The necessary action to correct or abate the violation; and
- The deadline for correcting the violation

1.6.7.3. Application of Remedies and Penalties
Subject to NCGS 160D-404(c), if the owner, occupant, or person responsible for the violation fails to comply with the Notice of Violation, from which no appeal has been taken within 30 days, as provided in the notification, the Ordinance Administrator shall take appropriate action, as provided in Section 1.6.8, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

1.6.7.4. Emergency Matters
In the case of violations of this Ordinance that constitute an emergency situation resulting in an immediate threat to the health, or safety of the public, or violations that will create increased problems or costs to the public for the provision of Town services if not remedied immediately, the Administrator may use the enforcement powers available under this Article without prior notice, but the Administrator shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who can be contacted and has an identifiable relationship to the violation and/or owner.

1.6.8. REMEDIES AND PENALTIES
Failure to comply with any provision of this Ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Ordinance:

1.6.8.1. Revocation of Development Approvals
Subject to NCGS 160D-403(f), the Ordinance Administrator may revoke any Zoning Permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance or a permit has been mistakenly issued in violation of this Ordinance.

1.6.8.2. Denial or Withholding of Permits
The Ordinance Administrator may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation and associated civil penalty related to such land, use, or development is corrected.

1.6.8.3. Stop Work Order
Subject to NCGS 160D-404 (b), whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Ordinance Administrator may order the revocation of the Zoning Permit for such work (if one was issued) and request a Stop Work Order be issued by the Cabarrus County Building Inspections Department. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

1.6.8.4. Injunction
When a violation occurs, the Ordinance Administrator may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

1.6.8.5. Order of Abatement
In addition to an injunction, the Town may apply for, and the court may enter into, an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

A. Buildings or other structures on the property be closed, demolished or removed;

B. Fixtures, furniture or other movable property be moved or removed entirely;

C. Improvements, alterations or repairs be made; or

D. Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

1.6.8.6. Equitable Remedy

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

1.6.8.7. Cumulative Penalties

The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

1.6.8.8. Civil Penalties

A. Any violation occurring once within a 36-month period shall be considered a first offense. A notice of violation shall be issued by the Administrator or his/her designee and shall provide for a seven (7) day warning period. Upon the expiration of the seven (7) day warning period, the violator shall be subject to a civil penalty of $100.00 for each day that the violation remains on the property. Should a violation continue to exist by the twenty-first (21st) day of the original notification, the Town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding.

B. Any violation of reoccurring on the same property by the same violator more than once within a 36-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Article of this Ordinance. A notice of violation shall be issued by the Administrator or his/her designee and shall have an immediate civil penalty of $300.00. No warning period shall be granted since this provision applies only to violations that occur more than once in a 36-month period and proper notice was given for the initial violation as prescribed under Section 1.6.7. For each day the repeat violation remains, the violator shall be subject to a civil penalty of $300.00. Should a violation continue to exist by the seventh (7th) day of the original notification, the Town may seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding.

1.6.8.9. Criminal Penalties

Pursuant to NCGS 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined an amount not to exceed five hundred dollars ($500).

ARTICLE 2
ADMINISTRATION

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2.1. ADMINISTRATOR

2.1.1. ESTABLISHMENT OF ADMINISTRATOR

The Town hereby establishes the Ordinance Administrator (the "Administrator"), charged with the authority and the duty to enforce this Ordinance. The Administrator is authorized to establish and delegate when appropriate Department standards of operation and procedures consistent with the intent of this Ordinance. The Administrator and any delegates may also consult with other officials, boards or agencies with needed technical expertise. "Administrator" shall include staff authorized by the Town Manager.

2.1.2. APPEALS FROM THE DECISION OF THE ADMINISTRATOR

Appeals from the decisions of the Administrator in which it is alleged there is an error in an order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance shall be made to the Board of Adjustment in accordance with Section 3.7.

2.1.3. INSPECTION AND ENFORCEMENT

The Administrator may hereby commence an action to enforce the provisions of this Ordinance pursuant to NCGS 160D-404, and Section 1.6 of this Ordinance. Pursuant to NCGS 160D-1102, the Administrator is hereby designated the Ordinance Enforcement Officer (the "Enforcement Officer" for the Town. The Enforcement Officer is empowered to enter or inspect any building, structure, premises, or real property in the Town upon which, or in connection with which, a development or land use is located or proposed for the purpose of inspection to ensure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours unless the Administrator determines that an emergency exists. Entry onto private property for the purpose of inspection shall be made only after securing permission from the owner or legal tenant of the property. Application for any development approval shall constitute permission to inspect a property. Failing permission, no inspection shall be undertaken without an order from a court of competent jurisdiction.

2.1.4. CONFLICT OF INTEREST

In accordance with NCGS 160D-109(c), no staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with who the staff member has a close familial, business, or other associational relationship.

2.2. BOARD OF ADJUSTMENT

2.2.1. ESTABLISHMENT

Pursuant to NCGS 160D-302, there is hereby established the Board of Adjustment of the Town of Mount Pleasant, and at its discretion, the Town Board of Commissioners may appoint the same members of the Planning & Zoning Board to serve as the Board of Adjustment.

2.2.2. POWERS AND DUTIES

Pursuant to NCGS 160D-302, the Board of Adjustment shall have the following powers, duties and authority:

A. To hear and decide Appeals from the decisions of the Administrator in which it is alleged there is an error in an order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance;

B. To hear and decide on applications for variances from the terms of the zoning ordinance pursuant to Section 3.3 of this Ordinance. The Board shall have the authority to place conditions, including time limits, on Variances.

C. To approve, approve with conditions, or deny applications for Special Use Permits.

D. To interpret the Official Zoning Map and shall pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of this Ordinance.

E. The Board of Adjustment shall exercise such other powers as may be granted by this Ordinance and NCGS 160D-302.

2.2.3. QUASI-JUDICIAL PROCEDURES

The consideration of any Appeal, Variance, Special Use Permit or interpretation, as provided above, shall be in accordance with the quasi-judicial procedures as set forth in Section 3.3 of this Ordinance.

A. Any quasi-judicial matter pertaining to property in the extra-territorial jurisdiction of the Town shall only be considered by the Board with the extra-territorial jurisdiction member present.

B. The Board of Adjustment shall adopt all rules and procedures necessary or convenient for the conduct of its business, consistent with the North Carolina General Statutes.

2.2.4. MEMBERSHIP

A. The Town Board shall appoint five (5) persons to the Board of Adjustment as provided in NCGS 160D-302. The membership shall include proportional representation for extraterritorial areas, as provided in NCGS 160D-307. The Town Board shall appoint and provide compensation for one (1) alternate member to serve on the board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

B. Members may be compensated as determined by the appointing Board.

C. All members shall serve a term of three (3) years. Members may be reappointed as necessary by the Town Board.

D. The Town Board may remove any member of the Board of Adjustment for just cause, as may be permitted by law. The Town Board shall provide the member with a public hearing, if requested.

E. If any member of the Board of Adjustment shall fail to attend three consecutive (3) regular meetings of the Board of Adjustment within any three-month period, it will be sufficient grounds for termination of the member's appointment. The chair or the vice-chair, as the case may be, shall immediately file a notification of such nonattendance with the Town Board for placement on the Board of Adjustment agenda. The Town Board may, by appropriate action, terminate the appointment of such person and fill the vacancy as soon as possible.

2.2.5. MEETINGS

The Board of Adjustment shall meet on an as-needed basis when an application is received for an item as identified in Section 2.2.2. The Board of Adjustment shall also convene on an annual basis for election of officers and training.

2.2.6. RULES OF PROCEDURE

In accordance with NCGS 160D-308, the Board of Adjustment shall adopt rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town website. The Board shall keep minutes of its proceedings.

2.2.7. OATH OF OFFICE

In accordance with NCGS 160D-309, all members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160A-61.

2.2.8. CONFLICT OF INTEREST

In accordance with NCGS 160D-109(d), a member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

2.2.9. STAFF

The Administrator or designee shall be the professional staff of the Board of Adjustment. The Administrator shall appoint a recording secretary to serve the Board of Adjustment. The secretary shall keep minutes to summarize all proceedings, all attested to by a majority of the members of the Board of Adjustment voting. Minutes of the proceedings of the Board of Adjustment showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Board as a public record. The Planning Department is hereby designated as the office of the Board for purposes of this subsection. In addition, the secretary shall maintain all records of Board of Adjustment meetings, hearings and proceedings, as well as the correspondence of the Board of Adjustment.

2.3. PLANNING AND ZONING BOARD

2.3.1. ESTABLISHMENT

Pursuant to NCGS 160D-301, there is hereby established a planning agency known as the Planning and Zoning Board of the Town of Mount Pleasant.

2.3.2. POWERS AND DUTIES

The Planning Board shall have the following powers and duties in accordance with NCGS 160D-301 and Special Legislation Chapter 247, House Bill 575 of the 1993 Session of the NC General Assembly:

A. To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.

B. To facilitate and coordinate citizen engagement and participation in the planning process.

C. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

D. To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all ordinance amendments as required by NCGS 160D-604.

E. To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct; including the review and approval and or disapproval of all applications for Major Subdivision-Preliminary Plats in accordance with the regulations established in Article 6; and

F. To hear, review, and make a final decision (by a vote of at least three-fourths of the Planning & Zoning Board) on applications for amendments to the Official Zoning Map, as prescribed in Section 3.4.

G. To perform any other related duties that the governing board may direct.

2.3.3. MEMBERSHIP

A. The Town Board shall appoint and provide compensation for five (5) persons to the Planning & Zoning Board as provided in this Ordinance. The membership shall include proportional representation for extraterritorial areas, as provided in NCGS 160D-307. The Town Board shall appoint and provide compensation for one (1) alternate member to serve on the board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

B. The Town Board may remove any member of the Planning & Zoning Board for just cause, as may be permitted by law. The Town Board shall provide the member with a public hearing if requested.

C. Members shall be compensated as determined by the Town Board.

D. All members shall serve a term of three (3) years. Members may be reappointed as necessary by the Town Board.

E. At an annual organizational meeting, the members of the Planning & Zoning Board shall elect one (1) of their

members as chair and one (1) as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both, the Planning & Zoning Board shall elect a temporary chair to conduct the meeting.

F. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Planning & Zoning Board, and take such action necessary to preserve the order and integrity of all proceedings before the Planning & Zoning Board.

G. If any member of the Planning & Zoning Board shall fail to attend three (3) regular meetings of the Planning & Zoning Board within any consecutive three-month period, the chair or the vice-chair shall immediately file a notification of such nonattendance with the Town Board for placement on the Planning Board agenda. The Town Board may, by appropriate action, terminate the appointment of such person and fill the vacancy as soon as possible.

H. The Administrator shall appoint a recording secretary to serve the Planning & Zoning Board. The secretary shall keep minutes to summarize all proceedings, attested to by a majority of the members of the Planning & Zoning Board voting. In addition, the secretary shall maintain all records of Planning & Zoning Board meetings, hearings and proceedings, as well as the correspondence of the Planning & Zoning Board.

I. No meeting of the Planning & Zoning Board may be called to order, nor may any business be transacted by the Planning Board, without a quorum consisting of a majority of the appointed membership of the Planning & Zoning Board. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. All planning agency actions shall require the concurring vote of a majority of the members of the Planning & Zoning Board.

2.3.4. MEETINGS

The Planning & Zoning Board shall establish a regular meeting schedule by rule. Special meetings may be requested by the Town Board, the chair of the Planning & Zoning Board, a majority of the members of the Planning & Zoning Board, or the Administrator.

2.3.5. RULES OF PROCEDURE

In accordance with NCGS 160D-308, the Planning & Zoning Board shall adopt rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town website. The Board shall keep minutes of its proceedings.

2.3.6. OATH OF OFFICE

In accordance with NCGS 160D-309, all members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160A-61.

2.3.7. CONFLICT OF INTEREST

In accordance with NCGS 160D-109(b), members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

2.3.8. STAFF

The Administrator or designee shall be the professional staff of the Planning & Zoning Board. The Administrator shall appoint a recording secretary to serve the Planning & Zoning Board. The secretary shall keep minutes to summarize all proceedings, all attested to by a majority of the members of the Board of Adjustment voting. Minutes of the proceedings of the Planning & Zoning Board showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Board as a public record. The Planning Department is hereby designated as the office of the Board for purposes of this subsection. In addition, the secretary shall maintain all records of Planning & Zoning Board meetings, hearings and proceedings, as well as the correspondence of the Planning & Zoning Board.

2.4. TOWN BOARD

2.4.1. POWERS AND DUTIES

The Town Board shall render final decisions pertaining to amendments to the Comprehensive Plan and this Ordinance, except where authority for a final decision is delegated to another agency by this Ordinance, as authorized by Special Legislation Chapter 247, House Bill 575 of the 1993 Session of the NC General Assembly. The Town Board shall render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this Ordinance. The Town Board shall have the following powers and duties:

A. To initiate, adopt, and amend a Comprehensive Plan.

B. To review recommendations of the Planning & Zoning Board, and make final decisions on applications for amendments to the text of this Ordinance.

C. To hear, review, and approve, conditionally approve, or deny amendments to the Official Zoning Map after a recommendation of the Planning & Zoning Board. In accordance with Section 3.3 of this Ordinance, such amendments shall only be heard by Town Board if:
   - the amendment was denied by Planning & Zoning Board;
   - the amendment was approved, but the affirmative votes represented less that least three-fourths of the Board; or
   - a decision of the Planning & Zoning Board has been made pursuant to Section 3.3 of this Ordinance and an appeal has been filed.

D. To take such other action not otherwise delegated, as the Town Board may deem desirable and necessary to implement the provisions of this Ordinance and the Comprehensive Plan.

2.4.2. CONFLICT OF INTEREST

In accordance with NCGS 160D-109(a), a governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

2.5. HISTORIC PRESERVATION COMMISSION

2.5.1. ESTABLISHMENT

Pursuant to NCGS 160D-303, there is hereby established the Mount Pleasant Historic Preservation Commission, hereafter referred to as the Historic Preservation Commission or Commission, to consist of five (5) regular members and one alternate member appointed by the Town Board of the Town of Mount Pleasant. The Town Board shall establish the Commission's compensation.

2.5.2. POWERS AND DUTIES

The Commission shall seek to promote, enhance and preserve the character of the districts. The Historic Preservation Commission is authorized and empowered to undertake reasonable actions to discharge and conduct its duties and responsibilities as outlined in this Ordinance and NCGS 160D-942 including, but not limited to, the following:

A. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.

B. Recommend to the governing board areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."

C. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.

D. Restore, preserve, and operate historic properties.

E. Recommend to the governing board that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.

F. Conduct an educational program regarding historic properties and districts within its jurisdiction.

G. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission, when authorized by the governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.

H. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.

I. Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.

J. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Part.

K. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

2.5.3. MEMBERSHIP

A. Members of the Historic Preservation Commission shall serve overlapping terms. Appointments shall be for a term of three (3) years. A member may be reappointed for a second consecutive term. After two (2) consecutive terms a member shall be ineligible for reappointment until one calendar year has elapsed from the date of termination of the second term.

B. All members of the Historic Preservation Commission shall be residents of the territorial zoning jurisdiction of the Town of Mount Pleasant and a majority of the members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

C. The Historic Preservation Commission shall establish a meeting time, and shall meet at least quarterly. All meetings of the Commission shall be open to the public and reasonable notice of the time and place thereof shall be given to the public. All meetings shall conform to the North Carolina Open Meetings Law NCGS 143-33B.

D. Any member of the Historic Preservation Commission who misses more than three consecutive regular meetings or more than half the regular meetings in a calendar year shall lose status as a member of the Commission and shall be replaced or reappointed by the Town Board. Absence due to sickness, death, or other emergencies shall be recognized as approved absences. In the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

E. The Historic Preservation Commission shall adopt and publish rules of procedure for the conduct of its business.

F. The Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations, and actions. The minutes of the Commission shall be public record.

2.5.4. CONFLICT OF INTEREST

In accordance with NCGS 160D-109(d), a member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

2.5.5. STAFF

The Administrator or designee shall be the professional staff of the Historic Preservation Commission. The Administrator shall appoint a recording secretary to serve the Historic Preservation Commission. The secretary shall keep minutes to summarize all proceedings, all attested to by a majority of the members of the Historic Preservation Commission voting. Minutes of the proceedings of the Historic Preservation Commission showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Historic Preservation Commission as a public record. The Planning Department is hereby designated as the office of the Commission for purposes of this subsection. In addition, the secretary shall maintain all records of Historic Preservation Commission meetings, hearings and proceedings, as well as the correspondence of the Historic Preservation Commission.

ARTICLE 3
REVIEW PROCEDURES

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3.1. PURPOSE, APPLICABILITY, & GENERAL PROCEDURES

3.1.1. PURPOSE

The purpose of this Article is to establish an orderly process to develop land within the Town of Mount Pleasant. It is also the intent of this Article to provide a clear and comprehensive development process that is fair and equitable to all interests including the applicants, affected neighbors, Town staff, related agencies, the Planning & Zoning Board, Board of Adjustment, and the Town Board of Commissioners.

3.1.2. APPLICABILITY

A. The development review process applies to all new development and alterations of existing development within the Town's jurisdiction.

B. The Administrator may waive the required development review for a change in principal use, where such change would not result in a change in lot coverage, parking, or other site characteristics. The development review may also be waived if the Administrator determines that the submission of a development plan in accordance with this Section would serve no useful purpose.

C. The following chart indicates the appropriate approval process for each development type:

Development Type	Section Reference	Approval/ Hearing Type	Administrator Approval	Planning & Zoning Board Approval	Board of Adjustment Approval	Town Board of Commissioners Approval
Zoning Permit with Plot Plan (single-family & two-family residential)	3.2	Administrative	✓			
Zoning Permit with Site Plan (multi-family residential & nonresidential)	3.2	Administrative	✓			
Zoning Permit for Sign	3.2	Administrative	✓			
Zoning Permit for Grading	3.2.6		✓			
Certificate of Compliance	3.2.4	Administrative	✓			
Floodplain Development Permit	9.3		✓			
Subdivision, Exempt	6.1.2	Administrative	✓			
Subdivision, Minor	6.3	Administrative	✓			
Subdivision, Major (preliminary plat)	6.4	Administrative		✓		
Subdivision, Major (construction drawings)	6.4	Administrative	✓			
Subdivision, Major (final plat)	6.4	Administrative	✓			
Special Use Permit	3.3	Quasi-judicial			✓	
Variance	3.3	Quasi-judicial			✓	
Appeal	3.3	Quasi-judicial			✓	
Certificate of Nonconformity Adjustment	3.3	Quasi-judicial			✓	
Alternative Design Proposal	11.1.3.3	Quasi-judicial			✓	
Map Amendment	3.4.5	Legislative		✓*		*
Text Amendment	3.4.7	Legislative		Recommendation		✓

*Subject to ¾ supermajority provisions in Section 3.4

3.1.3. APPLICATION PROCESS

The specific procedures followed in reviewing various Applications for Development Approval may vary. Generally, the procedures for all applications have four common elements: (1) submittal of a complete application, including required fee payment and appropriate information; (2) review of the submittal by appropriate staff and boards; (3) action to approve, approve with conditions, or deny the application; and (4) issuance of a permit, based on complete and approved plans.

3.1.3.1. Pre-Application Conference

The applicant shall meet with the Administrator to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application.

3.1.3.2. Application Materials

Current application materials shall be made available at the Town Hall. Such applications shall be filed in advance of any public hearing or pubic meeting required pursuant to this Ordinance or the NCGS. The Administrator may establish a schedule to file any application. The schedule shall provide adequate time for notice and/or publication consistent with this Ordinance.

3.1.4. RECORDS

The Administrator shall provide for minutes to be written and retained, shall record the evidence submitted within the allotted hearing time, and shall include a summary of the considerations and the action of the Board.

3.1.5. NOTICE PROVISIONS

The notice requirements for each type of application for development approval are prescribed in the individual subsections of this Article and/or the NCGS.

A. Unless provided for otherwise, the notice given for legislative proceedings, including amendments to this Ordinance, or the Official Zoning Map, shall be provided as set forth in NCGS 160D-602.

B. Unless provided for otherwise, the notice given for quasi-judicial proceedings shall be provided as set forth in NCGS 160D-406.

3.1.6. SCOPE OF ACTION

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable), or denial. The reviewing body may allow minor amendments to the application which: (1) proposes fewer dwelling units, floor area or impervious surface than that requested on the original application; (2) reduces the impact of the development; or (3) reduces the amount of land involved from that indicated in the notices of the hearing. The reviewing body shall not, in any case, permit: a greater amount of development, a use falling in a different general use category, a larger land area than indicated in the original application, or a greater variance than was indicated in the notice. In addition, the reviewing body shall not reduce or eliminate conditions for a special use or Conditional Zoning district unless a new notice is provided prior to the meeting at which a final decision is to be made.

3.1.7. TECHNICAL REVIEW COMMITTEE

The Technical Review Committee (TRC) is intended to assist the Administrator in ensuring that adequate public facilities are available and that proposed development is in compliance with applicable federal, state, and local requirements. It shall be the responsibility of the Administrator to provide TRC comments to the applicant to be addressed prior the approval of a development or issuance of a permit. The reviewing government agencies and

officials that make up the TRC may include, but need not be limited to the following (as applicable): Public Works Department, Fire Department, Fire Marshal, Sheriff's Department, Building Inspector, Town Engineer, Town Attorney, North Carolina Department of Transportation (NCDOT), North Carolina Department of Environmental Quality (NCDEQ), Utilities Providers, Cabarrus Health Alliance, Board of Education, Metropolitan Planning Organization (MPO), US Army Corps of Engineers, contracted expertise, and other agencies as needed.

3.1.8. ADMINISTRATIVE DECISIONS

Administrative decisions are routine, non-discretionary zoning ordinance implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Administrator is a purely administrative agent following the literal provisions of this ordinance. The Administrator may engage in some fact finding, (for example, as in making an initial determination as to whether a nonconforming use was in existence at the time a zoning provision was adopted). This involves determining objective facts that do not involve an element of discretion. In contrast to quasi-judicial hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this Ordinance. In the case of Major Subdivision Preliminary Plats, the Planning & Zoning Board is acting as an extension of the Administrator and reviewing the plat for compliance with the Ordinance.

3.1.9. QUASI-JUDICIAL HEARING PROCEDURES

Subject to NCGS 160D-406, the provisions of this subsection apply to any application for a Special Use Permit, variance, appeal, or any other quasi-judicial action. In making quasi-judicial decisions, the decision-makers must investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land use policies to individual situations, such as variances, Special use permits, and appeals of administrative determinations. These decisions involve two key elements: 1.) the finding of facts regarding the specific proposal and 2.) the exercise of some discretion in applying the standards of the ordinance. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes a hearing with the right of the parties to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial, and material evidence.

3.1.10. LEGISLATIVE AND ADVISORY HEARINGS

The purpose of a legislative or advisory review public hearing is to provide the public an opportunity to be heard. Unlike quasi-judicial hearings, a legislative proceeding does not require due process protections, such as right of the parties to offer evidence, sworn testimony, or findings of fact. Like quasi-judicial hearings, legislative hearings are public hearings preceded by notice to interested parties. Public hearings are required for legislative review hearings, such as amendments to the Comprehensive Plan, and amendments to this Ordinance (including zoning provisions of this Ordinance and the Zoning Map).

3.1.11. NEIGHBORHOOD MEETING FOR CERTAIN MAP AMENDMENTS

The Town will not advance an application for map amendment that increases density or intensity unless:

- all adjacent property owners have been contacted and given an opportunity to meet with the applicant at a meeting established at a reasonable time; and
- a summary report is provided indicating results of meeting.

The Administrator may act as a facilitator if requested by the Applicant. No member of the decision-making entity may participate in a neighborhood meeting. The applicants may conduct additional neighborhood meetings prior to the hearing at their discretion.

3.1.12. DEVELOPMENT APPROVAL DURATION

Subject to NCGS 160D-108, the following shall apply to approval validity:

A. Pursuant to NCGS 160D-1109, building permits expire six (6) months after issuance unless work under the permit has commenced and work has not been discontinued for a period of more than 12 months after the work has commenced.

B. Unless otherwise specified, local development permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced.

C. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development.

3.1.13. REVOCATION OF PERMIT OR APPROVAL

3.1.13.1. Duties of Administrator

If the Administrator determines that there are reasonable grounds for revocation of a development permit or approval, the Administrator shall take appropriate action as set forth in Section 1.6. The decision of the Administrator to revoke the permit shall be based on Section 3.1.12.2, below.

3.1.13.2. Grounds for Revocation

The following shall be considered grounds for revocation of a permit:

- The applicant intentionally supplies misleading information. The provision of information is considered "intentional" when the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence.
- The failure to comply with any condition of a development order or development permit.

3.1.13.3. Decision and Notice

The Administrator shall render a decision to revoke the permit, to allow the applicant to retain the development permit, or to reconsider the permit. The Administrator shall notify the holder of the permit in the manner provided in Section 1.6.

3.1.13.4. Effect and Appeals

The decision of the Administrator may be appealed as set forth in Section 3.8 of this Ordinance. Unless appealed, a decision to revoke a development permit shall become final thirty (30) days after the date the decision is rendered. After that, any further activities based on the permit shall be deemed to be in violation of this Ordinance and shall be subject to the remedies as prescribed in Section 1.6 of this Ordinance.

3.1.13.5. Right Cumulative

The right to revoke a development permit, as provided in this Section, shall be cumulative to any other remedy allowed by law.

3.2. ADMINISTRATIVE APPROVALS

3.2.1. PURPOSE

The purpose of this Section is to prescribe procedures for permits and approvals which do not require quasi-judicial or legislative notice or a public hearing.

3.2.2. APPLICABILITY

The provisions of this Section shall apply to administrative permits.

A. Administrative Permits include:
- Zoning Permit for establishment of a use
- Zoning Permit with Plot Plan
- Zoning Permit with Site Plan
- Zoning Permit for Sign
- Zoning Permit for Grading
- Certificate of Compliance and Temporary Certificate of Compliance
- Floodplain Development Permits (see Section 9.3)

B. Administrative Development Approvals include the following reviewed in accordance with Article 6 of this Ordinance:
- Zoning Compliance for Exemption Plats
- Minor Subdivisions
- Major Subdivision Preliminary Plats (approved by Planning Board)
- Major Subdivision Construction Drawings
- Major Subdivision Final Plats

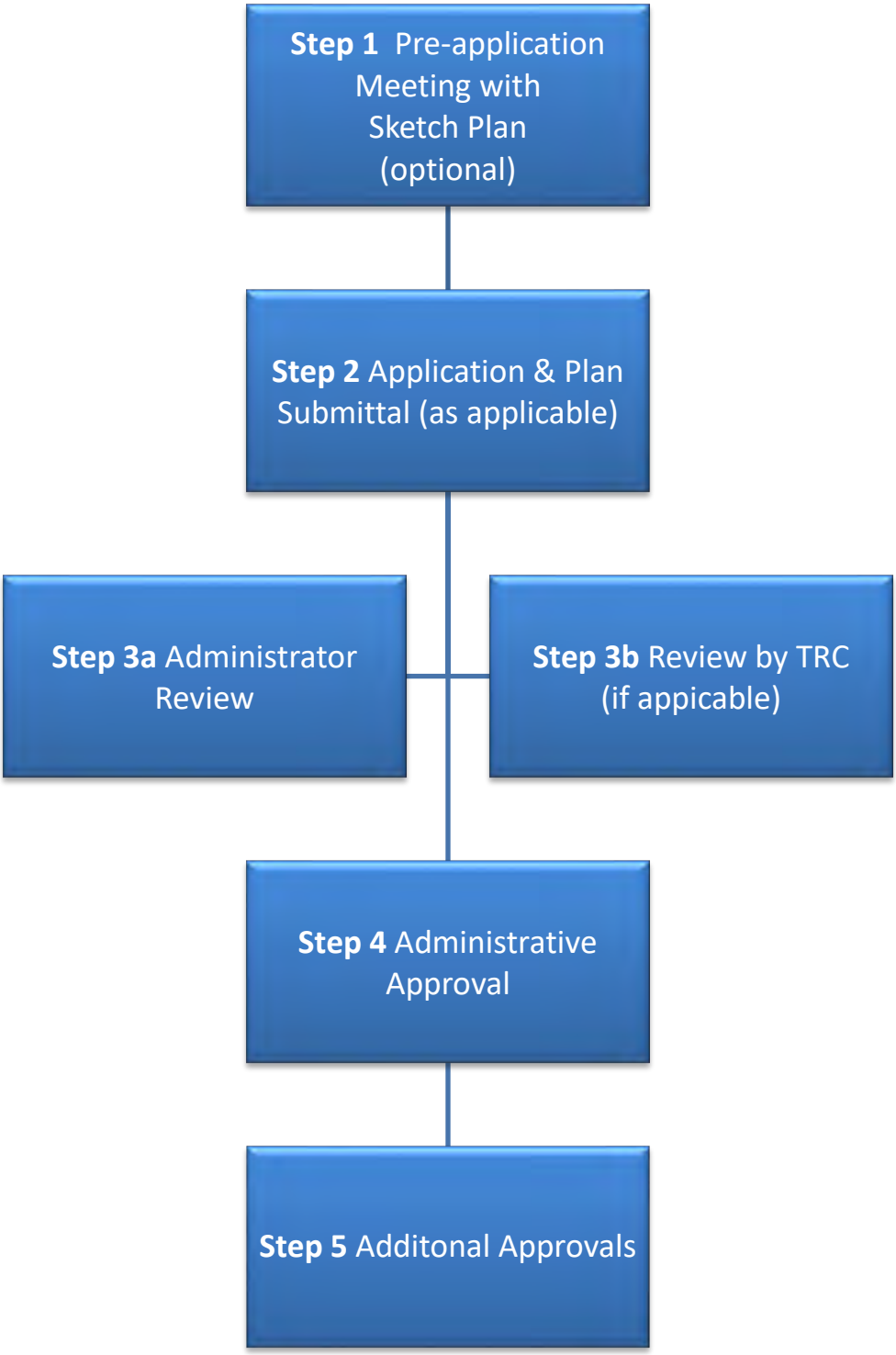
C. Upon adoption of this Ordinance, buildings or structures shall be erected or constructed, and uses shall be established, only on parcels of land that have been created in conformance with this Ordinance. To construct any structure, use any land, or change the use of any structure, or land, a Zoning Permit must be obtained from the Administrator and a Building Permit obtained from the Cabarrus County Building Inspections Department.

D. New construction of a freestanding principal structure(s) shall be subject to all applicable design standards as set forth in this Ordinance.

E. Expansions, or additions to an existing principal structure shall be subject to the following:
- An expansion or addition of 25% or less of the Gross Floor Area (GFA) shall be subject to the building setbacks and minimum parking standards of this Ordinance. If additional new parking is required, parking lot yard landscaping shall be required as set forth in Article 7.
- An expansion or addition of greater than 25% of the GFA shall be subject to all applicable design standards as set forth in this Ordinance.

3.2.3. ADMINISTRATIVE PERMIT PROCEDURES

FIGURE 3.2-1: ADMINISTRATIVE PERMIT APPROVAL PROCESS



STEP 1. Pre-application Meeting with Sketch Plan (optional)

A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance to the proposed development is recommended.

B. Before submitting a Zoning Permit application and associated plan, the applicant may submit to the Administrator a Sketch Plan showing the proposed development. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

STEP 2. Application and Plan Submittal

A. The Applicant shall file a complete application on a prescribed form for a Zoning Permit with the Administrator.

B. No development plan is required for the following permit types:

- Change of Use
- Change of Occupancy

However, the Administrator shall ensure that the minimum number of parking spaces for the proposed use are in place and that solid waste receptacles are screened in accordance with Section 11.7.2.2.

C. Plot Plans (in accordance with Section 3.5) shall be submitted with the application for the following permit types:

- Single-family residential on individual lot
- Two-family residential (duplex) on individual lot
- Accessory structures
- Non-residential expansions of less than 20% gross floor area, less than 20% impervious area expansion, less than 20,000 square feet of additional impervious area (cumulative), and less than one (1) acre of disturbed area

D. Site Plans (in accordance with Section 3.5 & Appendix B) shall be submitted with the application for the following permit types:

- New multi-family residential
- New non-residential development
- Non-residential expansions of 25% or greater gross floor area, 25% or greater impervious area expansion, 20,000 square feet or greater of additional impervious area (cumulative), and one (1) acre or greater of disturbed area

STEP 3a & b. Administrator and TRC Review

A. The Administrator shall review the application in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.

B. The Technical Review Committee (TRC) shall provide comments to the Administrator regarding proposed multi-family residential and non-residential development. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the developer.

STEP 4. Administrative Approval

A. Following review, the Administrator shall approve, approve with conditions, or deny the application for a zoning clearance permit. Applications that are denied shall have the reasons for denial, in writing, attached to the application. An appeal of the decision of the Administrator is allowed as provided for in Section 3.7.

B. The Zoning Permit shall be issued by the Administrator only if the application complies with all pertinent provisions of this Ordinance, and any approved Special Use Permit, Conditional District rezoning, or site plan.

C. If the Zoning Permit is denied, the Administrator shall provide the reasons in writing. The applicant may appeal the action of the Administrator to the Board of Adjustment, as provided for in Section 3.3. Such appeal shall be made within 30 days of such permit denial.

STEP 5. Additional Approvals

A. Following approval of the Zoning Permit, the applicant may obtain a Building Permit from Cabarrus County Building Inspections, if applicable.

B. If the site does not have access to public water and sewer, it may also be subject to approval of well and septic suitability the Cabarrus Health Alliance.

C. Following completion of construction and prior the issuance of a Certificate of Occupancy by the Cabarrus County Building Inspector, the applicant shall coordinate with the Administrator to conduct a final site development inspection to ensure that the approved plan has been followed and all required improvements have been installed to Town development standards.

D. Upon satisfactory completion of all required improvements a Certificate of Compliance shall be issued by the Administrator in accordance with Section 3.2.3, and the Certificate of Occupancy may be issued by the Cabarrus County Building Inspector.

3.2.4. CERTIFICATE OF COMPLIANCE

A. Upon the effective date of this Ordinance, it shall be unlawful to use, occupy or permit the use or occupancy of, connect or provide utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Administrator.

B. The Applicant shall file a complete application for a certificate of compliance with the Administrator. For new construction projects, an approved site plan as submitted for application for a Zoning Permit shall be used. If the application for a certificate of compliance does not involve new exterior construction, a plot plan showing all exterior improvements, as required by this Ordinance, shall be filed for review. The Administrator shall assist the applicant in determining which materials are required for a submittal.

C. Individual tenants desiring to occupy lease space within an existing commercial development with multiple tenants shall be required to obtain a certificate of compliance. However, individual tenants shall not be required to upgrade any existing nonconforming site improvements to conform to the standards of this Ordinance. New construction is not exempted from meeting the design standards of this Ordinance.

D. Following review, the Administrator shall approve, approve with conditions, or deny the application for a certificate of compliance. Denied applications shall have the reasons for denial, in writing, attached to the application. An appeal of the decision of the Administrator is allowed as provided for in Section 3.7.

E. The Administrator shall issue the Certificate of Compliance only if the application complies with all pertinent provisions of this Ordinance and any approved conditional use permit, conditional district rezoning or site plan.

F. The Certificate of Compliance shall be valid for its granted use as long as the use is in compliance with applicable codes and the property or structure is used, erected, changed, converted, altered, or enlarged in the stated manner.

3.2.5. TEMPORARY CERTIFICATE OF COMPLIANCE

A. A Temporary Certificate of Compliance may be issued by the Administrator for a period not to exceed six (6) months to allow for partial occupancy of a structure or land in order to complete construction or alteration as permitted. A Temporary Certificate of Compliance may also be issued for a period not to exceed six (6) months to allow for utilities to be connected to an unoccupied structure for rent and/or sale. It shall be unlawful to permanently occupy any portion of a newly constructed or altered building or structure, or to allow a change of use to occur unless a Certificate of Compliance has been granted as prescribed in Section 3.2.4. The procedures for issuance of a Temporary Certificate of Compliance shall be in the same manner as set forth for Certificates of Compliance.

B. The applicant may submit a performance guarantee to the Administrator when an application for a Certificate of Compliance cannot be approved because certain improvements cannot be completed or installed due to adverse weather conditions or other reasonable factors. The applicant shall submit to the Administrator the following information: (1) a specific description of the factor(s) hindering completion or installation of the improvement(s); and (2) a written estimate from a licensed contractor of the cost of materials and labor for completing the work. The administrator shall then determine if the submission of a performance guarantee is appropriate and if the estimate is acceptable. The performance guarantee may be submitted in the form of a certified check, cashier's check, bond, or letter of credit on approved forms and shall be in the amount of 125% of the estimate. The performance guarantee shall be released after the improvements, as guaranteed, inspected by the Administrator and determined to be in full compliance with the approved plan.

3.2.6. ZONING PERMITS FOR GRADING

A. Upon the effective date of this Ordinance, it shall be unlawful for any person(s) to commit any land disturbing activity, including removal of vegetation, until a Zoning Permit for grading has been issued by the Administrator for all grading activity except the following:

- agricultural uses, as defined in Appendix A;
- single-family detached homes on individual lots; or
- land disturbing activities that do not disturb more than one (1) acre of land.

B. A Zoning Permit for grading shall not be issued until sedimentation and erosion control permit has been issued by the North Carolina Department of Environmental Quality as set forth in Section 9.1, if applicable.

C. The Zoning Permit for grading shall be issued by the Administrator only if the application complies with the standards of Article 9 and as referenced below:

- the provisions for floodplain protection as prescribed in Article 9 of this Ordinance;
- the provisions for vegetation protection and retention within a protected stream buffer as prescribed in Article 9; and
- as required by any approved Special Use Permit, Conditional Zoning district rezoning, or site plan.

3.3. QUASI-JUDICIAL HEARINGS

3.3.1. PURPOSE

The purpose of this Section is to prescribe procedures for quasi-judicial evidentiary hearings.

3.3.2. APPLICABILITY

A. This Section shall apply to all applications for Appeals, Variances, Special Use Permits, Certificates of Nonconformity Adjustment, and Alternative Design Proposals subject to NCGS 160D-405, 160D-406, and 160D-705.

B. Variance and Special Use Permit requests that involve new construction or expansions shall be accompanied by a Plot Plan or Site Plan, as applicable below:

A. No development plan is required for the following permit types:
- Change of Use

However, the minimum number of parking spaces for the proposed use shall be in place and that solid waste receptacles shall be screened in accordance with Section 11.7.2.2. Additionally, the Board of Adjustment may require additional landscaping and screening as needed to meet required findings.

B. Plot Plans (in accordance with Section 3.5) shall be submitted with the application for the following permit types:

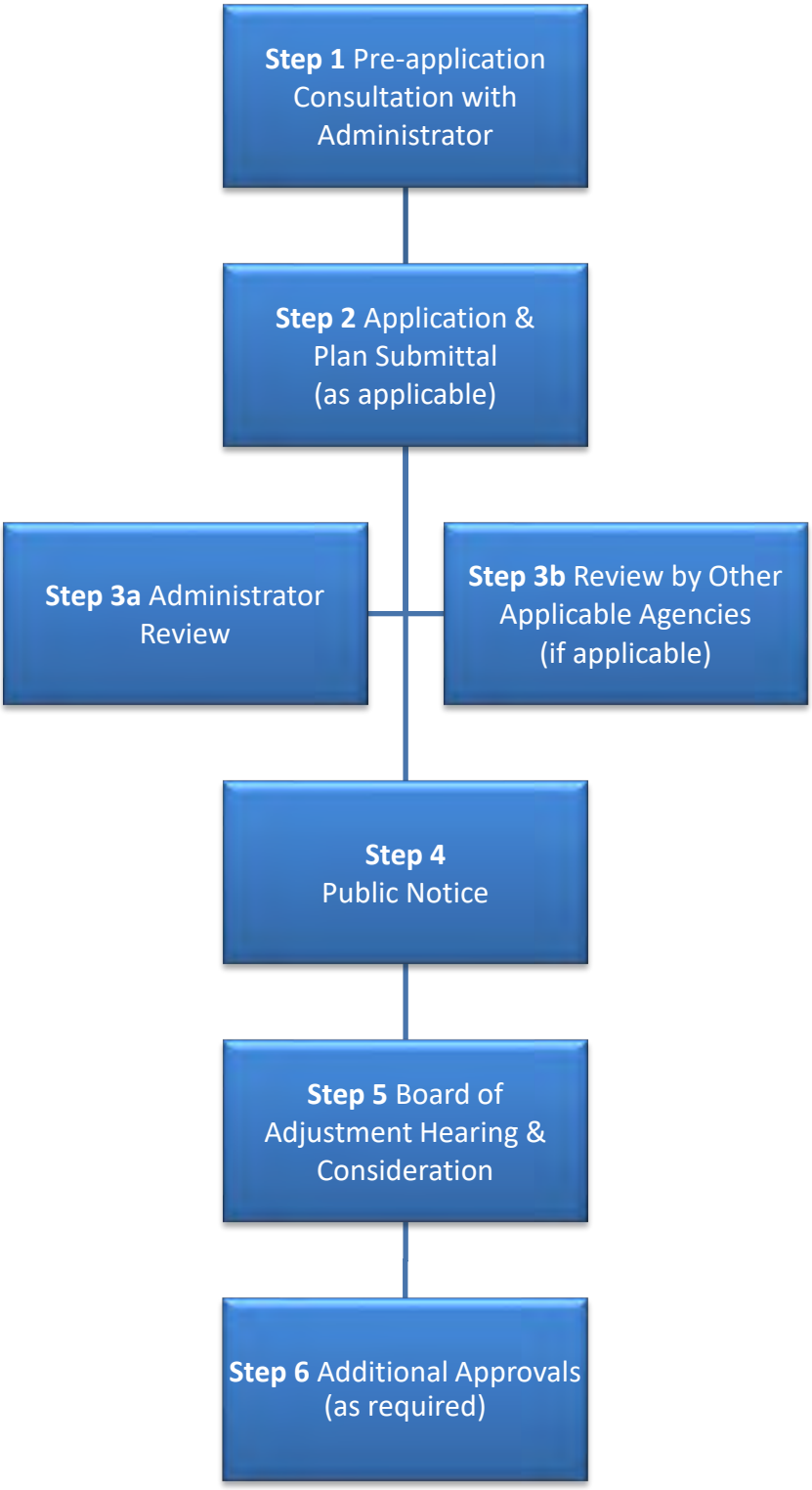
- Single-family residential on individual lot
- Two-family residential (duplex) on individual lot
- Accessory structures
- Non-residential expansions of less than 20% gross floor area, less than 20% impervious area expansion, less than 20,000 square feet of additional impervious area (cumulative), and less than one (1) acre of disturbed area

C. Site Plans (in accordance with Section 3.5) shall be submitted with the application for the following permit types:

- New multi-family residential
- New non-residential development
- Non-residential expansions of 25% or greater gross floor area, 25% or greater impervious area expansion, 20,000 square feet or greater of additional impervious area (cumulative), and one (1) acre or greater of disturbed area

3.3.3. QUASI-JUDICIAL HEARING PROCEDURES

FIGURE 3.3-1: QUASI-JUDICIAL HEARING PROCESS



STEP 1. Pre-application Consultation with Administrator

A. To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance is required.

B. Before submitting an application for a Variance, Special Use Permit, Certificate of Nonconformity Adjustment, or Alternative Design Proposal, the applicant shall submit to the Administrator a Sketch Plan. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the applicant or their authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

STEP 2. Application and Plan Submittal
The Applicant shall file a complete application on a prescribed form with the Administrator with an applicable plan in accordance with Section 3.5.

STEP 3a & b. Administrator and TRC Review

A. The Administrator shall review the application in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.

B. The Technical Review Committee (TRC) shall provide comments to the Administrator regarding the application. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the applicant.

STEP 4. Public Notice

A. Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.

B. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement.

C. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

STEP 5. Board of Adjustment Hearing and Consideration

A. Administrative Materials
The Administrator or staff to the Board shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the Board prior to the hearing if at the same time they are distributed to the Board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or

electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the Board at the hearing.

B. Presentation of Evidence

The applicant, the local government, and any person who would have standing to appeal the decision under NCGS 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to NCGS 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

C. Oaths

The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

D. Subpoenas

The Board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under NCGS 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

E. Voting

The concurring vote of four-fifths (4/5) of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

F. Decisions

The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the Board's determination of contested facts and their application to the applicable standards, and be approved by the Board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

G. Judicial Review
Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

STEP 6. Additional Approvals (as required)
Following a quasi-judicial approval by the Board of Adjustment, the applicant may need to obtain additional approvals which may include additional approvals, such as Zoning Permits or Building Permits, before work may begin.

3.3.4. APPEALS PROVISIONS

3.3.4.1. Appeals in Nature of Certiorari

A. When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in NCGS 160D-1402(j).

B. Except as provided in NCGS 160D-1403.1, appeals of administrative decisions made by the staff under this Chapter shall be made to the Board of Adjustment.

C. The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

3.3.4.2. Standing
Any person who has standing under NCGS 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or such other local government official as designated by ordinance. The notice of appeal shall state the grounds for the appeal.

3.3.4.3. Time to Appeal
The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to NCGS 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

3.3.4.4. Record of Decision
The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

3.3.4.5. Stays of Enforcement Action

A. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the board of adjustment and any subsequent appeal in accordance with NCGS160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be

granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after the request is filed.

B. Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

3.3.4.6. Alternative Dispute Resolution

The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

3.3.4.7. No Estoppel

NCGS 160D-1403.2, limiting a local government's use of the defense of estoppel, applies to proceedings under this section.

3.3.5. VARIANCE PROVISIONS

3.3.5.1. Purpose and Findings-of-Fact

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of ALL of the following:

A. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.

D. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

E. The variance does not result in a change of permitted uses within a zoning district.

3.3.5.2. Conditions

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

3.3.6. SPECIAL USE PERMIT PROVISIONS

3.3.6.1 Purpose and Findings-of-Fact

A. Special uses are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as special uses in a zoning district, as set forth in Section 4.6, Table 4.6-1 of this Ordinance, shall be authorized by the Board of Adjustment.

B. Uses permitted subject to special use review criteria shall be permitted only after review and approval by the Board of Adjustment only if the applicant demonstrates that:

1. The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

6. Compliance with any other applicable Sections of this Ordinance.

3.3.6.2 Conditions

Reasonable and appropriate conditions and safeguards may be imposed upon Special Use Permits by the Board of Adjustment. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government. All conditions shall be consented to in writing by the property owner.

3.3.6.3 Scope of Approval

The approval of a special use permit shall authorize the applicant to apply for final site plan approval pursuant to Section 3.6 of this Ordinance. All approvals of conditional use permits require approval of the site plan. Any special use permit approval shall become null and void if a required site plan is not approved within 12 months after the date of the approval. No zoning clearance permit may be issued until the final major site plan and conditional use permits are approved. Final major site plan approval may require approval of variances. Approval of a special use permit does not authorize any development activity.

3.3.6.4 Subsequent Applications

Subsequent applications for a special use permit shall be handled in the same manner as that for rezonings prescribed in Section 3.3.8.

3.3.6.5 Minor Modifications

The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a Special Use Permit shall follow the same process for approval as is applicable to the approval of a Special Use Permit. If multiple parcels of land are subject to a Special Use Permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification.

3.3.7. CERTIFICATE OF NONCONFORMITY ADJUSTMENT PROVISIONS

Certificates of Nonconformity Adjustment shall meet the criteria set forth in Section 13.1.6.

3.3.8. ALTERNATIVE DESIGN PROPOSAL PROVISIONS

Alternative Design Proposals shall meet the criteria set forth in Section 11.1.3

3.4 LEGISLATIVE HEARINGS

3.4.1 PURPOSE

The purpose of this Section is to prescribe procedures for legislative hearings to amend this Ordinance or its associated Zoning Map or to enter into development agreements pursuant to NCGS Chapter 160D, Article 10.

3.4.2 APPLICABILITY

This Section shall apply to all applications for Text Amendments and Map Amendments subject to NCGS 160D-601, 160D-602, and Special Legislation Chapter 247, House Bill 575 of the 1993 Session of the North Carolina General Assembly.

3.4.3 INITIATION OF AN AMENDMENT

Any person, board, department or commission may apply for a change in Ordinance text or zoning district boundaries (rezoning) with the following limitations:

A. Applications for Conditional Zoning (CZ) district rezoning as set forth in Section 3.4.6 may be initiated only by petition of the property owners or their agents.

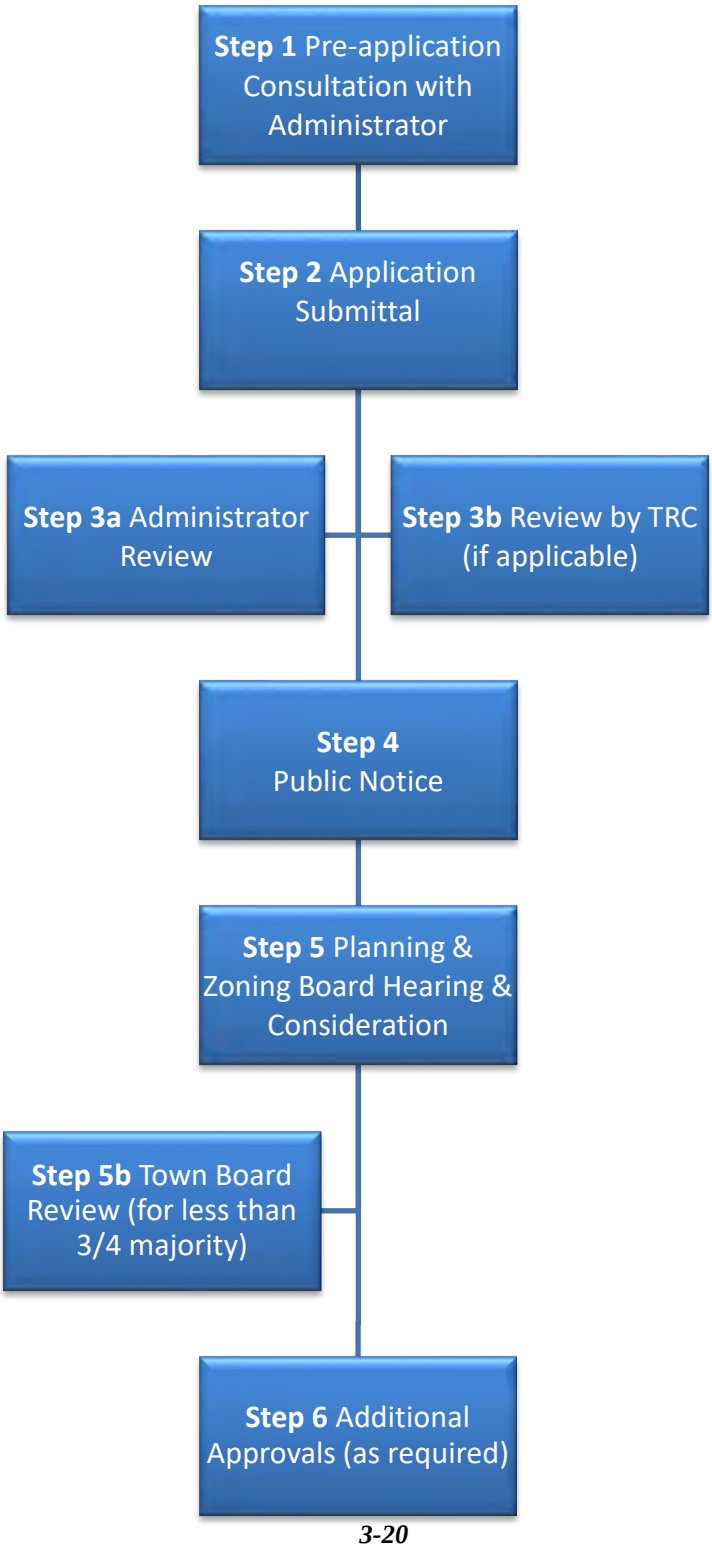
B. No amendment to the Zoning Map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
   1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
   2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

3.4.4 DELEGATION OF LEGISLATIVE AUTHORITY

Pursuant to House Bill 575 of the 1993 Session of the North Carolina General Assembly, the Planning & Zoning Board is hereby delegated by the Town Board to have the authority to take final action on applications to rezone property as herein provided.

3.4.5 ZONING MAP AMENDMENT PROCEDURES

FIGURE 3.4-1: ZONING MAP AMENDMENT PROCESS



STEP 1. Pre-application Consultation with Administrator

A. To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance is required.

B. Before submitting an application for a Conditional Zoning District, the applicant shall submit to the Administrator a Sketch Plan. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the applicant or their authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

STEP 2. Application and Plan Submittal

The Applicant shall file a complete application on a prescribed form for a Map Amendment with the Administrator with an applicable plan in accordance with Section 3.5.

STEP 3a & b. Administrator and TRC Review

A. The Administrator shall review the application in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.

B. The Technical Review Committee (TRC) shall provide comments to the Administrator regarding the application. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the applicant.

STEP 4. Public Notice

A. A notice of the hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

B. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning Map Amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.

C. The Town shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning Map Amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

STEP 5. Planning & Zoning Board Hearing and Consideration

A. The Planning & Zoning Board shall take action on Map Amendments after a public hearing has been held. In accordance with NCGS 160D-604 and 160D-605, prior to adopting or rejecting any zoning Map Amendment, the Planning & Zoning Board shall approve a brief statement describing whether its action is consistent or inconsistent with the adopted Comprehensive Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted

Comprehensive Plan. If a zoning Map Amendment is adopted and the action was deemed inconsistent with the adopted plan, the amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning Map Amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning Map Amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the Board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

B. When adopting or rejecting any petition for a zoning Map Amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Board. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

C. This statement of reasonableness may consider, among other factors:
   1. the size, physical conditions, and other attributes of the area proposed to be rezoned
   2. the benefits and detriments to the landowners, the neighbors, and the surrounding community
   3. the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment
   4. why the action taken is in the public interest; and
   5. any changed conditions warranting the amendment.

D. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

E. In accordance with House Bill 575 of the 1993 Session of the North Carolina General Assembly, the Planning & Zoning Board may render a final decision regarding a zoning Map Amendment by vote of at least three-fourths (3/4) of the members of the Board present and not excused from voting, and if there is no appeal of this decision. If a decision is by a vote of less than three-fourths (3/4) of the members of Board or if an appeal is taken, then only the Town Board shall have the authority to make a final decision on a rezoning application. Conditions may be imposed to an approved rezoning only if a rezoning to a conditional zoning district is approved pursuant to Section 3.4 of this Article.

F. Any person aggrieved by the decision of the Planning & Zoning Board shall have the right to appeal the action to the Town Board. The appeal shall be filed by giving notice in writing to the Administrator within fifteen (15) days of the decision of the Planning & Zoning Board.

G. In the event of an appeal, denial, or approval by less than a supermajority, the Board shall provide a written recommendation to the governing board that addresses consistency with the Comprehensive Plan(s) and any other matters deemed appropriate by the Planning & Zoning Board.

STEP 5B. Town Board Review

A. If an amendment is forwarded to the Town Board of Commissioners for review after an appeal, the Town Board of Commissioners shall hold a hearing in no more than 60 days from the date of appeal (if any) and decide to approve or deny the zoning amendment.

B. If an amendment is forwarded to the Town Board of Commissioners for review for any reason other than appeal (i.e. failure to obtain a ¾ supermajority of the Planning & Zoning Board approval), the Town Board of Commissioners shall hold a hearing in no more than 60 days from the date of the Planning & Zoning Board meeting and decide to approve or deny the zoning amendment.

C. Comments by the Planning & Zoning Board that a proposed amendment is inconsistent with the comprehensive

plan(s) shall not preclude the Town Board of Commissioners from considering or approving any proposed amendment. Approval of the amendment shall be by a majority vote.

D. Conditions may be imposed to an approved rezoning only if a rezoning to a conditional zoning district is approved pursuant to Section 3.4 of this Article.

3.4.5.1 Map Amendment Approval Criteria

The Planning & Zoning Board and Town Board may consider the following questions, at a minimum, in reviewing an application for a rezoning.

A. The size of the tract in question.

B. Whether the proposal conforms with and furthers the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance.

C. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts, as follows:

1. Whether the proposed rezoning is compatible with the surrounding area

2. Whether there will be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning

3. Whether the environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.

4. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development.

5. Compliance with the adequate public facilities criteria as set forth in this Ordinance.

6. The zoning districts and existing land uses of the surrounding properties.

7. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification.

8. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character.

9. The length of time the subject property has remained vacant as zoned.

10. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.

11. Whether the existing zoning was in error at the time of adoption.

3.4.5.2 Scope of Approval

The approval of a zoning map or text amendment does not authorize any development activity. For proposed conditional uses, the approval of a rezoning authorizes the applicant to file a site plan for conditional use permit approval. If the desired use is permitted as of right, the applicant may file a site plan (if required by Section 3.6) and, if no site plan is required, an application for a zoning clearance permit and any other administrative permits required by Section 3.2 of this Ordinance.

3.4.5.3 Subsequent Applications

In the event that an application for a map amendment is denied by the Town Board or Planning & Zoning Board (without an appeal) or that the application is withdrawn after the Board hearing, the Administrator shall refuse to accept another application for the same amendment on the same property or any portion of the same property within one year of the original hearing. However, the Planning & Zoning Board may consider such an application within that time period if it finds there is new and different evidence that was not reasonably available at the time of the original hearing.

3.4.6 CONDITIONAL ZONING

The purpose of the Conditional Zoning (CZ) district rezoning process is to provide a procedure for considering the rezoning of property based upon the recognition that certain types of zoning would be inappropriate at particular locations in the absence of special conditions. Because of the refinement of this option, the Town strongly encourages its use for such situations. Conditional zoning affords a degree of certainty when making land use decisions that is not possible when rezoning to a general zoning district, which allows the full range of uses permitted in the district and does not provide the flexibility to propose or require binding site specific conditions to address unique issues that affect the subject property or any potential adverse impacts on adjacent property.

3.4.6.1 Procedures

A. Applications for Conditional Zoning district rezoning approval shall be filed with the Administrator in the same manner as set forth in Section 3.3 and as illustrated in Figure 3.4-1. A “CZ” rezoning shall only be initiated at the request of the property owner or their authorized agent. A “CZ” rezoning shall not be initiated by the Town Board, Planning & Zoning Board, or administrative staff.

B. The Applicant shall submit an application for a “CZ” rezoning and a preliminary major site plan as set forth in Section 3.6 and Appendix B of this Ordinance to the Administrator. Following approval of the rezoning, the applicant shall file an application for a final site plan with the Administrator that is consistent with the approved site-specific plan and any supplemental conditions set forth as part of the Conditional Zoning district approval.

C. The applicant shall describe the exact land use(s) proposed for the "CZ" rezoning. Such use(s) may be selected from any of the uses, whether permitted by right or conditional, allowed in the general zoning district upon which the "CD" rezoning is based. The applicant may also submit any other conditions limiting the type, scope or intensity of development or use of the subject property for consideration by the decision-making body.

D. The Planning & Zoning Board shall hear the Conditional Zoning district rezoning request and review the site-specific plan concurrently.

3.4.6.2 Permitted Uses and Conditions

A. Within a “CZ” district, only those uses permitted by the zoning district with which the "CZ" rezoning corresponds shall be permitted. Such action approving the preliminary major site plan may further specify:
   - the location of units
   - the location and extent of supporting facilities such as parking lots, driveways, and access streets
   - 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.

B. The decision-making body may also impose additional reasonable and appropriate safeguards to serve the purpose and intent of this chapter, public welfare, and justice. In the event of a "CZ" rezoning, the final major site plan is itself a condition of the rezoning. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the

exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of NCGS 160D-702(b), driveway-related improvements in excess of those allowed in NCGS 136-18(29) and NCGS 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to NCGS160D-501, or the impacts reasonably expected to be generated by the development or use of the site.

3.4.6.3 Violation or Invalidity of the Terms and Conditions of A "CZ" Rezoning.

A. A violation of a condition of rezoning to a Conditional Zoning district as set forth in the final development plan and a violation of other related official documents associated with such rezoning are considered violations of this Ordinance subject to the same remedies and penalties. Upon determining that such a violation has occurred, the Administrator shall notify the property owner of his findings and set a reasonable time for the violation to be corrected or abated in accordance with Section 1.6. When a violation is not corrected or abated within the time period set by the Administrator, the Administrator or any person aggrieved may institute appropriate action proceedings to correct or abate the violation consistent with Section 1.6 of this Ordinance.

B. If any condition imposed, or consideration made, is found to be illegal or invalid, or if an applicant should fail to accept a condition such "CZ" rezoning and preliminary major site plan shall be null and void. Proceedings will be instigated to rezone the property to its previous classification.

3.4.6.4 Scope of Approval

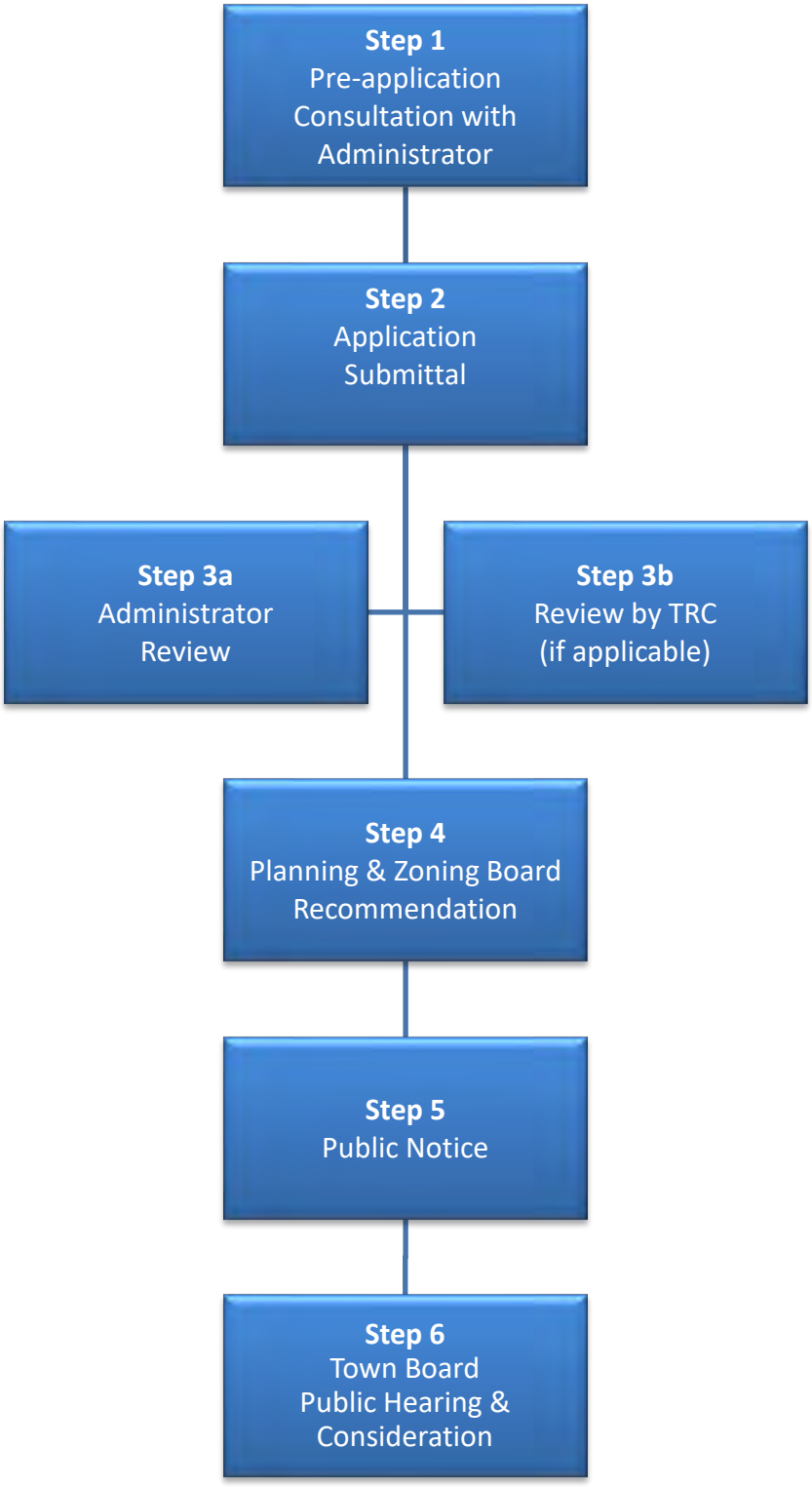
A. The approval of a rezoning to a Conditional Zoning district does not authorize development activity. The rezoning to the Conditional Zoning district and approval of the preliminary major site plan shall authorize the applicant to apply for a final major site plan. Final major site plans shall be reviewed by the Administrator in accordance with Section 3.6.4 of this Ordinance.

B. The approval of a final major site plan shall constitute approval of the use(s) requested in the application and approved by the Planning & Zoning Board. Approval of the final major site plan shall have the same effect as set forth in Section 3.6 of this Ordinance.

C. Minor modifications in Conditional Zoning district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a Conditional Zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

3.4.7 ZONING TEXT AMENDMENT PROCEDURES

FIGURE 3.4-2: ZONING TEXT AMENDMENT PROCESS



STEP 1. Pre-Application Consultation with Administrator
To minimize costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the proposed text amendment is required. The Administrator shall review the request and discuss it with the applicant.

STEP 2. Application Submittal

A. The applicant shall submit the application, fee and any other information pertinent to the proposed text amendment. All applications for text amendments shall contain a description of the proposed change and how the proposed change is consistent with the Town's Comprehensive Plan and how it is reasonable and in the public interest.

B. Applications to amend the text of the Development Ordinance may be initiated by the Town Board of Commissioners, Planning & Zoning Board, Town Staff, or anyone who owns property or resides in the area of jurisdiction of this Ordinance or the agent of such person.

C. The Administrator shall ensure that the application contains all the required information as specified in this Section. Applications and submittals which are not complete, or otherwise do not comply with the provisions of this Section shall not be scheduled, but shall be returned to the applicant with a notation of the deficiencies in the application.

D. Specific development proposals may not be considered by the Planning & Zoning Board or Town Board of Commissioners. These entities may only consider the impacts of the proposed text amendment on all affected zoning districts or potential development projects.

STEP 3A & B. Administrator & TRC Review

A. The Administrator shall review the application in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.

B. The Technical Review Committee (TRC) shall provide comments to the Administrator regarding the application. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the applicant.

STEP 4. Planning & Zoning Board Recommendation

A. In accordance with NCGS 160D-604, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning & Zoning Board for review and comment. If no written report is received from the Planning & Zoning Board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the Planning & Zoning Board report. The Town Board of Commissioners is not bound by the recommendations of the Planning & Zoning Board.

B. When conducting a review of proposed Zoning Text Amendments pursuant to this section, the Planning & Zoning Board shall advise and comment on whether the proposed action is consistent with any Comprehensive Plan that has been adopted and any other officially adopted plan that is applicable. The Planning & Zoning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the Planning & Zoning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Town Board.

STEP 5. Public Notice
In accordance with NCGS 160D-601, before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the Town Board of Commissioners shall hold a legislative hearing. A notice of the hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation

in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

STEP 6. TOWN BOARD PUBLIC HEARING & CONSIDERATION

A. The Town Board of Commissioners shall hold a legislative public hearing. An amendment may be approved by a simple majority vote.

B. In accordance with NCGS 160D-605, when adopting or rejecting any zoning text amendment, the Town Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted Comprehensive Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Town Board that at the time of action on the amendment the Town Board was aware of and considered the Planning & Zoning Board's recommendations and any relevant portions of an adopted Comprehensive Plan.

3.4.7.1 Scope of Approval

The approval of a zoning text amendment does not authorize any development activity. Development plans shall be filed and reviewed by the appropriate authority as set forth in this Ordinance.

3.4.7.2 Subsequent Applications

In the event that an application for a text amendment is denied by the Town Board or that the application is withdrawn after the Board hearing, the Administrator shall refuse to accept another application for the same amendment within one (1) year of the original hearing. However, this section shall not limit the powers of the Town Board and/or Planning & Zoning Board to initiate a text amendment.

3.5 DEVELOPMENT PLANS

3.5.1 DEVELOPMENT PLAN STANDARDS

All development plans for each review type shall at a minimum contain the information and format set for in Appendix B of this Ordinance.

3.5.2 MAJOR/MINOR SITE PLAN DEFINED

No application for development approval in the following categories shall be approved unless a site plan has been approved in accordance with the procedures prescribed in this Section.

A. A Minor Site Plan shall be required for an application for development approval requesting a non-residential use or any multi-family dwelling unit, which is permitted by right in the applicable zoning district.

B. The following applications shall require Major Site Plan approval:
- Any application for rezoning to a Conditional Zoning district
- An application for approval of a Special Use Permit where new construction is taking place

3.5.3 CONFORMITY WITH APPROVED PLAN

Development activities subject to the requirements of this Section may be carried out only in substantial conformance with the approved site plan and attached any conditions or restrictions. Any substantial deviation from the approved site plan, unless approved in advance and in writing by the Administrator, shall be deemed a violation of this Ordinance. Further, no certificate of compliance shall be issued if the development activities do not conform to the approved site plan.

ARTICLE 4
ZONING DISTRICTS AND DIMENSIONAL REGULATIONS

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4.1. PURPOSE STATEMENT FOR ZONING DISTRICTS

The Town is hereby zoned and divided into districts. In accordance with NCGS 160D-701, the purpose of establishing these districts is:

- To implement the Comprehensive Plan;
- To promote the health, safety, morals, or the general welfare;
- To provide for the orderly growth and development of the Town and for the efficient use of our resources (land, water, roads, etc.);
- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers.
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

4.2. ESTABLISHMENT OF ZONING DISTRICTS

4.2.1 PURPOSE AND INTENT

In accordance with the requirement of NCGS 160D-703 that zoning regulation be by districts, the Town Board, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

- AG Agricultural District
- RE Rural Estate District
- RL Residential Low Density
- RM Residential Medium Density
- RH Residential High Density
- O-I Office-Institutional District
- CC City Center District
- C-1 Light Commercial and Office District
- C-2 General Commercial District
- CD Campus Development District
- I-1 Light Industrial District

4.2.2 OVERLAY DISTRICTS

The Town hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts, additional requirements are imposed on certain properties within one (1) or more underlying general or conditional zoning districts. The symbol for each type of district is as follows:

- (HPO) Historic Preservation Overlay District
- (MHO) Manufactured Home Overlay Districts (MH-1 and MH-2)
- WP-O Watershed Protection Overlay (see Section 9.4)

4.2.3 CONDITIONAL ZONING DISTRICTS

In addition to the base zoning districts established in Section 4.2.1, above, the following Conditional Zoning districts are established which correspond to the above-referenced base zoning districts, and which are identical to the base zoning districts with the exception that an approval of a site plan and development conditions are required as a prerequisite to any use or development therein, as provided for in this Article and in Section 3.4 of this Ordinance.

- AG-CZ Agricultural Conditional Zoning District
- RE-CZ Rural Estate Conditional Zoning District
- RL-CZ Residential Low Density Conditional Zoning District
- RM-CZ Residential Medium Density Conditional Zoning District
- RH-CZ Residential High Density Conditional Zoning District
- CC-CZ City Center Conditional Zoning District
- C-1-CZ Light Commercial and Office District Conditional Zoning District
- C-2- CZ General Commercial District Conditional Zoning District
- CD-CZ Campus Development Conditional Zoning District
- I-1-CZ Light Industrial District Conditional Zoning District
- I-2-CZ Heavy Industrial District Conditional Zoning District
- PUD-Planned Unit Development District

4.3 ZONING DISTRICT PURPOSE STATEMENTS

4.3.1 PURPOSE STATEMENT

The purpose of this Article is to implement the land use policies of the Comprehensive Plan. Pursuant to NCGS 160D-701, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans of the Town Board if any, as adopted under NCGS Chapter 160D. This Section describes the relationship between the various zoning districts and the Comprehensive Plan and a summary of each development district in tabular form. However, to the extent that there is any inconsistency between the tabular summary and the specific provisions of Section 4.7 et seq. of this Ordinance, the provisions of Section 4.7 et seq. shall prevail. The table below indicates the relationship between each zoning district described in this section and each land use designation on the Future Land Use Map in the Town's Comprehensive Plan.

Table 4.3-1: District Consistency with Future Land Use Map Designations

Future Land Use Map Designation	Consistent Zoning Districts	General Use Types	Maximum Residential Density (DUA)
Open Space/Recreation	All districts	• Parks & athletic facilities • Greenways • Agriculture & forestry • Floodplain	n/a
Rural	AG, CZ-AG CZ-RE CZ-O-I	• Agriculture & forestry • Detached single-family residential • Limited civic & institutional	0.5 DUA
Low Intensity	RL, CZ-RL CZ-RM CZ-OI	• Agriculture & forestry • Detached single-family residential • Limited civic & institutional	2 DUA
Medium Intensity	RM, CZ-RM CZ-RH OI, CZ-OI C-1, CZ-C-1	• Detached single-family residential • Civic & institutional • Small office, services, & retail (on thoroughfares)	4 DUA
High Intensity	RH, CZ-RH OI, CZ-OI C-1, CZ-C-1 C-2, CZ-C-2 CZ-CD CZ I-1	• Detached single-family residential • Attached single-family residential • Multi-family residential • Civic & institutional • Office, Services, Retail • Entertainment • Flex-space or campus business	8 DUA
Employment Center	OI, CZ-OI C-2, CZ-C-2 CD, CZ-CD I-1, CZ-I-1 CZ-I-2	• Civic & institutional • Office, Services, Retail • Entertainment • Flex-space or campus business • Light industrial • Limited heavy industrial	n/a
Downtown Core	CC, CZ-CC	• Attached single-family residential • Multi-family residential • Civic & institutional • Office, Services, Retail • Entertainment	8 DUA

CZ=Conditional Zoning District DUA=Dwelling Units per Acre

4.3.2 PURPOSE STATEMENTS FOR ZONING DISTRICTS

4.3.2.1 (AG) Agricultural District

The AG district is established to provide areas for low intensity agricultural operations as well as agribusiness and supportive commercial uses. AG zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation.

4.3.2.2 (RE) Rural Estate District

The RE district is established to provide areas for low density single family uses, with a maximum of one (1) dwelling unit per acre. Property zoned RE should include only those tracts which abut or are in close proximity to existing large-lot single family development, making RE an appropriate transition district between rural, agricultural, and suburban uses.

4.3.2.3 (RL) Residential Low Density District

The RL district is established to provide areas for low density single family uses, with a maximum of two (2) dwelling units per acre, which may provide buffers between the agricultural and RE classifications and the higher density areas of the Town. It includes flexible density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

4.3.2.4 (RM) Residential Medium Density District

The RM district is established to provide areas for medium density, single-family residential uses, with a maximum of four (4) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. Residential Medium Density provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

4.3.2.5 (RH) Residential High Density District

The RH district is established to provide areas for detached and attached single family homes, and, as a special use, multi-family residential. A maximum of eight (8) dwelling units per acre is permitted in areas where adequate public facilities and services exist with capacity to serve development. This designation is intended for limited use in areas close to the Town's core and at major nodes identified in the Comprehensive Plan for "High Intensity". Design controls are required for multi-family residential projects as set forth in Article 11.

4.3.2.6 (CC) City Center District

The CC district is established to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business district. Shopping centers are permitted, but urban design standards as set forth in Article 11 are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The CC district promotes the long-term vitality of the central business districts. No rezoning to a CC or a CC-CZ District shall be approved unless the lot, parcel or tract subject to the application adjoins an existing CC, or CC-CZ zoning district.

4.3.2.7 (OI) Office and Institutional District

The OI district is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions. To protect the low intensity character of this district, retail and wholesale trade are prohibited as permitted principal uses.

4.3.2.8 (C-1) Light Commercial District
The C-1 district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Zones should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 zones should be located on or within proximity to major and/or minor thoroughfares.

4.3.2.9 (C-2) General Commercial District
The C-2 district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. C-2 zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

4.3.2.10 (CD) Campus Development District
The CD district is established to provide for a high-quality mixture of employment and/or institutional uses of varying types in a single coordinated development. The district may include light manufacturing, office, warehousing, distribution, institutional and limited retail and service uses in an attractive campus or corporate park setting with architectural design standards, landscaping, screening and buffering. It is not intended that this district be used to accommodate single-use, single building developments which can be located in other zoning classifications. Development within the district shall conform to specific supplemental design standards of Article 11. Further, the district provides significant flexibility in internal arrangement of uses while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. The district is intended for application in select areas of the Town primarily for new development on previously undeveloped land. However, the district may also be applied to areas which are appropriate for redevelopment or conversion where it is apparent that all of the development standards may be fulfilled.

4.3.2.11 (I-1) Light Industrial District
The I-1 district is established to provide for areas that contain a mix of light manufacturing uses, office park, institutional, and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. I-1 districts should include areas which continue the orderly development and concentration of light industrial uses. I-1 zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

4.3.2.12 (I-2) General Industrial District (Conditional Zoning Only)
The I-2 district is established to provide for areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-1 district. I-2 districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. I-2 zones should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. These districts shall only be considered as Conditional Zoning (CZ) districts.

4.3.2.13 (PUD) Planned Unit Development District (Conditional Zoning Only)
PUD zones are established in order to provide design flexibility and for special design regulations for mixed use development or large uses which provide special public benefits. These districts shall only be considered as Conditional Zoning (CZ) districts. The purpose statement for the PUD zoning district is set forth in Section 4.8.1. The PUD zoning district may be considered consistent with the Medium Intensity and High Intensity land use designations on the Future Land Use Map in the Town's Comprehensive Plan, dependent upon the mixture of uses proposed on the site-specific plan as set forth in Section 4.8.

4.3.3 STANDARDS FOR BASE DISTRICTS

A. Permitted Uses are listed in Table 4.6-1. Uses permitted by right, uses permitted as special uses and uses for which there are supplemental use regulations in Article 5 are indicated in the table. Accessory Uses shall be regulated in accordance with Section 5.2 of this Ordinance.

B. Dimensional and density regulations, including setbacks, are listed in Table 4.7-1 and described in detail in Section 4.7.

C. Standards for landscaping, screening and buffering are described in detail in Article 7.

D. Standards for off-street parking and loading facilities, and vehicular access are described in detail in Article 8.

E. Environmental control regulations, including those for watershed protection, flood damage prevention, stormwater, and soil erosion and sedimentation control are described in detail in Article 9.

F. Design and improvement standards for some types of development are regulated in accordance with Article 11. In addition, Article 11 contains specific design standards for the CC Center City District, the CD Campus Development District, and the I-1 Light Industrial District that are unique to the respective districts.

G. Sign regulations are described in detail in Article 12.

H. Adequate public facilities standards are described in detail in Article 14.

4.4 ZONING MAP

4.4.1 BOUNDARIES OF ZONING DISTIRCT

The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Mount Pleasant. These maps and all references and dates shown thereon shall be kept at the Town Hall.

4.4.2 OFFICIAL ZONING MAP

A. Pursuant to NCGS 160D-105, the Official Zoning Map, in either digital or hard copy paper form, shall be located in the Office of the Administrator and a copy of the Official Zoning Map shall be kept on file with the Town Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map.

B. The Official Zoning Map shall show the effective date, shall be maintained by the Administrator-and bear the seal of the Town under the words: "Official Zoning Map, Town of Mount Pleasant, North Carolina". Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on the Former Official Zoning Map. Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map which shall be located in the office of the Administrator shall be the final authority as to the current zoning status of land, wet areas, buildings, and other structures.

C. If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the Former Official Zoning Map was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.

D. The Official Zoning Map is hereby incorporated by reference as if set forth in its entirety herein, and may be referred to as Article 4, Section 4.4 of the MPDO.

4.5 DISTRICT BOUNDARIES

4.5.1 ZONING DISTRICT BOUNDARIES

Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, or railroad rights-of-way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

4.5.2 DISTRICT BOUNDARY OR LOCATION DISPUTES

Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following:

A. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the center line of such feature.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.

D. Boundaries indicated as separated from but approximately parallel to any of the features indicated in sections 4.5.2.1 through 4.5.2.3 above, or any landmarked or monumental line, shall be deemed to be parallel to the aforesaid center line or railroad track mid-point.

E. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

F. Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control.

G. Where physical or cultural features, such as floodplains, vary from those shown on the Official Zoning Map, or in other circumstances not covered by subsections 4.5.2.1 through 4.5.2.6 above, the Administrator shall determine the district boundaries. Any aggrieved person may appeal such determination to the Board of Adjustment, pursuant to Section 3.7 of this Ordinance.

4.6 USE REGULATIONS

4.6.1 GENERALLY

A. No use shall be permitted pursuant to this Ordinance, and no Zoning Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or special use in this Section 4.6 and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Matrix (Table 4.6-1) and as forth in Section 4.6.2, below.

B. Permitted Accessory Uses are set forth in Section 5.2 of this Ordinance, while permitted Temporary Uses are set forth in Section 5.22 of this Ordinance. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in Section 5.2 of this Ordinance, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

4.6.2 PRIMARY USES

4.6.2.1 Use Matrix

No Zoning Permit shall be issued for a Primary use not specifically mentioned or described by category in the Use Matrix (Table 4.6-1), Evaluation of these uses shall be as set forth in Section 4.6.2.2, below. Notwithstanding any provision of this Section to the contrary, uses which are preempted by state statute are not listed in the Use Matrix, and may be permitted in accordance with state law.

4.6.2.2 PUD Excluded

Uses in the PUD districts shall be governed by Section 4.8 in this Ordinance and not be included in Table 4.6-1.

4.6.2.3 Use Determinations

The Administrator shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a Special Use Permit. Uses not listed as a permitted or special use shall be presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix and such use in not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Section. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, the decision may be appealed to the Board of Adjustment. The Administrator may determine that a use is materially similar if it falls within the same industry classification of the latest edition of the *North American Industry Classification Manual* ("NAICS") (subject to Section 4.6.2.4, below), and if the proposed use does not generate trips exceeding other uses proposed in the zoning district by more than ten percent (10%), as determined by the latest edition of Institute of Transportation Engineers, *Trip Generation*, which documents are hereby incorporated by this reference. The Administrator may also refer to similar studies relating to trip generation for the specific use prepared by a licensed professional engineer associated with a firm listed on the NCDOT "register of Firms" pursuant to 19A NCAC 2E.0702. In the event that the parties do not agree upon the Administrator's interpretation, the determination may be appealed to the Board of Adjustment.

4.6.2.4 Matrix Symbols

The use categories listed in the first column of Table 4.6-1 are defined in Appendix A of this Ordinance, the NAICS, or in other resources cross-referenced in this Ordinance.

- **Permitted Uses**. The letter "P" indicates that the listed use is permitted by-right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.

- **Special Uses**. The letter "S" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of Section 3.5 of this Ordinance. Special Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town consistent with the criteria set forth in Section 3.5 of this Ordinance and any Supplementary Use Regulations which apply to said use.

- **Prohibited Uses**. A dash ("–") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

- **Supplemental Regulations.** A section number reference in the "SR" column indicates that the listed use is also subject to specific design regulations as prescribed in Article 5 and/or Article 11.

4.6.3 ACCESSORY USES, SIGNS, AND TEMPORARY USES

A. Regulations pertaining to the permissible location of Accessory Uses, Signs, and Temporary Uses are set forth in the Accessory Use Regulations (Article 5, Section 5.2), the Sign Regulations (Article 12), and the Temporary Uses Regulations (Article 5, Section 5.10) of this Ordinance.

B. If a use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in Section 5.2 of this Ordinance, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

P - Permitted Use S - Special Use (-) Prohibited Use SR- Supplemental Requirements (refer to section number in this column)

*** All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.**

Section 11.7 shall apply to all outdoor storage or display associated with a permitted use

USE	DISTRICTS												
AGRICULTURAL USES	**AG**	**RE**	**RL**	**RM**	**RH**	**O-I**	**CC**	**C-1**	**C-2**	**CD**	**I-1**	**I-2**	**SR**
Agriculture, bona fide farm use (pursuant to NCGS 160D-903)	P	P	P	-	-	-	-	-	-	-	-	-	5.3.1
Equestrian uses, boarding, riding stable (commercial)	P	S	S	-	-	-	-	-	-	-	P	-	5.3.1
Farmer's market	P	-	-	-	-	P	P	P	P	P	P	-	
Farm support business	S	-	-	-	-	-	-	-	P	-	P	-	11.7
Garden supply	S	-	-	-	-	-	-	-	P	-	P	-	11.7
Greenhouses, horticultural nursery (commercial)	S	-	-	-	-	-	-	-	S	-	P	-	11.7
Produce stand	P	-	-	-	-	-	S	P	P	-	P	-	5.10.2.2.2
Swine farm	S	-	-	-	-	-	-	-	-	-	-	-	5.3.1
RESIDENTIAL USES	**AG**	**RE**	**RL**	**RM**	**RH**	**O-I**	**CC**	**C-1**	**C-2**	**CD**	**I-1**	**I-2**	**SR**
Accessory structure	P	P	P	P	P	P	-						5.2
Boarding or rooming house	-	-	-	-	S	-	-	-	-	-	-	-	
Caretaker residence	P	P	P	P	P	P	P	P	P	P	P	P	
Dormitory (associated with school or university)	-	-	-	-	-	P	P	P	P	P	-	-	
Dwelling, accessory	P	P	P	P	P	P	-	-	-	-	-	-	5.4.1
Dwelling, duplex/two-family (2 dwelling units on same lot of record)	-	-	-	-	P	-	-	-	-	-	-	-	
Dwelling, single-family attached		-	-	-	P	S	S	-	-	-	-	-	11.2
Dwelling, single-family detached	P	P	P	P	P	S	S	-	-	-	-	-	
Dwelling, single-family manufactured home (pursuant to NCGS 160D-910)	(allowed in MH-1 and MH-2 Overlay Districts only)												
Dwelling, multi-family (3 or more dwelling units on same lot of record)	-	-	-	-	S	S	S	S	S	-	-	-	11.2
Dwelling, upper story	-	-	-	-	-	-	P	P	P	-	-	-	
Family care home (pursuant to NCGS 160D-907)	P	P	P	P	P	P	-	-	-	-	-	-	
Home occupation	P	P	P	P	P	P	P	P	P	-	-	-	5.4.2
Manufactured home park	-	-	-	-	-	-	-	-	-	-	-	-	
Temporary health care structure (pursuant to NCGS 160D-915)	P	P	P	P	P	P	-	-	-	-	-	-	
Vacation rental home (pursuant to NCGS Chapter 42A)	S	S	S	S	S	S	P	P	P	-	-	-	5.4.3

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

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Section 11.7 shall apply to all outdoor storage or display associated with a permitted use

USE	DISTRICTS												
CIVIC, GOVERNMENT, & INSTITUTIONAL USES	**AG**	**RE**	**RL**	**RM**	**RH**	**O-I**	**CC**	**C-1**	**C-2**	**CD**	**I-1**	**I-2**	**SR**
Animal shelter	S	S	S	-	-	-	-	S	S	S	S	P	
Cemetery, crematory, & mausoleum as principal use	S	S	S	S	S	S	S	S	P	P	P	P	5.5.1
Child care center	S	S	S	S	S	P	S	P	P	P	S	-	5.5.2
Civic, social, and fraternal organizations	S	S	S	S	S	P	P	P	P	P	P	-	
Community center	S	S	S	S	S	P	P	P	P	P	P	-	
Correctional institution	S	-	-	-	-	S	-	-	-	-	S	S	
Government building or facility (excluding animal shelters, correctional institutions)	S	S	S	S	S	P	P	P	P	P	P	P	
Hospital (includes accessory helipad)	-	-	-	-	-	-		-	P	P	-	-	
Post office	-	-	-	-	-	P	P	P	P	P	P	P	
Religious institution, up to 350 seats	S	S	S	S	S	P	P	P	P	-	-	-	
Religious institution, more than 350 seats	-	-	-	-	S	S	P	P	P	P	P	-	
Research facility	-	-	-	-	-	P	S	S	P	P	P	P	
Residential care facility	S	S	S	S	S	P	-	P	P	-	-	-	5.5.3
School, boarding	S	S	S	S	S	S	S	S	S	-	-	-	
School, elementary & secondary (public & private)	S	S	S	S	S	P	P	P	P	-	-	-	
School, university or college	-	-	-	-	-	P	P	P	P	P	-	-	
School, vocational, technical, and trade	-	-	-	-	-	P	P	P	P	P	P	P	
Social assistance (excluding child care center)	S	S	S	S	S	S	S	S	P	-	-	-	

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

P - Permitted Use S - Special Use (-) Prohibited Use SR- Supplemental Requirements (refer to section number in this column)

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Section 11.7 shall apply to all outdoor storage or display associated with a permitted use

USE	DISTRICTS												
RECREATION & ENTERTAINMENT USES	**AG**	**RE**	**RL**	**RM**	**RH**	**O-I**	**CC***	**C-1**	**C-2**	**CD***	**I-1***	**I-2**	**SR**
Amusement arcade, electronic gaming	-	-	-	-	-	-	-	-	-	-	-	-	
Amusements, outdoor (water park, batting cages, miniature golf, and similar uses)	-	-	-	-	-	-	-	-	S	-	S	-	
Amusements, indoor (bowling, roller skating, trampoline park, and similar uses)	-	-	-	-	-	-	-	-	P	-	P	-	
Auditorium/indoor public assembly, up to 350 seats	S	S	S	S	S	P	P	P	P	P	P	-	
Auditorium/indoor public assembly, more than 350 seats	-	-	-	-	S	S	S	S	P	P	P	-	
Beach bingo	-	-	-	-	-	-	S	S	S	-	S	-	5.6.1
Campground, private	S	S	S	-	-	-	-	-	-	-	-	-	5.6.2
Country club	S	S	S	S	S	-	-	P	P	-	P	-	
Golf course, public or private	S	S	S	S	S	-	-	P	P	-	-	-	
Museum and art gallery	S	S	S	S	S	P	P	P	P	P	P	-	
Nightclub, bar, lounge	-	-	-	-	-	-	S	-	S	-	S		
Park, public (includes related accessory uses)	P	P	P	P	P	P	P	P	P	P	P	-	
Pool or billiard hall	-	-	-	-	-	-	S	S	S	-	-	-	
Racetrack, motorsports (includes racing test tracks)	-	-	-	-	-	-	-	-	-	-	S	S	
Reception, banquet, events facility	S	S	S	S	S	S	P	P	P	P	P	-	5.6.3
Recreational facility, accessory	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational facility, indoor (excluding amusements)	-	-	-	-	-	P	P	P	P	P	P	-	
Recreational facility, oudoor (excluding public parks, amusements)	S	S	S	S	S	S	S	S	S	S	S	P	
Recreational instruction camp (sports, dance, etc.)	S	-	-	-	-	P	P	P	P	P	P	-	
Recreational outdoor sports club (hunting club, fishing club, etc.)	S	S	S	S	S	P	-	P	P	-	-	-	
Sexually-oriented business (pursuant to NCGS 160D-902)	-	-	-	-	-	-	-	-	S	-	-	-	5.6.4
Shooting/archery range, indoor (commercial or government)	-	-	-	-	-	S	-	-	S	-	P	P	
Shooting/archery ranges, outdoor (commercial or government)	S	-	-	-	-	-	-	-	-	-	S	S	
Theater, drive-in	-	-	-	-	-	-	-	-	S	-	S	-	
Theater, indoor	-	-	-	-	-	-	P	S	P	P	P	-	
Theater, outdoor (excluding drive-in)	-	-	-	-	-	P	P	S	P	P	P	-	
Zoo, public or private	S	-	-	-	-	S	-	-	S	S	S	-	

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

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USE	DISTRICTS												
OFFICE & SERVICE USES	**AG**	**RE**	**RL**	**RM**	**RH**	**O-I**	**CC**	**C-1**	**C-2**	**CD***	**I-1***	**I-2**	**SR**
Animal services (no outdoor kennels)	S	S	S	-	-	P	P	P	P	P	P	-	5.7.1
Animal services (with outdoor kennels)	S	S	S	-	-	-	-	-	S	S	S	-	5.7.1
Automobile/boat/vehicle repair & maintenance, major	S	-	-	-	-	-	-	-	S	-	P	P	11.7
Automobile/boat/vehicle repair & maintenance, minor	S	-	-	-	-	-	-	P	P	P	P	-	11.7
Bank and/or financial services	-	-	-	-	-	P	P	P	P	P	P	-	
Bed & breakfast home	S	S	S	S	S	P	P	P	P	-	-	-	5.7.2
Bed & breakfast inn	S	S	S	S	S	S	P	P	P	-	-	-	5.7.2
Broadcasting, telecommunications office (excluding towers)	-	-	-	-	-	P	P	P	P	P	P	-	
Business and professional services (no outdoor storage)	-	-	-	-	-	P	P	P	P	P	P	-	
Business and professional services (with outdoor storage)	-	-	-	-	-	-	-	-	S	S	S	S	
Catering services	-	-	-	-	-	-	P	P	P	P	P	-	
Car wash (as a principal use)	-	-	-	-	-	-	-	P	P	-	-	-	
Contractor office (no outdoor storage)	-	-	-	-	-	P	P	P	P	P	P	P	
Contractor shop (with or without outdoor storage)	-	-	-	-	-	-	-	-	S	-	P	P	11.7
Data center/call center	-	-	-	-	-	S	S	S	P	P	P	P	
Dry cleaning	-	-	-	-	-	-	P	P	P	P	P	-	
Funeral home & services, including crematory as an accessory use	-	-	-	-	-	P	S	S	P	P	P	-	5.5.1
Gunsmith (including gun and ammunition sales)	S	S	S	-	-	-	-	P	P	P	P		
Hotel, motel, or extended stay lodging facility	-	-	-	-	-	-	P	P	P	P	S	-	
Household item repair services	-	-	-	-	-	S	S	P	P	P	P	-	11.7
Lawn and landscaping services (no outdoor storage)	S	-	-	-	-	-	-	P	P	-	P		
Lawn and landscaping services (with outdoor storage)	S	-	-	-	-	-	-	-	S	-	P		11.7
Medical, dental, chiropractic, optical, and health care offices (excluding hospitals)	-	-	-	-	-	P	P	P	P	P	P	-	
Motion picture & sound recording (excluding theaters)	-	-	-	-	-	P	P	P	P	P	P	-	
Personal care services-hair, nails, skin, tanning, massage therapy	-	-	-	-	-	P	P	P	P	P	-	-	
Pest control services	-	-	-	-	-	P	S	P	P	P	P	-	
Photography studio	-	-	-	-	-	P	P	P	P	P	P	-	
Publishing, printing services (including screen printing)	-	-	-	-	-	P	P	P	P	P	P	-	
Professional offices	-	-	-	-	-	P	P	P	P	P	P		
Services, other	-	-	-	-	-	S	S	S	S	S	P	-	11.7
Tailoring services	-	-	-	-	-	P	P	P	P	P	P	-	
Tattoo parlors, body piercing	-	-	-	-	-	-	-	-	S	-	-	-	
Taxidermy	S	S	S	-	-	-	-	-	-	-	P	-	

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Section 11.7 shall apply to all outdoor storage or display associated with a permitted use

USE	DISTRICTS												
RETAIL USES	**AG**	**RE**	**RL**	**RM**	**RH**	**O-I**	**CC***	**C-1**	**C-2**	**CD***	**I-1***	**I-2**	**SR**
Auction house	-	-	-	-	-	-	-	-	P	P	P	P	11.7
Automobile sales, rental, leasing	-	-	-	-	-	-	-	-	P	S	P	-	5.8.1, 11.7
Baked goods, snack shop	-	-	-	-	-	S	P	P	P	P	P	-	
Building material supply (with outdoor storage)	-	-	-	-	-	-	-	-	S	S	S	P	11.7
Building material supply (no outdoor storage)	-	-	-	-	-	-	-	S	P	P	P	P	
Convenience store (with or without gas sales, accessory car wash)	-	-	-	-	-	-	S	P	P	S	S	-	5.8.2, 11.3
Equipment sales, rental & leasing (no outdoor storage)	S	-	-	-	-	-	-	-	P	P	P	P	
Equipment sales, rental & leasing (with outdoor storage)	S	-	-	-	-	-	-	-	S	S	S	P	11.7
Flea market, outdoor	-	-	-	-	-	-	-	-	S	-	S	-	
Fuel, heating oil dealers (excluding convenience stores with gas sales)	-	-	-	-	-	-	-	S	P	P	P	-	
Liquor sales (ABC stores)	-	-	-	-	-	-	-	P	P	-	-	-	
Manufactured/modular home, accessory building sales	-	-	-	-	-	-	-	-	S	-	S	-	5.8.3
Microbrewery, microwinery, & microdistillery	S	-	-	-	-	-	P	P	P	P	P	-	
Motorcycle, boat & RV dealer, new & used	-	-	-	-	-	-	-	-	P	S	P	-	5.8.1, 11.7
Pawnshop (subject to NCGS Chapter 91A)	-	-	-	-	-	-	S	S	P	-	-	-	
Restaurant (no drive-through)	-	-	-	-	-	-	P	P	P	S	S	-	
Restaurant (with drive-through)	-	-	-	-	-	-	S	S	P	S	-	-	11.3.12
Retail, up to 10,000 square feet	-	-	-	-	-	-	P	P	P	S	S	-	
Retail, 10,000-50,000 square feet	-	-	-	-	-	-	S	S	P	S	-	-	
Retail, 50,000 -100,000 square feet	-	-	-	-	-	-	-	-	P	S	-	-	
Retail, greater than 100,000 square feet	-	-	-	-	-	-	-	-	S	S	-	-	
Retail sales, merchandise outside a fully enclosed building	-	-	-	-	-	-	-	-	S	-	S	-	5.8.4
Tobacco, electronic cigarette, vaping, and related accessory store	-	-	-	-	-	-	-	-	-	-	-	-	

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USE	DISTRICTS												
INDUSTRIAL, WHOLESALE, TRANSPORTATION, & UTILITY USES	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	SR
Air transportation and support facilities (pursuant to NCGS 160D-904)	S	-	-	-	-	-	-	-	-	-	S	S	
Amateur radio antennas of 90 feet or less (pursuant to NCGS 160D-905)	P	P	P	-	-	-	-	-	-	-	P	P	
Bus, transit terminal or charter	-	-	-	-	-	-	-	-	S	-	P	P	
Flex office/warehouse unit	-	-	-	-	-	-	-	-	S	P	P	P	
Electric power generation (solar collectors pursuant to NCGS 160D-914)	S	-	-	-	-	-	-	-	-	-	S	S	5.9.1
Electric power generation (accessory to permitted use, not connected to grid) (solar collectors pursuant to NCGS 160D-914)	P	P	P	P	P	P	P	P	P	P	P	P	
Industrial laundry, dry cleaning plant	-	-	-	-	-	-	-	-	-	-	S	S	
Landfill - demolition & inert debris	P	P	P	P	P	P	P	P	P	P	P	P	5.9.2
Machine, welding shop	S	-	-	-	-	-	-	-	-	-	P	P	
Manufacturing, Type A	S	-	-	-	-	-	-	-	S	P	P	P	11.7
Manufacturing, Type B	-	-	-	-	-	-	-	-	-	S	P	P	11.7
Manufacturing, Type C (excluding sawmills)	-	-	-	-	-	-	-	-	-	-	S	P	11.7
Mini-warehousing/self-storage	-	-	-	-	-	-	-	-	S	S	P	P	5.9.3
Mining and extraction	S	-	-	-	-	-	-	-	-	-	-	S	5.9.4
Parking lots and structures (principal use)	-	-	-	-	S	P	P	P	P	P	P	P	
Public transit system stops	P	P	P	P	P	P	P	P	P	P	P	P	
Rail transportation and support facilities	-	-	-	-	-	-	-	-	-	-	-	S	
Retail outlet accessory to manufacturing use	-	-	-	-	-	-	-	-	P	P	P	P	
Sawmill	S	-	-	-	-	-	-	-	-	-	P	P	11.7
Sewer/wastewater treatment plants	S	-	-	-	-	-	-	-	-	-	S	P	
Solid waste collection and/or disposal (non-hazardous)	-	-	-	-	-	-	-	-	-	-	S	S	
Solid waste collection and/or disposal (hazardous)	-	-	-	-	-	-	-	-	-	-	-	S	5.9.5
Stockyards, slaughterhouses, rendering plants	S	-	-	-	-	-	-	-	-	-	-	S	
Taxi, limousine, chaffeur services	-	-	-	-	-	-	-	S	P	P	P	-	
Truck transportation, terminal and support facilities	-	-	-	-	-	-	-	-	-	-	S	P	
Truck stop, travel plaza	-	-	-	-	-	-	-	-	S	-	S	-	
Utility distribution lines and appurtenances (water, sewer, natural gas, electric, communications)	P	P	P	P	P	P	P	P	P	P	P	P	
Warehousing and storage	S	-	-	-	-	S	S	S	S	P	P	P	11.7
Waste remediation/recovery services (including salvage/junk yard, recyling operations)	-	-	-	-	-	-	-	-	-	-	-	S	5.9.6, 11.7
Water treatment facility	S	S	S	S	S	S	S	S	S	S	P	P	
Wholesale trade, distribution facilities	S	-	-	-	-	-	-	-	S	P	P	P	
Wireless support structures-new or substantial modification**	S	S	S	S	S	S	S	S	S	S	S	S	5.9.7
Wireless support structures - collocation	P	P	P	P	P	P	P	P	P	P	P	P	5.9.7

** Wireless support +A153:N172structures using approved concealed (stealth) design and less than 60 feet in height are permitted by right in all districts.

TABLE 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

P - Permitted Use S - Special Use (-) Prohibited Use SR- Supplemental Requirements (refer to section number in this column)

*** All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.**

Section 11.7 shall apply to all outdoor storage or display associated with a permitted use

USE	DISTRICTS												
OTHER USES	**AG**	**RE**	**RL**	**RM**	**RH**	**O-I**	**CC***	**C-1**	**C-2**	**CD***	**I-1***	**I-2**	**SR**
Accessory structures, non-residential (associated with permitted uses)	P	P	P	P	P	P	P	P	P	P	P	P	5.2, 11.3.14
Business kiosks (ATM, ice vending, movie vending, etc.)	-	-	-	-	-	S	S	S	P	P	P	-	5.10.1
Drive-through uses (associated with permitted uses)	-	-	-	-	-	S	S	S	P	P	P	-	11.3.12
Outdoor storage (associated with permitted uses, excludes outdoor sales display)	-	-	-	-	-	-	-	S	S	S	P		11.7
Temporary uses and events	P	P	P	P	P	P	P	P	P	P	P	P	5.10.2

4.7 DIMENSIONAL AND DENSITY REGULATIONS

4.7.1 PURPOSE

A. This Section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings.

B. Developments in PUD zones shall be governed by Section 4.8 and not be subject to the dimensional and density regulations of this Section 4.7 or Table 4.7-1.

4.7.2 DENSITY IN RESIDENTIAL DISTRICTS

A. This Section is applicable only to districts in which residential dwelling units are permitted, as listed in Table 4.6-1. For conventional developments, density shall be regulated by the minimum lot area in accordance with Table 4.7-1. For cluster developments, see Section 4.8.

B. Every single-family dwelling unit shall be located on an individual lot of record, except as otherwise provided for in this ordinance.

4.7.3 LOT COVERAGE IN NONRESIDENTIAL DISTIRCTS

Unless otherwise stated, all references to non-residential lot coverage shall refer to the impervious surface ratio set forth in Table 4.7-1.

4.7.4 DIMENSIONAL STANDARDS FOR LOTS

No permit for development shall be issued for a lot that does not meet the lot area requirements of Table 4.7-1 of this Ordinance except in the following instances:

A. Lots for public utilities, using land or an unoccupied building of generally less than 2,500 square feet of site area, are exempt from minimum lot standards. Exempted utility lots which exceed 2,500 square feet may be permitted subject to review and approval by the Administrator.

B. Nonconforming Lots of Record as defined in Section 13.1.2 are exempt from minimum lot standards. Permits may be granted for structures to be built a nonconforming lot, except that such structure shall conform to all dimensional setbacks as required in Table 4.7-1 and as set forth in Section 4.7.5.1, below.

C. Conservation developments designed in accordance with Section 6.7.

4.7.5 DIMENSIONAL STANDARDS FOR STRUCTURES

4.7.5.1 Setbacks

A. Setbacks for buildings or structures are measured as the area between the furthermost projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

B. The following features may encroach into a required building setback:

- Bay windows or other structural overhang, not to exceed three (3) feet;
- Chimneys, not to exceed two (2) feet;
- Heating and cooling units, not to exceed (3) feet;
- Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed two (2) feet;
- Steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;
- Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five (5) feet to any property line;
- Fences and garden/yard walls and retaining walls of less than six (6) feet in height;
- Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with Section 5.2 "Accessory Uses and Structures"; and
- Other minor encroachments of less than one (1) foot for field adjustments made during construction, as determined necessary by the Administrator.

4.7.5.1.1 Setbacks for lots with more than One Street Frontage

Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in Table 4.7-1 for street sideyard setback. For undeveloped lots, the developer has the option to determine which yard shall be considered the "front' so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to existing developed lots, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards.

4.7.5.1.2 Provisions for Reduced Front Yard Setback in Developed Areas

The minimum front yard setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front setback on such a lot may be less than the required front setback but not less than the average of the existing front setbacks on the developed lots within 300 feet of each side.

4.7.5.2 Height regulations

A. Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof. (See Figure 4.7-1)

B. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited.

C. Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, flagpoles, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three percent (33%) of the area of the roof.

Table 4.7-1 Dimensional and Density Standards

	A	B	C	D	E	G
Zoning District	**Min. Lot Size (sq. ft.)**	**Max. Density (per acre)**	**Impervious Surface Ratio**	**Min. Public Street Frontage (feet)**	**Min. Lot Width (feet)**	**Max. Building Height (feet)**
AG	87,120	0.5	-	30	200	35
RE	43,560	1	-	30	150	35
RL	20,000	2	-	15	100	35
RM	10,000	4	-	15	75	35
RH*	7,500	8	0.7	15	50	35
CC	-	-	-	-	-	72
O-I	-	-	0.7	-	-	35
C-1	-	-	0.7	-	-	48
C-2	-	-	0.8	30	50	48
CD	-	-	0.8	30	100	72
I-1	-	-	0.8	30	50	72
I-2	-	-	0.9	30	50	72

Notes:

Residences permitted in non-residential districts shall conform to the dimensional standards of the RH district.

In the districts where permitted, multi-family and/or single-family attached developments shall only be subject to Columns B, C, D, and G. Setbacks for Multi-family and Single-family attached developments are set forth in Section 11.2

The values in Columns A & E and all setbacks may be reduced by up to 50% for Conservation Developments subject to Section 6.7, provided that no front setback is less than 20 ft. and no side or rear setback is less than 5 ft.

Where minimum bufferyard width (subject to Section 7.4) exceeds the minimum structure setbacks, the bufferyard requirements shall prevail.

*****Duplexes and triplexes shall exceed the dimensional standards shown in columns A and E this table by 1.25 times.

Building Setbacks

	PRINCIPAL STRUCTURES					ACCESSORY STRUCTURES		
Zoning District	**Min. Front Setback (feet)**	**Max. Front Setback (feet)**	**Min. Street Sideyard Setback (feet)**	**Min. Interior Sideyard Setback (feet)**	**Min. Rear Setback (feet)**	**Min. Street Sideyard Setback (feet)**	**Min. Interior Sideyard Setback (feet)**	**Min. Rear Setback (feet)**
AG	50	-	35	20	30	35	10	10
RE	45	-	30	20	30	30	5	5
RL	35	-	25	15	30	25	5	5
RM	25	-	18	10	25	18	5	5
RH	20	35	15	7	5	15	5	5
CC	-	10	-	-	-	-	-	-
O-I	10	-	10	-	-	10	5	5
C-1	10	-	10	-	-	10	5	5
C-2	10	-	10	-	-	10	5	5
CD	15	-	15	-	-	15	5	5
I-1	15	-	15	-	-	15	5	5
I-2	30	-	20	-	-	20	15	15

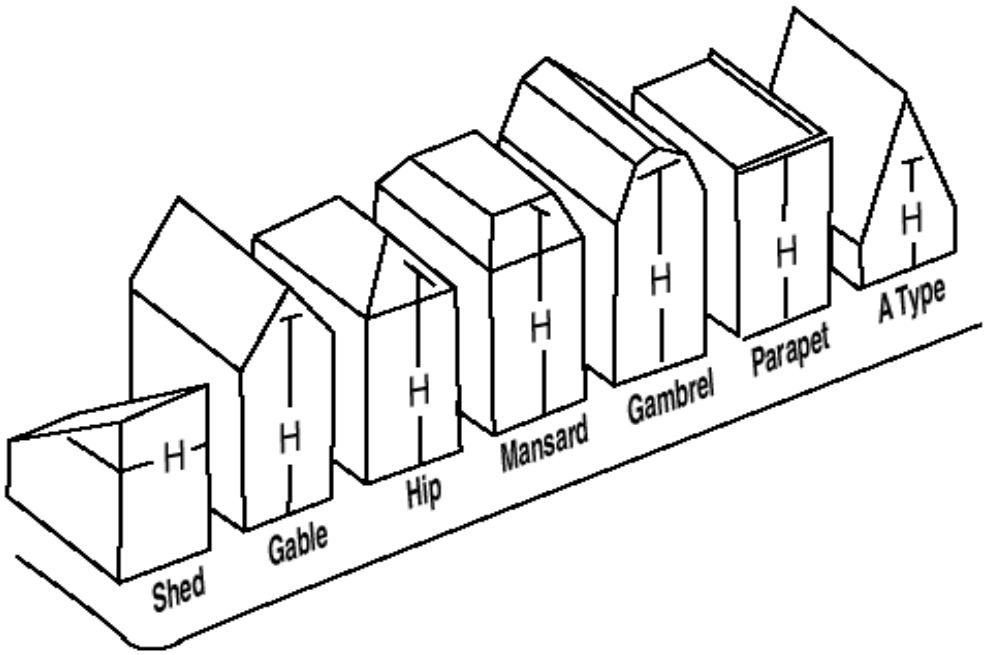

Figure 4.7-1

4.8 PLANNED UNIT DEVELOPMENT (PUD)

4.8.1 PURPOSE

The purpose of the Planned Unit Development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensity. PUD zoning is intended to permit flexibility in the design, construction and processing of residential and non-residential developments of a quality that could not be achieved under conventional zoning approaches. While the conventional zoning districts and the requirements of those districts set forth in the UDO are reasonable, there may be circumstances in which it is in the community's best interests to allow unique and/or creative designs and techniques that:

- promote the most appropriate use of a parcel,
- allow diversification of use,
- facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities,
- preserve and utilize open space,
- offer recreational opportunities close to residential uses, and
- enhance neighborhood appearance.

4.8.2 PROCESSING PROCEDURES

A PUD shall be considered a Conditional Zoning district and shall be processed in accordance with Section 3.4 of this Ordinance. Applications for PUD are also eligible for the expedited rezoning process as prescribed in Section 3.3.

4.8.3 PERMITTED USES

A. The uses permitted in a PUD district shall be the permitted uses as set forth in the approved site plan.

B. The site plan shall designate land use categories consistent with the zoning district classifications of this Ordinance. Within each land use category, proposed uses shall be subject only to the permitted uses in Tables 4.6-1 for each land use category and the maximum density for each land use category in Table 4.7-1. No Special Use Permit shall be required for any special use listed for said land use category in Tables 4.6-2.

4.8.4 LAND USE COMPOSITION

A. No site plan for a PUD district shall be approved unless the following minimum percentages of land uses are provided for within the boundaries of the district.

   - medium density residential (2-4 units per acre) = 20%
   - high density residential (4-8 units per acre) = 10%
   - commercial uses as permitted in the C-1 or C-2 zones = 10%

B. Open space shall be required in accordance with Section 6.5 of this Ordinance.

4.8.5 DESIGN STANDARDS

A. The land uses within a PUD shall not be subject to any of the dimension and density provision of Section 4.7, except that a perimeter setback of 25 feet shall be maintained.

B. PUD designs shall be subject to the recommended design elements for Table 4.8-1. The design elements in Table 4.8-1 are for consideration in the design of a Planned Unit Development and shall be considered as criteria for approval. This is not to state that all of the design elements of Table 4.8-1 shall be included in a PUD, rather all elements shall be considered and those that are considered appropriate and reasonable should be included.

4.8.6 PROFESSIONAL DESIGN TEAM REQUIRED

An applicant for a PUD approval shall certify, in writing at the time of application, that a member of each of the following professions will be used in the planning and design process for the proposed development:

A. Project planning and design by a licensed North Carolina architect, licensed North Carolina landscape architect planner certified by the American Institute of Certified Planners (AICP), or a registered land surveyor;

B. Landscaping design by a certified nurseryman or licensed North Carolina landscape architect; and,

C. Site engineering by a North Carolina Registered Engineer.

4.8.7 MODIFICATION OF APPROVED FINAL SITE PLAN

Following approval of the Conditional Zoning District rezoning no modification of the land use category designations, design standards, uses, densities or any other condition of the site plan shall be permitted unless the Conditional District is modified through the procedure by which it was initially approved. However, the Administrator may approve the following modifications in writing without a new site plan:

A. A change in the location of not more than ten percent (10%) of the dwelling units or floor area;

B. A change in the location of any part of open space acreage of not more than ten percent (10%) of the gross acreage;

C. A change in the location of any part of proposed street alignment and lot configuration of not more than ten percent (10%) of the gross acreage; or

D. An increase or decrease of any setback by not more than five (5) feet for setbacks of less than 50 feet, or ten percent (10%) for setbacks exceeding 50 feet.

4.8.8 Recommended Design Elements for a PUD Planned Unit Development

As indicated in Section 4.8.1, PUD zoning is intended to permit flexibility in the design, construction and processing of residential, commercial and/or industrial developments of a quality that could not be achieved under conventional zoning concepts. Therefore, the following elements are recommended for consideration in the design of a Planned Unit Development and shall be considered as criteria for approval. This is not to state that all of the following elements shall be included in a PUD, rather all elements shall be considered and those that are considered appropriate and reasonable should be included.

4.8.8.1 Architectural Elements

A. Building height, rhythm, articulation, massing and bulk are compatible with the individual site attributes and are compatible with the surrounding neighborhoods.

B. Distinctive architectural details such as covered front entries, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling, or principle structure. A variety of roofing colors, textures, and component shapes including shake shingle, shale, and wood compositions, should be provided.

C. Significant architectural differences in the choice of elevations, roof lines, and exterior colors for each residential floor plan should be provided. Not more than three (3) adjacent homes should contain the same front facade, and not more than three (3) adjacent homes should contain the same rear facade visible from arterial street view, on any block front. Homes facing one another (across the street) shall not have the same facade. No adjacent home should contain the same elevation.

D. Residential design guidelines are provided, which include a variety of conceptual standard plans, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.

E. Garage fronts should be de-emphasized and not be the most prominent architectural feature of the house. This should be accomplished by providing side access garages, detached “in-line” garages, and/or L-shaped floor plans on not less than fifty percent (50%) of the lots. Garages should be recessed at least one car length in order to provide interest and relief from the street. The front elevation shall prominently feature an entrance for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front facades.

4.8.8.2 Recreation Elements

A. Not less than 20 percent (20%) of the residential units are located within 660 feet of a pedestrian, equestrian and bicycle trail.

B. Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any locally adopted land use plans or parks and recreation master plans.

C. Neighborhood scale recreation facilities and amenities should be provided which are functional, not retention/detention or basin-like in design. Retention basins used in conjunction with recreational facilities or amenities should be designed in accordance with the Stormwater Management Standards of this Ordinance. Such areas should include turf or landscaping within all areas not permanently covered with standing water.

D. Gateway treatments may be incorporated at appropriate locations along an open space network.

4.8.8.3 Transportation Elements

A. Park-and-ride lots may be incorporated with planned facilities.

B. Bicycle lanes should be included along at least seventy percent (70%) of the linear frontage of all planned collector streets.

C. Bicycle parking facilities should be provided for all uses except single family detached and duplex residences.

D. A customized entrance may be provided at the entry street intersecting a thoroughfare or collector which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median or other similar treatment.

4.8.8.4 Landscaping and Buffering Elements

Higher density or intensity developments abutting lower density or intensity areas include buffering and should substantially mitigate any negative impacts consistent with the Landscaping Standards of this Ordinance.

4.8.8.5 Other Design Considerations

A. Homeowner or property owners associations should be required to maintain all roadway/right-of-way landscaping, pedestrian-bicycle, and equestrian paths (arterial, collector and local as proposed) to the standards of this Ordinance.

B. Areas designated for industrial land uses should be designed to create a campus-style environment.

4.9 HISTORIC PRESERVATION OVERLAY (HPO) DISTRICTS

Note: This text is in the ordinance in the event that the Town Board of Commissioners decides to implement a local historic district and appoint a Historic Preservation Commission. At this time this text has not been implemented.

4.9.1 PURPOSE

Mount Pleasant's designated historic districts, hereinafter referred to as the "districts," and historic landmarks, hereinafter referred to as "landmarks" are some of the most valued and important assets of the Town of Mount Pleasant. They are established for the purpose of protecting and conserving the heritage of the Town of Mount Pleasant, County and State; for the purpose of safeguarding the character and heritage of the districts by preserving the districts as a whole and any property therein that embodies important elements of their social, economic, cultural, political, or architectural history; for the purpose of promoting the conservation of such districts or landmarks for the education, pleasure and enrichment of residents of the districts and the Town of Mount Pleasant, County and State as a whole; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the districts as a whole, thus contributing to the improvement of the general health and welfare of the Town of Mount Pleasant and the residents of the districts.

4.9.2 HISTORIC DISTRICT ESTABLISHMENT

A. The historic districts are hereby established as districts which overlap and overlay existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Town of Mount Pleasant. The boundaries of the districts are as shown on the Official Zoning Map of the Town of Mount Pleasant.

B. 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, prehistorical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, materials, feeling, and/or association. No district shall be designated, amended, or repealed until the following procedure has been carried out:

   1. An investigation and report 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, and;

   2. The Department of Cultural Resources, acting through the State Historic 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 Town Board within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Town Board of any responsibility for awaiting such analysis, and the Town Board may at any time thereafter take any necessary action to adopt or amend its Zoning Ordinance.

C. The Town Board may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the Zoning Ordinance.

D. 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 subsection (1) of this section shall be prepared by the Commission and shall be referred to the Planning & Zoning Board for

its review and comment according to the procedures set forth in the Zoning 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 subsection (2) of this section.

E. Upon receipt of these reports and recommendations, the Town Board may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Ordinance provisions.

4.9.3 HISTORIC LANDMARK ESTABLISHMENT

A. Upon complying with the required landmark designation procedures set forth herein, the Town Board may adopt and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

B. The ordinance shall describe each property designated in the Ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this ordinance be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent; otherwise the sign may be placed on a nearby public right-of-way.

C. No property shall be designated as a landmark until the following steps have been taken:

1. As a guide for the identification and evaluation of landmarks, the Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical architectural, prehistorical, and cultural significance with Board.

2. The Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.

3. The Department of Cultural Resources, acting through the State Historic Preservation Officer, or his/her designee, shall either upon request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Commission within 30 days following receipt by the Department of the report, the Commission and the Town Board shall be relieved of any responsibility to consider such comments.

4. The Commission and the Town Board shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

5. Following the public hearings(s), the Town Board may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

6. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Cabarrus County. Each landmark shall be indexed according to the name of the owner of the property in the grantor

and grantee indexes in the Register of Deeds office and the Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Concord Town Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Cabarrus County for such period as the designation remains in effect.

7. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Commission to give notice thereof to the tax supervisor of Cabarrus County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

4.9.4 PERMITTED USES

The districts contain several zoning classifications. All uses permitted in any such district, whether by right or as a special exception, shall be permitted in the historic districts according to the procedures established for such uses.

4.9.5 DIMENSIONAL REGULATIONS

Structures within the historic districts shall observe the dimensions and other regulations of this Ordinance, except as follows:

A. No structures or part thereof shall extend nearer to or be required to be set back further from the front lot line than the average distance of the setbacks of the nearest principal buildings within 300 feet on each side of such building and fronting on the same side of the street.

B. No building shall exceed a height of 35 feet.

C. The minimum side yard setback shall be 15 feet.

D. The minimum new side yard setback shall be 10 feet.

E. It is the intent of this section to supersede, within the historic districts, the dimensional regulations of the basic districts applying to the property.

4.9.6 AUTHENTIC RESTORATION OR RECONSTRUCTION

4.9.6.1 Permitted Subject to Approval of Historic Preservation Commission and Planning & Zoning Board, Although Not Complying with Dimensional Regulations

Where it is found by the Historic Preservation Commission that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Planning & Zoning Board, following the approval by the Historic Preservation Commission.

4.9.6.2 Approval Subject to Conditions

The Planning & Zoning Board, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety and general welfare shall be protected.

4.9.6.3 Limitation on Approval

The Planning & Zoning Board shall not be authorized, in action undertaken by this section, to approve a use of property which is not a use permitted by right or as a special exception use within the district in which the property is located. In addition to any other condition the Planning & Zoning Board may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Mount Pleasant blameless against any and all liability, cost, damage, or expense suffered by the Town of Mount Pleasant as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular truck way of a street or alley shall be, at its lowest point, 10 feet above the travel way.

4.9.7 PARKING WAIVER

Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces required by the zoning regulations for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the district, it shall recommend to the Planning & Zoning Commission a waiver, in part or in whole, of the off-street parking requirements. The Planning & Zoning Board may authorize a lesser number of off-street parking spaces, provided: (1) the Board finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking, and (2) will not constitute a threat to the public safety.

4.9.8 RECOMMENDATIONS ON VARIANCE OR SPECIAL USE PERMIT APPLICATIONS

All variance and special use permit applications within the historic districts shall be reviewed by the Historic Preservation Commission at its next regular meeting after the application has been submitted in accordance with the requirements of this Ordinance. The Historic Preservation Commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the Board of Adjustment which has final decision responsibility on applications for Variances and Special Use Permits.

4.9.9 HISTORIC PRESERVATION COMMISSION

Refer to Section 2.5 of this Ordinance.

4.9.10 CERTIFICATE OF APPROPRIATENESS

4.9.10.1 Required

A. From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, and pavement, 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 on such landmark or 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. The municipality shall require such a certificate to be issued by the Commission prior to the issuance of a compliance permit or building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purpose of this part. A Certificate of Appropriateness shall be required whether or not a building permit or compliance permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

B. The Town of Mount Pleasant 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 of Mount Pleasant or public utility companies.

4.9.10.2 Procedures

A. An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Director. Applications for Certificates of Appropriateness 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 28 days prior to the regularly scheduled meeting of the Commission; otherwise, consideration shall be deferred until the following meeting.

B. 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 have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

C. Upon receipt of an application, the Administrator shall notify the Historic Preservation Commission at least seven (7) calendar days before its regularly scheduled meeting.

D. Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall conduct a public hearing in accordance with Section 3.1.7 of this Ordinance. The Administrator shall be responsible for notifying the affected parties per section 3.1.5 or this Ordinance.

E. The Commission shall take action on the application and in doing so shall apply the Review Criteria, contained in Section 4.9.11 of this Ordinance.

F. The Commission's action on the application shall be approval, approval with modifications, or disapproval.

G. Prior to final action on an application, the Commission, using the guidelines in Section 4.9.11, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.

H. The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications, or denial.

I. If the Commission fails to take final action upon any application within 60 days after the complete application is submitted to the Planning Services Director, the application shall be deemed to be approved.

J. 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 plans for the proposed construction, reconstruction, alteration, restoration or moving.

4.9.11 REVIEW CRITERIA

4.9.11.1 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 or of landmarks shall be harmonious with the special character of the district or landmark. 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 same or to impose architectural styles from particular historic periods. In considering new construction, the Commission shall encourage contemporary design which 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 features, outdoor advertising signs, or other significant features which would be incongruous with the special character of the historic district or landmark.

4.9.11.2 Exterior Form and Appearance

A. The following criteria shall be considered, when relevant, by the Commission in 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:

- lot coverage, defined as the percentage of lot area covered by primary structures;
- setback, defined as the distance from the lot lines to the building(s);
- building height;
- spacing of buildings, defined as the distance between adjacent buildings;
- exterior building materials;
- proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures;
- roof shapes, forms and materials;
- use of local or regional architectural traditions;
- general form and proportions of buildings and structures, and relationship of any additions to the main structure;
- expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- orientation of the building to the street;
- scale, determined by the size of the units of construction and architectural details 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;

- proportion of width to height of the total building facade;
- archaeological sites and resources associated with standing structures;
- appurtenant fixtures and other features such as lighting;
- structural condition and soundness;
- walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- ground cover or paving;
- maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- color (new construction only and not for existing residences); and
- effect of trees and other landscape elements.

B. The Secretary of the Interior's "Standards 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.

4.9.12 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 which 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 which the Building Inspector, Zoning Enforcement Officer 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 above-ground utility structure with approval by the Commission.

4.9.13 DELAY IN DEMOLITION

A. An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a designated landmark or 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 period of delay shall be reduced by the Commission if it finds that the owner should 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.

B. In the case of action initiated by the Town, the application for such a certificate will first be reviewed by the

Commission and secondly by the Town Board for final order of demolition or removal. The Commission shall consider the Housing Code Officer's inspections and recommendations for demolition or removal of the building or structure.

C. If the Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and the final designation has not been made by the Town Board, 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 180 days or until the Town Board takes final action on the designation, whichever occurs first.

4.9.14 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 necessary under the circumstances.

4.9.15 APPEAL OF DECISION

A. In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment.

B. Written notice of the intent to appeal must be sent to the Commission, postmarked within 30 days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Board of Adjustment shall be heard by the Superior Court of Cabarrus County.

C. The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision with 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.

4.9.16 COMPLIANCE

A. Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Development Services Director. 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 months shall be considered as a failure to comply with a Certificate of Appropriateness.

B. Nothing contained in this Ordinance shall prohibit, impair, or limit in any way the power of the Town Board to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of the 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 or laws.

4.9.17 STATE RECOMMENDATIONS

The districts shall not be established or the authority and powers of Section 2.5 Commission Powers be implemented until the Department of Cultural Resources shall have been given an opportunity, in accordance with the provisions of NCGS 160D-944, to make recommendations with respect to the establishment of the districts.

4.10 MANUFACTURED HOME OVERLAY (MHOD) DISTRICT

4.10.1 PURPOSE

The purpose of this Section is to provide sufficient land area for the provision of manufactured housing in order to implement NCGS 160D-910 and to provide affordable housing opportunities for low and moderate income persons. A manufactured home is defined as structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS 143-145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

4.10.2 MODULAR HOMES EXEMPTED

Pursuant to NCGS 160D-911 and NCGS 105-164.3, modular housing constructed to meet the N.C. State Building Code shall be exempt from the restrictions of this Section and shall be permitted in any single-family detached dwelling zoning district subject to any other provisions of this Ordinance.

4.10.3 ESTABLISHMENT

This Section establishes two (2) Manufactured Home Overlay Districts in order to provide flexibility with regard to various manufactured home products:

- MH-1 Manufactured Home Overlay District
- MH-2 Manufactured Home Overlay District

4.10.4 CLASSIFICATION OF MANUFACTURED HOMES

A. The following classification system is hereby adopted for purposes of this Section:

- MANUFACTURED HOME - TYPE I. A single-section manufactured home less than seventeen (17) feet in width.
- MANUFACTURED HOME - TYPE II. A multi-section manufactured home greater than or equal to seventeen (17) feet in width.

B. The width of a manufactured home shall be determined by mean width when all sections are in a final assembly arrangement.

4.10.5 (MH-1) MANUFACTURED HOME OVERLAY DISTRICT

4.10.5.1 Purpose
The purpose of the MH-1, Manufactured Home Overlay District, is to provide for the principal use of land developed in harmony with the underlying zoning district regulations; however, permitting the substitution of a Manufactured Home as a principal building provided the specific design and/or installation regulations appearing in Section 4.10.7 herein are met.

4.10.5.2 Uses Permitted
Use permitted as of right within the MH-1 Overlay District include:

- All uses permitted in the Underlying Zoning District (see Use Matrix, Table 4.6-2 of this Ordinance).
- Manufactured Homes - Type I (permanent installations only)
- Manufactured Homes - Type II (permanent installations only)

4.10.5.3 Design Standard
Refer to Section 4.2.2 herein.

4.2.6 (MH-2) MANUFACTURED HOME OVERLAY DISTRICT

4.2.6.1 Purpose
The purpose of the MH-2, Manufactured Home Overlay District, is to provide for the Principal Use of land developed in harmony with the Underlying Zoning District regulations; however, permitting the substitution of a Manufactured Home as a Principal Building provided the specific design and/or installation regulations appearing in Section 4.10.7 herein are met.

4.2.6.2 Uses Permitted
Use permitted as of right within the MH-2 Overlay District include:

- All uses permitted in the Underlying Zoning District (see Table 4.6-2 of this Ordinance).
- Manufactured Homes - Type II (permanent installations only)

4.2.6.3 Design Standards
Refer to Section 4.2.2 herein.

4.2.7 DESIGN STANDARDS
All individual manufactured homes within an MH-1 or MH-2 Overlay District shall comply with the following design and installation standards:

A. Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements to which a conventional single-family residential dwelling on the same lot would be subject.

B. All manufactured homes on individual lots shall be oriented so that the side having the front (main) entrance shall be no more than 20 degrees from parallel to the front property line. This does not apply to manufactured homes that are at least 200 feet from the right of way.

C. The roof on Type II manufactured homes shall have a minimum pitch of 3:12 (a rise of a nominal three (3)

feet for each 12 feet of horizontal run or portion thereof). The roof shall be finished with a type of shingle that is commonly used in standard residential construction with a class C or better fire rating. All roof structures on Type II manufactured homes shall provide eaves and raker projections of no less than six (6) inches, excluding guttering.

D. The exterior siding on manufactured homes shall consist of non-reflective vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

E. A continuous masonry (brick, stone or decorative block) curtain wall or foundation, unpierced except for ventilation and access, shall be installed under the outer perimeter of the dwelling from its base to the ground so as to be compatible with surrounding residential land uses.

F. The dwelling shall be attached to a permanent foundation system in compliance with the NC State Building Code as may be amended.

G. All wheels, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit.

H. The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas except vents and crawl spaces. The foundation shall be exposed no more than 12 inches above grade.

I. All manufactured homes shall have a deck or porch, at least 32 square feet in area, at each entrance.

ARTICLE 5
SUPPLEMENTAL USE REGULATIONS

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5.1. GENERAL PROVISIONS

5.1.1. APPLICABILITY

The provisions of Article 5 are supplemental to the general provisions of the other Articles of the Unified Development Ordinances. All Uses and Structures shall comply with the all other applicable provisions of this Ordinance in addition to the provisions of this Article.

5.1.2. CONFLICT WITH OTHER REGULATIONS

If there is a conflict between standards of Article 5 and any other requirements of this Ordinance, the standards of this Article 5 shall control, except as set forth in section 5.1.3, below.

5.1.3. RELATIONSHIP TO USE TABLE

The zoning district in which a particular use is permitted is controlled by Table 4.6-1, and in the event of any inconsistency between the provisions of this Article 5 and the Use Matrix (Table 4.6-1), the provisions of the Use Matrix shall control.

5.2. ACCESSORY USES & STRUCTURES

5.2.1. PERMITTED ACCESSORY USES AND STRUCTURES

The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below**:**

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to the provision of Section 5.4.1)	see Table 4.6-1 in Article 4
Garages or Carports (noncommercial) (subject to this Section)	All Residential Zoning Districts
Greenhouses (noncommercial) (subject to this Section)	All Residential Zoning Districts
Home Occupations (subject to Section 5.4.2)	All Residential Zoning Districts
Off-Street Parking and Driveways (subject to Article 8)	All districts.
Wireless Support Structures and Antennas (subject to Section 5.9.7)	see Table 4.6-1 in Article 4
Other Telecommunication Antennas or Towers	see Table 4.6-1 in Article 4
Satellite Dishes and Antennas (subject to Section 5.2.9)	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (residential) (subject to this Section)	All Residential Zoning Districts.
Swimming Pools (subject to the provisions of Section 5.2.5)	All Residential Zoning Districts.
Stables/Private (see Section 5.3.1)	see Table 4.6-1 in Article 4
Tennis Courts (subject to the provisions of this Section)	All Residential Zoning Districts.
Nonresidential Accessory Structure (subject to Section 5.2.7)	All Zoning Districts on lots with an approved nonresidential principal use.
Parking of Vehicles (subject to Section 5.2.10 and Article 8)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to the location standards of Section 5.2.3) as long as the use is permitted in the zoning district in which it is located.	All Zoning Districts. See Table 4.6-1 in Article 4.

5.2.2. ESTABLISHMENT AND USE

A. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as provided in Section 5.2.3.

B. Accessory buildings shall not be used for dwelling purposes, except as provided in Section 5.3.

C. No vehicle, tractor trailer, shipping container, manufactured home, recreational vehicle, POD or similar container shall be used as an accessory building on any property in any zoning district. Properties zoned I-1 and public recreational uses may utilize shipping containers for storage if the containers are located in the side or rear yard of a principal structure and more than 150 feet from any street right-of-way or adjacent property.

5.2.3. LOCATION

A. Accessory structures shall be required meet the setback standards for accessory structures as set forth in Table 4.7-1 Dimensional and Density Standards. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks.

B. For residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be closer than five feet to any side or rear lot line or setback line.

C. For residential lots exceeding two (2) acres, detached accessory buildings may be located in the front yard but not closer than 75 feet from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.

D. Enclosed nonresidential accessory structures may only be located in the rear yard of a lot, behind the rear building line of the principal structure.

E. Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

5.2.4. HEIGHT

Accessory structures shall not exceed:

A. The standard height regulations of the zoning district as set forth in Table 4.7-1 where accessory structure is located within the buildable lot area;

B. 15 feet in height, where accessory structure is located within a principal structure setback yard.

C. The height of the principal structure(s) on the lot.

5.2.5. SWIMMING POOLS

A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district provided:

A. The swimming pool and incidental installations are located in other than the front yard.

B. If any pool contains at least 450 square feet of water surface area or has a depth of thirty-six (36) inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a protective fence of not less than four (4) feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.

C. The swimming pool shall be set back from all lot lines a distance of not less than five (5) feet.

5.2.6. LIGHTING

Exterior lighting for accessory uses and/or structures shall be placed so as to not direct or reflect light upon adjoining land.

5.2.7. STANDARDS FOR NONRESIDENTIAL ACCESSORY STRUCTURES

A. The size of enclosed nonresidential accessory structures is limited to 30% of the gross floor area of the principal structure, not to exceed 1,000 square feet.

B. Only one (1) nonresidential accessory structure may be established per lot.

C. Nonresidential accessory structures may not be used for retail sales or customer contact areas.

D. No temporary or permanent signs may be placed on nonresidential accessory structures.

E. Nonresidential accessory structures shall comply with all design standards set forth in the Ordinance, including the Nonresidential Building Design Standards in Section 11.3 and Landscaping and Buffering Standards in Article 7.

5.2.8. EXEMPTIONS TO ACCESSORY USE AND STRUCTURE REGULATIONS

The following uses/structures shall be exempt from the provisions of this Section:

A. Fencing and walls;

B. mailboxes;

C. plant materials;

D. any structure or improvement, once installed, is at grade or less than one (1) feet above grade.

5.2.9. STANDARDS FOR ANTENNA DEVICES/SATELLITE DISHES

The following rules shall apply to devices covered by Section 207 of the Telecommunications Act of 1996 in the interest of promoting the safety and welfare of the Town:

5.2.9.1. Type of Mountings Permitted/Prohibited

A. Free standing on patio or deck – prohibited

B. Fence/railing – prohibited

C. Siding mounted – permitted

D. Roof mounts – permitted

E. Fireplace chimney mounted – permitted on stone/brick chimneys or other materials approved by the zoning administrator

F. Balcony mounts on railing or deck – permitted

G. Pole mounted on detached footing – permitted (see #2 Height Restriction, E.)

5.2.9.2. Height Restrictions

A. DBS (Direct Broadcast Satellite) – Not more than 12 feet above roof level.

B. MMDS (Multichannel Multipoint Distribution Services) – Not more than 12 feet above roof level.

C. TVBS (Television Broadcast Signals) – Not more than height limitations above roof level as specified in local IBC Code (International Building Code with North Carolina Amendments).

D. Devices are to generally be mounted so they are not visible from front of unit.

E. Mounted devices shall only be as high as necessary above a structure surface to give the device the required clear view of the transmitting signal antenna/satellite.

5.2.9.3. Size Restrictions

A. DBS – Dish shall not exceed 1 meter (39.37 inches) in diameter.

B. MMDS – Dish shall not exceed 1 meter (39.37 inches) in diameter or diagonally.

C. TVBS – Antennas shall be limited in size pursuant to local IBC Code.

5.2.9.4. Location of Device

A. Rear of dwelling unit unless signal would be impaired.

B. Device may be mounted on owner's side of firewall toward rear of unit.

C. If rear of unit is not suitable, device shall only then be permitted in front of dwelling unit in a location as inconspicuous as possible.

D. If rear and side of dwelling is not suitable, device shall only then be permitted in front of dwelling unit in a location as inconspicuous as possible.

E. Device shall not interfere nor obstruct the exterior maintenance responsibilities of the Town and/or utility providers.

F. Device shall not be located near power lines or other utilities, e.g. gas, water, phone, etc.

G. Device shall not extend beyond unit lot lines.

H. Devices are prohibited on Town common property.

5.2.9.5. Installation

A. Device shall be grounded in accordance with N.E.C. (National Electric Code) and local codes.

B. Device shall be installed in complete accordance with local codes:

1. Siding mounted devices shall be anchored securely to a wall with corrosive resistant fasteners.
2. Mounting brackets and corrosive resistant fasteners (except those furnished with the antenna by its manufacturer) shall be painted to match the unit siding color. If desired the antenna and its factory furnished mounting materials (usually a medium gray color) may be painted to match the unit siding color.
3. All devices shall be able to withstand 50 mph winds without failure.
4. All devices shall exhibit UL (Underwriters Laboratory) label or equivalent.
5. All devices shall comply with all ordinances, laws, regulations and industry standards.
6. All energy needed to operate said device shall be at owner's expense.
7. No device shall impair the signals of other devices or any other type of signal.
8. Owner is responsible for maintaining the paint or other finishes on the device and its brackets, fasteners, or other associated hardware so they do not rust and weaken over time.
9. For safety, all exterior wiring shall be neatly attached to the device and building structure and hidden from view as much as possible to prevent such wiring from coming loose and causing bodily injury or property damage. If practical, wiring shall be run internally to prevent U.V. (Ultra Violet) deterioration and wind damage.
10. Any persons or individuals, who install antenna/satellite dishes, must contact the local service providers for that jurisdiction before installation begins. (i.e. Power, cable, sewer, water, gas, etc.)

5.2.9.6. Removal

Should the device be removed, owner shall restore premises to condition it was in prior to installation, wear and tear excepted.

5.2.9.7. Damage

Owner is responsible for any damage caused directly or indirectly by the device or installation or removal thereof.

5.2.9.8. Acronyms

The following acronyms apply to the is Section:

- DBS- Direct Broadcast Satellite
- MMDS- Multichannel Multipoint Distribution Services
- TVBS- Television Broadcast Signals (Commonly referred to as antennas)
- IBC- International Building Code with North Carolina Amendments
- N.E.C.- National Electric Code
- U.V. Ultra Violet

5.2.10. PARKING OF VEHICLES

5.2.10.1. Vehicle Parking on Residential Properties

A. No more than one (1) junked or inoperable vehicle may be parked on residentially-zoned or used property. In accordance with North Carolina General Statute 160A-303, junked vehicle shall mean a vehicle that is partially dismantled or wrecked, cannot be self-propelled or moved in a manner in which it was originally intended to move, or is more than five (5) years old and appears to be worth less than $100.00. Such vehicle shall be located in the rear yard and shall be concealed from public street rights-of-way and adjacent properties for up to 60 calendar days. Such vehicles located on the premises for more than 60 calendar days shall be stored inside an approved completely enclosed accessory structure.

B. All operable vehicles shall be:

1. Parked on a paved or gravel driveway; or

2. In the side or rear yard of the principal structure; or

3. Inside of an approved accessory structure.

This excludes occasional gatherings of not more than one (1) day per month.

5.2.10.2. Commercial Vehicle Parking on Residential Properties

On any residentially-zoned or used lot of less than two (2) acres in size, no commercial vehicle with more than two (2) axles may be parked on the property for longer than is necessary to make deliveries or perform construction work on the property. No residentially-developed lot may be used as the base of operation for any freight hauling truck.

5.2.10.3. Recreational Vehicles and Boat Parking

A. No more than one (1) recreational vehicle and no more than two (2) motorized boats may be parked on a property used for single-family or two-family residential purposes.

B. Recreational vehicles and boats of greater than 30 feet in length shall not be parked on lots of less than 20,000 square feet which are residentially-zoned or used for single-family or two-family residential purposes. All recreational vehicles and boats shall be parked on a paved or gravel driveway, in the side or rear yard of the principal structure, or inside of an approved accessory structure.

C. Recreational vehicles and boats shall not be parked on any multi-family residential or non-residential property for greater than 24 hours unless there is a designated area on an approved site plan for such storage that is screened in accordance with Section 11.7.

D. Recreational vehicles shall only be used for recreational travel purposes. A recreational vehicle shall not be used as a dwelling at any time or for visiting guests for more than 14 days per calendar year. The usage of a recreational vehicle for living, sleeping, housekeeping, storage, or commercial purposes or the connection of such vehicle to electric or wastewater disposal (other than for periodic maintenance and/or repair purposes) shall be prohibited, except as permitted in Section 5.10.2.3.5 for temporary use. Any slide-outs shall not be extended for a period of greater than 24 hours for periodic maintenance, repair, loading and unloading.

5.3. AGRICULTURAL USES

5.3.1. AGRICULTURAL ANIMALS

The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, two (2) or fewer pot-bellied pigs (of less than 150lbs and less than 24 inches tall), or other similar household pets. The provisions of this Section shall not apply to the AG Agriculture District or to any bona fide farm within the extraterritorial jurisdiction (ETJ). In addition to the provisions of this Section, the Animal Regulations of within the Town of Mount Pleasant Code of Ordinances apply.

A. Livestock and fowl shall be contained within an enclosed area on the property and not permitted to roam at large.

B. No livestock shall be kept, maintained or stabled within any residential zoning district on any lot not exceeding two (2) acres.

C. All enclosures, buildings, or structures used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such livestock use may no longer expand towards a newly established residential use.

D. All enclosures, buildings, or structure used to house fowl shall be located so that they are no closer than 150 feet from an adjacent dwelling unit or 40 feet from any property line. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing fowl use, except that such fowl use may no longer expand towards a newly established residential use.

E. Not more than one (1) Animal Unit shall be shall be kept, maintained or stabled per 20,000 square feet of land.

5.4. RESIDENTIAL USES

5.4.1. ACCESSORY DWELLINGS UNITS

A. Accessory dwellings shall be built to NC Building Code. Manufactured homes and recreational vehicles shall not be used as accessory dwellings.

B. Only one (1) accessory dwelling or accessory apartment shall be permitted per lot. The accessory dwelling or accessory apartment shall not exceed 50 percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.

C. An accessory dwelling shall be sited to the rear of the principal building. In the AG or RE zoning districts, the accessory dwelling unit may be sited to the side of the principal building only if the lot exceeds 10 acres in size.

D. The accessory dwelling shall meet all setback requirements as established for principal uses within the zoning district within which it is located.

E. Manufactured homes shall not be used as accessory dwellings or be pulled up to or attached to a primary residence and considered an accessory apartment or accessory dwelling unit.

F. A minimum of one (1) additional parking space shall be required for an accessory dwelling.

G. Where there is no public sanitary sewer service to the accessory dwelling unit, County Health Department shall approve sanitary sewer services provided to such accessory dwelling unit prior to its construction.

5.4.2. HOME OCCUPATIONS

5.4.2.1. Purpose

A home occupation is permitted as an accessory use in the districts shown in Table 4.6-1 (see Article 4) and in the PUD Districts. The purpose of the home occupation regulations and performance standards are:

- to establish criteria for operation of home occupations in dwelling units within residential districts;
- to permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- to ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- to ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- to allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
- to enable the fair and consistent enforcement of these home occupation regulations; and
- to promote and protect the public health, safety and general welfare.
- No home occupation, except as otherwise provided herein, may be initiated, established, or maintained except in conformance with the regulations and performance standards set forth in this Section.

5.4.2.2. List of Home Occupations

The following list specifies those occupations that may be conducted at home. The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

- Accounting, bookkeeping
- Appraisal
- Low-volume baking and canning
- Catering
- Lawn care services
- Legal services
- Real estate sales
- Insurance sales
- Childcare (see Section 5.5.2)
- Drafting services
- Tailoring (dressmaking, alterations, etc.) services
- Catering and baking (subject to health department and/or department of agriculture approval)
- Engineering, architecture and landscape architecture
- Financial planning & investment services
- Fine arts studio (creation of individual works only, no mass production)
- Interior decoration (no studio permitted)
- Low-volume mail order or internet-based business
- Musical instruction, voice or instrument
- Tutoring
- Office work
- Similar, low impact endeavor as determined by the Administrator

5.4.2.3. Home Occupations Not Permitted

The following Uses shall not be permitted as home occupations in Residential Zoning Districts:

- Medical/dental office

- Motor vehicle repair or similar uses
- Temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion,
- Engine repair,
- Gymnastic facilities or dance studios
- Outdoor recreation activities
- Medical/cosmetic facilities for animals including animal care or boarding facilities
- Machine shop/metal working
- Retail sales
- Contractor's shops
- Mortuaries
- Medical procedures
- Body piercing and/or painting, tattoos
- Any type of physical or psycho-therapy, or
- Any other use not allowed in accordance with 5.4.2.2.

5.4.2.4. Rural Home Occupations

A. The following home occupations shall be permitted in the AG (Agriculture) zoning district in addition to those specified in Section 5.4.2.2 herein:

1. Auto repair work (storage of six (6) vehicles or less)

2. Contractor's and trade shops, indoor operations only, including electrical, plumbing, and mechanical

3. Machine welding shops

4. All home occupations permitted in the AG (Agriculture) District shall comply with the criteria of Table 5.4-1 not inconsistent with this section.

B. Outdoor storage shall comply with the following standards:

1. Storage shall be limited to materials related to the business and shall not involve any hazardous materials;

2. Outdoor storage areas shall comply with Section 11.7 of this Ordinance and shall not occupy an area of land exceeding 80 square feet.

3. Materials shall not be stacked to a height exceeding four (4) feet and shall not be visible from the public right-of-way or an adjacent lot or parcel zoned or occupied for residential use. Any screening required to comply with this subsection shall be accomplished by using wood or masonry fencing or a vegetative hedge.

C. Where a home occupation is conducted in an accessory building, such accessory building shall not exceed the lesser of the following:

1. The square footage of the footprint of the dwelling, or

2. 2,000 square feet.

D. Nonresident employees may work in the home occupation as follows:

1. Up to 1,000 square feet of floor area - one nonresidential employee

2. 1,000 and over square feet of floor area - two nonresident employees

For the purpose of this subsection, "floor area" refers to the gross floor area of the entire Dwelling Unit, and not the floor area devoted to the Home Occupation.

E. The rural home occupation shall not create any smoke, odors, dust, or noise at a level discernable at any of its lot lines.

5.4.2.5. Exempt Home Occupations

The following uses are exempt home occupations and do not require a Zoning Permit:

- Artists, sculptors, composers not selling their artistic product to the public on the premises;
- Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- Home offices with no client visits to the home permitted;
- Telephone answering and message services

5.4.2.6. Unsafe Home Occupations

If any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to Section 1.6 of this Ordinance.

5.4.2.7. Expiration of Home Occupation Permit

The Home Occupation Permit shall lapse automatically if the property is used for non-residential purposes, if the dwelling is sold or rented, if the home occupation operator dies, or if the home occupation is discontinued for a period of 180 days or more and is not renewed within 30 days after written notice from the Administrator.

5.4.2.8. Performance Standards

Home occupations are authorized if they comply with the performance standards set forth in Table 5.4-1. A check mark "✓" indicates that the performance standard applies in the applicable district.

Table 5.4-1: Home Occupation Performance Standards by Zoning District

PERFORMANCE STANDARDS	AG	All other districts
The use shall be clearly incidental and secondary to residential occupancy, shall not change the residential character of the dwelling, and shall conform with all applicable local, state, and federal regulations.	✓	✓
The use shall be conducted entirely within the interior of the residence and shall not be located in an accessory structure.		✓
A full-time resident operator shall be employed.	✓	✓
Obtain permits before operating home occupation, except those exempted under Section 5.4.2.5.	✓	✓
No more than one (1) non-resident employee shall be permitted.		✓
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between the 8:00 AM and 8:00 PM.	✓	✓
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation.	✓	✓
Music,[1] art, craft or similar lessons: (12 or fewer clients per day)	✓	✓
Childcare (maximum of 6 or fewer children); see Section 5.16	✓	✓
Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation	✓	✓
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials	✓	✓
Parking shall be provided only in driveway and shall not create hazards or street congestion	✓	✓
Outside storage of heavy equipment or material shall be prohibited.		✓
No more than three (3) commercial vehicles are to be stored on site, provided, the vehicles are owned/operated by the residents. No commercial vehicles may be stored on site on a regular basis which are not owned by persons residing on the premises.		✓
Mechanized equipment shall be used only in a completely enclosed building		✓
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	✓	✓
Deliveries and pickups shall be those normally associated with residential services and shall not block traffic circulation and occur only between 8:00am and 8:00pm Monday-Saturday	✓	✓

[1] provided all electronically amplified sound is not audible from adjacent properties or public streets.

5.4.3. VACATION RENTAL HOMES

A. Vacation rental homes shall be subject to the provisions set forth in North Carolina General Statutes Chapter 42A.

B. As required for the establishment of all other uses permitted within this Ordinance, all vacation or short-term rental homes shall have obtained a Zoning Permit. In the AG, RE, RL, RM, RH, and O-I districts, vacation rental homes shall first obtain a Special Use Permit from the Board of Adjustment.

C. All properties shall have conspicuously posted two (2) local contact persons who will be responsible for handling any problems that arise with the property. These contact persons shall also be provided to the Town of Mount Pleasant upon application for a Zoning Permit to establish such use, and updated as changes occur.

D. A minimum of one (1) parking space for every bedroom shall be provided.

E. There shall be no sound amplification devices located outside.

F. Four (4) or more verified violations (including the standards of this Section, noise violations, and other applicable violations) in a 12-month period or two (2) or more violations in a 30-day period shall result in revocation of the Zoning Permit.

G. Garbage and recycling receptacles shall be provided and emptied at a minimum of once a week. Garbage and recycling receptacles shall be stored in a screened area to the side or rear of the house except on collection day. No garbage or refuse shall be located outside of the garbage receptacle.

H. Vacation rental homes shall not be occupied at a rate of more than two (2) persons per bedroom and shall not be rented to more than five (5) different occupants within a 30-day period. It is the responsibility or the property owner to demonstrate compliance with this requirement.

I. Vacation rental homes shall be inspected by the Fire Marshal prior to initial use and a minimum of once per calendar year. Proof of compliance shall be provided to the Town of Mount Pleasant.

5.5. CIVIC, GOVERNMENT, & INSTITUTIONAL USES

5.5.1. CEMETERIES AND CREMATORIES

A. Crematories are subject to the regulations of Chapter 90, Article 13F of the North Carolina General Statutes. Pursuant to NCGS 90-210.123(b), any crematories may be established by right in commercial or industrial zoned district so long as it is located on the same property or adjacent to a funeral establishment.

B. Minimum setback for all crematories is 100 feet from any residential structure.

C. Minimum setback for any grave, burial plot, columbarium, or mausoleum from any exterior property line is the minimum accessory structure setback for the zoning district in which it is located, except that any grave or burial plot shall be allowed within three (3) feet of a property line of an abutting parcel that contains an existing cemetery, and any buffer yard required by Section 7.4 shall be observed.

5.5.2. CHILD CARE FACILITIES

A. Child care facilities shall comply with all applicable North Carolina Department of Health and Human Services (NCDHHS) regulations. A copy of the state license shall be submitted to the Administrator prior to the issuance of a Certificate of Compliance.

B. Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children. Standards for access and off-street parking/loading are set forth in Article 8 of this Ordinance. The use shall front a street classified as a collector or a thoroughfare. The provisions of this subsection shall not apply to child care facilities as Home Occupations.

5.5.3. RESIDENTIAL CARE FACILITES

Residential care facilities shall comply with all applicable North Carolina Department of Health and Human Services (NCDHHS) regulations. A copy of the state license shall be submitted to the Administrator prior to the issuance of a Certificate of Compliance.

5.6. RECREATION & ENTERTAINMENT USES

5.6.1. BEACH BINGO ESTABLISHMENTS

In addition to the provisions of NCGS 14-309.14, the following requirements shall apply to Beach Bingo establishments:

A. Beach Bingo establishments shall be located no closer than 100 feet from the closest school, daycare facility or religious institution.

B. Beach Bingo establishments shall have one parking space for every three (3) seats.

C. It is unlawful to permit patrons or employees under the age of 21 in a structure occupied by a gaming facility, except for restrooms or rooms for recreation or entertainment.

D. The Beach Bingo establishment entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are prohibited from entering the premises, except for use of restrooms and separate rooms for recreation or entertainment. This sign shall comply with the Sign Standards in Article 12 of this Ordinance.

E. The Beach Bingo establishment entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are prohibited from entering the premises, except for use of restrooms and separate rooms for recreation or entertainment. This sign shall comply with the Sign Standards in Article 12 of this Ordinance.

F. Storage of merchandise, displays, equipment, devices or other items in open areas of the site for over 24 hours shall not be allowed.

G. All exterior lights must be shielded to direct light and glare only onto the Lot or Parcel where the Beach Bingo Establishment is located. Lighting and glare must be deflected, shaded and focus away from any adjoining residential property.

H. The hours of operation of Beach Bingo games shall be restricted to 12:00 p.m. to 12:00 a.m. on Sunday; and 10:00 a.m. to 12:00 a.m. Monday through Saturday.

I. No loudspeakers or sound equipment shall be used by a Beach Bingo Establishment for the amplification of sound to a level discernible by the public beyond the walls of the building or portion of the building in which such use is conducted or which violates the Noise Ordinance in the Town of Mount Pleasant Code of Ordinances.

5.6.2. CAMPGROUNDS

A. Campgrounds shall not be used as permanent residences except for one (1) owner or manager and up to three (3) permanent maintenance personnel.

B. Towed vehicles within the campground shall not exceed eight (8) feet in width.

C. No person, other than the owner or operator shall stay in any Campground more than 90 days per calendar year.

D. Camp sites shall be a minimum of 1,250 square feet and at least 25 feet in width.

E. Camp sites shall be spaced so that there is at least: 10 feet between sites; eight (8) feet from the interior roadways; 50 feet from exterior roadways; and 15 feet from property lines.

F. Parking spaces and interior roadways shall be paved or treated to reduce dust.

G. Sewage facilities, if provided, shall be connected to a public sewer collection and treatment system, unless alternative systems are permitted by state law.

H. All utilities shall be located underground.

I. At least one public telephone shall be provided.

J. Walkways to concentrated activity areas (such as bathhouse, restrooms, etc.) within the campground area shall be at least four (4) feet wide with an all-weather surface.

K. All unpaved areas within the campground must have vegetative ground cover which is adequate to prevent erosion and blowing dust.

L. One tree of a species identified in the Suggested Plant List shall be provided for each two camping spaces. Such trees shall be located in front of those spaces. The Applicant shall comply with the Tree Protection and Preservation requirements of the Landscaping Standards.

M. All trash collection areas shall be completely screened from view at any public right-of-way or property line.

N. Adjoining residential zoned or developed areas shall be screened by a minimum Class “C” buffer yard as described in Landscaping Standards of this Ordinance.

O. Each campground shall provide at least one (1) full-time attendant.

5.6.3. RECEPTION, BANQUET, & EVENTS FACILITIES

A. The lot size for reception, banquet, and events facilities shall be a minimum size of four (4) acres.

B. The parcel must have frontage on a major or minor thoroughfare.

C. A residential structure that is used for a reception, banquet, or event facility shall not be altered in any way that changes its general residential appearance.

D. Two (2) parking spaces for owner/operator, plus one for every four (4) persons of permitted occupancy. No on-street parking is permitted.

E. All activities and event occurring on the property of the reception center shall meet the required noise control ordinance as stated in the Town of Mount Pleasant Code of Ordinances.

5.6.4. SEXUALLY ORIENTED BUSINESSES

5.6.4.1. Purpose & Findings

A. The Town Board of the Town of Mount Pleasant finds that this Ordinance is necessary in order to protect the Town from the potential secondary effects of sexually oriented businesses including crime, the protection of the Town 's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the Town 's neighborhoods and the Town 's commercial districts, the protection of the Town's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protection of the peace, welfare and privacy of persons who patronize sexually oriented businesses. Experience in this Town as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The Town recognizes and relies upon the experience of these other cities and counties in adopting sexually oriented business regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.*475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in *Northend Cinema v. City of Seattle* 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video Work v. Board of County Commissioners* 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Ordinance. The City also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977); (5) the 1984 "Analysis of Adult Entertainment Businesses in Indianapolis" by the Department of metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas' study on effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).

B. The Town Board believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified:

1. Crime rates tend to be higher in residential areas surrounding sexually oriented businesses than in industrial areas surrounding sexually oriented businesses;

2. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented businesses;

3. Sexually oriented businesses should be located in specific areas of the Town which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually oriented businesses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to a potential sexually oriented business site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the Town and sexually oriented business operators with respect to potential adult use sites.

4. The image of the Town as an attractive place to reside will be adversely affected by the presence of sexually oriented businesses in close proximity to residential uses, schools, religious institutions and parks;

5. The existence of sexually oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;

6. A reasonable regulation of the location of sexually oriented businesses protects the image of the community

and its property values and protects its residents from the adverse secondary effects of sexually oriented businesses while providing those who desire to patronize sexually oriented businesses an opportunity to do so in appropriate areas in the Town; and

7. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.

C. The Town Board recognizes and relies on the findings set forth in the 1986 N.C. Attorney General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.

D. The Town Board finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:

1. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of sexually oriented businesses on the site of the sexually oriented business;

2. Evidence has demonstrated that performers employed by sexually oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

3. Evidence indicates that performers at sexually oriented businesses have been found to engage in acts of prostitution with patrons of the establishment;

4. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the Town has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually oriented businesses.

5. The Town Board has determined that the establishment of a sexually oriented business development permit process is a legitimate and reasonable means of ensuring that:

6. Operators of sexually oriented businesses comply with the reasonable regulations of this Ordinance;

7. The recognized secondary impacts of a proposed sexually oriented business in a specific location are mitigated; and

8. Operators of sexually oriented businesses have specific guidelines with respect to where they can establish or operate a sexually oriented business.

E. It is not the intent of the Town Board in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral ordinance which addresses the secondary effects that sexually oriented businesses have on the Town.

F. The Town Board desires to protect the rights conferred by the United States Constitution to sexually oriented

businesses in a manner that ensures the continued and orderly development of property within the Town and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually oriented businesses.

G. The Town Board and Planning and Zoning Board have held duly noticed public hearings, to receive input and testimony from the public concerning the adoption of this proposed Ordinance.

H. These regulations are authorized by NCGS 160D-902.

5.6.4.2. Definitions

The words, terms and phrases set forth herein shall have the meanings prescribed below provided, however, that any words, terms or phrases not included below shall have the meanings prescribed by Appendix A to this Ordinance.

Adult Bookstore - A bookstore (1) that receives a majority of its gross income during any calendar month from the sale of printed and/or video materials/publications (including but not limited to videocassettes, books, and magazines) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or (2) having as a preponderance of its of printed and/or video materials/publications that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.

Adult Establishment - An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or massage business as defined in this section.

Adult Live Entertainment Business - Any establishment or business wherein adult live entertainment is shown for observation by patrons; or any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

Adult Motion Picture Theater - An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or described anatomical areas, as defined in this section, for observation by patrons therein. Adult motion picture theater does not include any adult mini-motion picture theater as defined in this section.

Adult Mini-Motion Picture Theater - An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

Massage - The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage Business - Any establishment or business wherein massage is practiced including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. Massage Therapy offices shall be excluded from these provisions provided the applicant is a licensed therapist by the State of North Carolina.

Sexually Oriented Business – Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified in NCGS 14-202.10. A “Sexually-Oriented Business” includes any Adult Establishment as defined in this Section.

Sexually Oriented Devices - Without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Specified Anatomical Areas - Less than completely and opaquely covered (1) human genitals, pubic region, (2) buttock, or (3) female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if complete and opaquely covered.

Specified Sexual Activities - Human genitals in a state of sexual stimulation, or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touchings of human genitals, pubic regions, buttocks, or female breasts.

5.6.4.3. Locational Standards

A. No sexually-oriented business shall be located within 2,000 feet of any other sexually-oriented business.

B. No sexually-oriented business shall be located within 2,000 feet of a school, day care or adult day care center, public or private recreation center, a church or a park used by the public for recreational purposes.

C. No sexually-oriented business shall be located within 2,000 feet of any Residential Zoning District.

5.6.4.4. Signs And Displays

Signage shall be regulated in accordance with Article 12, except that no sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

5.7. OFFICE & SERVICE USES

5.7.1. ANIMAL SERVICES

The provisions of this Section shall apply to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals and kennels:

A. Facilities for the boarding of all dogs and other household pets shall conform to the following:

B. Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.

C. Animal wastes shall not be stored any closer than 50 feet from any property line or surface waters.

D. Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.

E. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height and meet the screening

5.7.2. BED AND BREAKFAST HOMES & INNS

A. Bed and breakfast homes and inns shall only be established in accordance with Table 4.6-1 (see Article 4) subject to the following location limitations:
- a Historic Preservation Overlay District; or
- on a parcel with frontage on a major or minor thoroughfare; or
- within a PUD Planned Unit Development.

B. A structure which shall be used for a bed and breakfast home or inn shall not be altered in any way that changes its general residential appearance. All guest rooms shall be located within the principal structure**.**

C. Accessory uses associated with a bed and breakfast home or inn include those as set forth in Section 5.2**.** No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Special Use Permit or Site Plan application, subject to the requirements of Section 5.6.3. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Special Use Permit or Site Plan application. No cooking facilities shall be permitted in the guest rooms**.**

D. No long-term rental of rooms shall be permitted. The maximum length of stay shall be 30 days**.**

E. In accordance with NCGS 130A-247, the maximum number of guest bedrooms for each proposed bed and breakfast home shall be eight (8), unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging**.** The maximum number of guest bedrooms for a bed and breakfast inn shall be twelve (12).

F. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property**.**

5.8. RETAIL USES

5.8.1. MOTOR VEHICLE SALES OR RENTAL

A. The provisions of this Section shall apply to any automobile, motorcycle, boat, and recreational vehicle sales or rental establishment as allowed by Table 4.6-1 (see Article 4).

B. In addition to the accessory uses set forth in Section 5.2.1 of this Article, the following accessory uses are permitted for any automobile sales Establishment:

C. Sales, office, parts, service, storage, and body shop facilities accessory to new automobile sales establishments.

D. Storage, body shop, washing, fueling, painting facilities, and air quality certification.

E. The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface. For purposes of this Section, a paved surface shall not be considered "continuous" if it is separated by a Type A buffer yard (as set forth in Article 7) along the boundary between the display areas. The buffer yard may be penetrated by a driveway of not less than 12 or more than 18 feet in width for every 150 feet in buffer yard length.

F. No vehicles may be displayed or stored on or within required buffer yards, including required street yards.

G. Paved areas reserved for the storage or display of vehicles for sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of Article 8.

5.8.2. CONVENIENCE STORES

A. The following uses shall be considered accessory to Convenience Stores or Gas Stations:
- Car washes
- Gasoline pumps and canopies.
- Automatic teller machines (ATM's).
- Restaurants located within the primary building

B. Sales of prepackaged beverages, snack foods, tobacco products, and other retail merchandise, and movie rental.

C. The site shall have frontage on a thoroughfare or collector road.

D. No above-grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be closer than 25 feet to any public right-of-way and 10 feet to any exterior property line. Pump island canopies shall not be located closer than 10 feet to a public right-of-way or an exterior property line.

E. In all other districts other than C-2 that allow convenience stores: 2,000 leasable square feet for enclosed structure.

F. All exterior lights must be shielded to direct light and glare only onto the lot or parcel where the convenience store is located, and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

G. Pumps and fuel station canopies shall meet the design standards of Section 11.3.12.

5.8.3. MANUFACTURED/MODULAR HOME AND ACCESSORY BUILDING SALES

A. The provisions of this Section shall apply to any tract of land designed for the display and sale of bulky items including manufactured homes, modular homes, and/or accessory buildings.

B. In addition to the site plan requirements found elsewhere in this ordinance, the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off-site views. Other accessory uses (such as sales of items not described in this Section) may not locate on the site unless the use has been designated on the site plan. In the case of manufactured and modular home sales, the number of home display pads shall be noted on the plan.

C. All display pads shall be located at least 30 feet from any property line or public street right of way line. Setbacks for permanent structures such as an office shall be located in accordance with the underlying district.

D. All manufactured homes displayed for sale (not in screened storage or repair areas) shall conform to all Federal Manufactured Home Construction and Safety Standards and/or building requirements and/or codes for Manufactured Homes and bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.

E. All travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Storage, repair areas, and display pads for all model manufactured or modular homes and storage buildings may be gravel.

F. Storage and repair activities shall be completely screened from off-site views. Homes or buildings not for immediate sale, or replacement or discarded parts and accessories shall also be screened from off-site views.

G. Four (4) foot wide sidewalks shall be constructed throughout the site so as to provide complete pedestrian connections from the parking area to each displayed item (pad) and the office.

H. Signs shall conform to the sign regulations of the zoning district in which the use is located. In addition, each display item may have a sign not to exceed three square feet in area which gives information about the item.

I. All manufactured or modular homes and storage buildings shall be located on a pre-determined display pad (shown on the site plan) equaling no more than 120% of the structure's footprint. Display pads may be gravel.

J. For manufactured or modular home sales, display homes shall be level and blocked. Display homes which are visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.

K. For storage building sales, a minimum separation of at least five (5) feet shall be maintained between display pads.

L. In addition to the landscaping requirements found elsewhere in this Ordinance, the display area for manufactured and modular home sales shall include the installation of one (1) ornamental tree or shade tree, two (2) medium shrubs and six (6) small shrubs per display pad. The location of the plantings shall be determined by the Administrator but the intention is to provide each space with a permanent, residential appearance. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped. No display area may be entirely paved.

5.8.4. RETAIL SALES OUTSIDE A FULLY ENCLOSED BUILDING

A. The provisions of this section shall apply to any retail use that includes the sale or storage of merchandise in an open or unenclosed area except as provided in Section 11.7.2.3. The provisions of this Section shall not apply to sidewalk sales or vendors permitted under the temporary use regulations of Section 5.10.2.

B. An office with restroom facilities in a structure built in accordance with NC Building Code shall be located on the premises. All new structures shall meet the design standards of Section 11.3.

C. No booths, stalls, or materials on display may be located within any required setback area or right-of-way.

D. Outdoor display areas shall not be located in such a manner as to displace or otherwise interfere with any required parking spaces and maneuvering areas.

E. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.

F. Non-enclosed areas for the sale of seasonal inventory shall be:

1. Permanently defined on an approved site plan; and

2. Located in the side or rear yard and a minimum of 50 feet from a public street right-of-way or an adjacent residentially-zoned parcel.

5.9. INDUSTRIAL, WHOLESALE, TRANSPORTATION, & UTILITY USES

5.9.1. ELECTRIC POWER GENERATION (SOLAR & WIND)

A. Solar farms shall be a minimum of five (5) acres and a maximum of 50 acres. A maximum of 75% of a parcel may be used for a solar farm.

B. Systems, equipment and structures that are part of a solar farm shall not exceed 15 feet in height when ground mounted.

C. Except in the I-1 and I-2 zoning districts, roof-mounted solar systems shall not exceed the maximum height for the applicable zoning district and shall not project more than one (1) foot above the surface of the roof on pitched roofs, and shall not project above the parapet wall on flat roofs.

D. Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the zoning district in which it is located and shall be screened with a Type D Buffer in accordance with Section 7.4.

E. To the extent practical, all new distribution lines to any building, structure or utility connection shall be located below ground.

F. An individual use wind power generation facility shall be a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 10 kW or less. There shall be a maximum of three (3) turbines for individual uses.

G. Wind turbines for individual uses shall be setback two (2) times the height of the turbine from occupied buildings, property lines and public roads. Maximum height of an individual use wind turbine is 50 feet.

H. The wind turbine or solar farm owner shall have six (6) months to complete decommissioning of the turbine if no electricity is generated for a continuous period of 12 months.

I. It is the responsibility of the system owner or property owner to remove all obsolete or unused systems within 12 months of cessation of operations. Electric power generation Special Use Permit applications shall be accompanied by a decommissioning plan. Decommissioning shall include removal of solar panels, wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities.

5.9.2. LANDFILLS – DEMOLITION & INERT DEBRIS

The provisions of this Section apply to any Demolition Landfill as defined by NCGS 130A-294 and North Carolina Administrative Code Title 15A, Chapter 13.

5.9.2.1. Criteria

A. The disposal area of a demolition landfill shall not exceed one (1) acre.

B. The disposal area shall not exceed five (5) feet above average grade in height.

C. The landfill shall accept and dispose of demolition debris generated on land that the applicant owns in a landfill that is located on the same parcel or tract of land.

D. The landfill shall be located at least one-quarter mile from any other landfill of any type.

E. The perimeter of the landfill shall be at least 50 feet from the property boundary.

F. The perimeter of the landfill shall be at least 500 feet from the nearest drinking water well.

G. The waste disposal area of the landfill is at least four feet above the seasonal high groundwater table.

H. The landfill shall comply with all applicable federal, State, and local laws, regulations, rules, and ordinances.

I. The applicant shall comply with the siting criteria set forth in NC Administrative Code Title 15A, Chapter 13.

J. Demolition debris may be disposed in a landfill to which this section applies without being separated into demolition debris components. No waste other than that generated by the demolition of a building or other structure shall be disposed of in the landfill.

K. The owner or operator shall establish sufficient controls to ensure that the refuse remains within the disposal area, and that the refuse cannot be removed by winds, stormwater, or other foreseeable natural or man-made forces.

L. No building shall be located or constructed immediately above any part of a landfill to which this section applies. No construction, except for site preparation and foundation work, shall be commenced on a parcel or tract of land on which a landfill to which this section applies is located until the landfill is closed.

5.9.2.2. Approval Process

A. No demolition landfill shall be established until a Zoning Permit is obtained from the Administrator.

B. The demolition landfill is presumed to be an adjunct to an ongoing construction process and, as such, is permitted only for the life of the construction project.

C. The Administrator shall renew the Zoning Permit if a written finding is made that the construction project is ongoing.

D. The following information must be submitted at the time of application for such permit:
- A survey showing the exact location of the proposed demolition landfill within the entire project.
- A statement detailing all contents of the landfill.
- A statement detailing the plans for reclaiming the landfill at the end of its use and any plans for future building.

5.9.2.3. Closure

A. Within 30 days of the closure of the landfill, or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owner or owners of record of the land on which the landfill is located shall file with the Register of Deeds of Cabarrus County a survey plat of the property that meets the requirements of NCGS 47-30. The plat shall accurately show the location of the landfill and shall reference this section. A certified copy of the plat showing the book and page number where recorded shall be filed with the Administrator at the same time that the certified copy of the notice required by this section is filed with the Administrator.

B. Within 30 days of the closure of the landfill or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owner or owners of record of the land on which the landfill is located shall file with the Register of Deeds of Cabarrus County a notice that a landfill for the disposal of demolition debris has been located on the land. Where state law requires an identical notice, compliance with the state requirements shall constitute compliance with this Section. The notice shall include a description of the land that would be sufficient as a description in an instrument of conveyance. The notice shall list the owners of record of the land at the time the notice is filed and shall reference the book and page number where the deed or other instrument by which the owners of record acquired title is located. The notice shall reference the book and page number where the survey plat is recorded. The notice shall reference this section, shall describe with particularity the type and size of the building or other structure that was demolished, and shall state the dates on which the landfill opened and closed. The notice shall be executed by the owner or owners of record as provided in Chapter 47 of the North Carolina General Statutes. The Register of Deeds shall record the notice and index it in the grantor index under the name of the owner, or names of the owners, of the land. The owner shall file a certified copy of the notice showing the book and page number where recorded, together with a certified copy of the survey plat, with the Administrator. Unless a filing fee is required for NCDEQ, the owner shall pay a filing fee to the Administrator within 15 days after the notice is recorded.

C. The owner or operator of the landfill shall close the landfill within 30 days after the demolition is completed or terminated. The owner or operator shall compact the demolition debris and cover it with at least two feet of compacted earth. The cover of the landfill shall be graded so as to minimize water infiltration, promote proper drainage, and control erosion. Erosion of the cover shall be controlled by establishing suitable vegetative cover

5.9.3. MINI-WAREHOUSE/SELF STORAGE

A. The minimum lot size for mini-warehouse/self-storage uses shall be one (1) acre. The maximum lot size is three (3) acres.

B. Except in the C-2 district, building height shall not exceed one (1) story. For purposes of this section, one story shall mean and refer to a maximum interior ceiling height of 10 feet, which may include a maximum of eight (8) feet with an additional two (2) feet to accommodate a garage-type sliding or roll up door.

C. A type "B" buffer yard as prescribed in Article 7 shall be provided around the perimeter of the mini-warehouse development.

D. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground cover(s) and shall conform to the standards and planting requirements of Article 7.

E. No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility, or a security system has been installed.

F. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units, or to permit same to occur upon any area designated as a storage warehouse.

G. No portion of any mini-warehouse/self-storage use shall be used, on a temporary or permanent basis, as a dwelling or for any other purpose other than storage.

H. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure on a tract of land designated as a mini-warehouse. All mini-warehouse rental contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.

I. All outdoor lights must be shielded to direct light and glare only onto the Lot or Parcel which the Mini Warehouse is located. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

J. No outside storage shall be permitted except the storage of recreational vehicles per Section 5.2.10.3. Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for vehicle storage.

K. Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles. Interior travel lanes shall have a minimum width of 12 feet and shall provide a nine (9) foot wide parking lane. Lanes serving storage units on each side shall provide a nine (9) foot parking lane for each side.

L. One (1) parking space is required for every 200 storage units with a minimum of two (2) spaces required. The parking spaces shall be provided adjacent to the manager's office.

M. Sales of customary equipment and supplies, such as hand trucks, tape, packaging materials, boxes, etc. are permitted through the main office only.

5.9.4. MINING AND EXTRACTION

The provisions of this Section apply to any mining or extractive uses as identified in North American Industrial Classification System (NAICS) Industry Group 21. The use of land for quarrying and/or mining shall be permitted as set forth in Table 4.6-1 (see Article 4) subject to the criteria below.

5.9.4.1. Compliance with State Regulations

All proposed mining and quarrying activities must conform to the "North Carolina Mining Act of 1971" as amended, (NCGS 74-46 et seq.) NCAC, Title 15, Chapter 5. The applicant shall, if disturbing more than one acre of land, obtain, or be in the process of obtaining, a mining permit issued by the North Carolina Department of Natural Resources and Community Development Regional Office. Wherever conflicts exist between federal, state, or local laws, the more restrictive provisions shall apply.

5.9.4.2. Review and Approval

Submission requirements to obtain complete review and approval for mining and quarrying operations on sites with a disturbed area of one acre or more include a Special Use Permit application, a reclamation plan, and a Preliminary Site Plan detailing the minimum general standards as set forth in Appendix B of this Ordinance.

5.9.4.3. Criteria

A. Minimum setbacks in Section 4.7 shall apply to the extent of land disturbing activity and the placement of mining machinery or structures.

B. A barrier shall be provided around the perimeter of a mine or quarry. The barrier shall consist of either an earthen berm, a solid fence, landscaping, existing topographical features or any combination of the above. Existing vegetation may also be considered in accordance with Section 7.4.4.4 of this Ordinance. The barrier shall be constructed so as to block the view of the mining and quarrying operations from any point on an adjacent property line or public right-of-way, except at points of ingress and egress. For the purposes of this section, the view shall be defined as a perpendicular linear view from the edge of the property line toward the interior of the mine or quarry site. The Board of Adjustments, through the issuance of a Special Use Permit, shall have the authority to grant exceptions where a barrier as required by this section is not practical or feasible. Landscaping shall be in accordance with Article 7.

C. The operation shall provide an entrance gate to prevent vehicular access during non-operational hours.

5.9.4.4. Exemptions

A. Earth moving activity and borrow pits disturbing less than one (1) acre of land shall be exempt from the provisions of this Section.

B. Site grading, as part of a construction project, moving earth from one area of a lot or development to another shall be exempt from the provisions of this Section, regardless of the area disturbed, subject to the approval of a Soil and Erosion Control permit by the North Carolina Department of Environmental Quality (NCDEQ).

5.9.5. SOLID WASTE COLLECTION AND/OR DISPOSAL - HAZARDOUS WASTE

A. State law restricts the extent to which local zoning may regulate hazardous waste facilities, the General Assembly recognizes that the reasonable concerns of local governments may be considered. NCGS 130B-3, 130B-4.

B. To the extent not preempted by NCGS 130A-293, hazardous waste facilities shall be permitted only in the zoning districts indicated in Table 4.6-1 (See Article 4).

C. Consistent with NCGS 130B-20, no zoning compliance permit shall be approved until a Special Use Permit application has been filed. Prior to the filing of any application for a zoning compliance permit, the site designation review committee established pursuant to NCGS 130B-9 and 4 NCAC Section 18.0305 shall examine the criteria for issuance of a Special Use Permit and shall submit its recommendation to the North Carolina Hazardous Waste Management Commission. No Special Use Permit or Zoning Permit shall be issued unless the applicant complies in all respects to the above-referenced regulations.

5.9.6. WASTE REMEDIATION/RECOVERY SERVICES (Junkyards/Salvage Yards/Recycling Operations)

A. This section shall apply to any junkyard, salvage yard, or recycling operation with outdoor storage, any industrial or extractive use involving outdoor storage of junk as a primary or an accessory use.

B. No Special Use Permit or Zoning Permit shall be issued for a junkyards/salvage yard unless all of the following standards and criteria are satisfied as provided in the Junkyard Control Act, NCGS 136-144 (i) and:

1. Junkyards/salvage yards shall be screened in accordance with the standards for buffers in Article 7. Materials shall not be vertically stacked so as to be visible from the public right-of-way or any buffer yard as required by Article 7.

2. No yard or storage lot shall be placed or maintained within a required yard setback.

3. All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six (6) feet in height. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations. All other regulations of the state of North Carolina and the Town of Mount Pleasant such as, but not limited to, building codes, fire codes, weed regulations, and health regulations shall apply to the operation of all such uses.

5.9.7. WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES & CO-LOCATION

5.9.7.1. Purpose and Applicability

A. Subject to NCGS Chapter 160D, Article 9, Part 3, the purpose of this section is to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless service to the public, government agencies, and first responders, with the intention of furthering the public safety and general welfare.

B. The deployment of wireless infrastructure is critical to ensuring first responders can provide for the health and safety of all residents of North Carolina consistent with federal standards, which create a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures. The placement, construction, or modification of wireless communications facilities shall be in conformity with the Federal Communications Act, 47 U.S.C. Section 332 as amended, section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. Section 1455(a), and in accordance with the rules promulgated by the Federal Communications Commission.

C. It is also the intent of this Section to:

1. Ensure that the Town of Mount Pleasant has sufficient wireless infrastructure to support its public safety communications;

2. Ensure access to reliable wireless communications services throughout all areas of Mount Pleasant's jurisdiction;

3. Encourage the use of existing structures for the collocation of telecommunications facilities;

4. Encourage the location of support structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;

5. Facilitate the responsible deployment of Telecommunications Facilities in residential areas to ensure comprehensive wireless services across Mount Pleasant's jurisdiction; and

6. Minimize the potential adverse effects associated with the construction of wireless support structures through the implementation of reasonable design, landscaping, and construction practices; and

7. Ensure public health, safety, welfare, and convenience.

D. The provisions of this Section apply to any new wireless support structure. The use of land for wireless support structure shall be permitted as set forth in Table 4.6-1 (see Article 4), subject to the criteria of this Section. Wireless support structures shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities. No permit shall be required for routine maintenance as defined in this Section.

5.9.7.2. Definitions

ABANDON. Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.

ACCESSORY EQUIPMENT. Any equipment serving or being used in conjunction with a Telecommunications Facility

or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

ADMINISTRATIVE REVIEW AND APPROVAL. Non-discretionary evaluation and approval of an application Zoning approval that the Administrator or designee is authorized to grant after Administrative Review subject to the requirement of Section 3.2 and Appendix B.4.

ANTENNA. Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

APPLICABLE CODES. The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

BASE STATION. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

CARRIER ON WHEELS OR CELL ON WHEELS ("COW"). A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

COLLOCATION. The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including, utility poles, Town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, Town utility poles, or wireless support structures.

COMMUNICATIONS FACILITY. The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE. Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

COMMUNICATIONS SERVICE PROVIDER. A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

CONCEALED (STEALTH) TELECOMMUNICATIONS FACILITY. Any Telecommunications Facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

ELIGIBLE FACILITIES REQUEST. A request for modification of an existing wireless support structure or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EQUIPMENT COMPOUND. An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

EXISTING STRUCTURE. Previously erected Support Structure or any other structure, including but not limited to,

buildings and water tanks, to which Telecommunications Facilities can be attached.

FALL ZONE. The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

MAJOR MODIFICATIONS. Improvements to existing Telecommunications Facilities or Support Structures that result in a Substantial Increase to the Existing Structure. Collocation of new Telecommunications Facilities to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification.

MICRO-WIRELESS FACILITY. A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

MINOR MODIFICATIONS. Improvements to Existing Structures that result in some material change to the Facility or Support Structure but of a level, quality or intensity that is less than a Substantial Increase. Minor Modifications include the Replacement of the structure.

MONOPOLE. A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

ORDINARY MAINTENANCE. Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure's foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications.

REPLACEMENT. Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

RIGHT-OF-WAY, TOWN. A right-of-way owned, leased, or operated by the Town, including any public street or alley that is not a part of the State highway system.

SEARCH RING. The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SMALL WIRELESS FACILITY. A wireless facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six (6) cubic feet.

2. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

SUBSTANTIAL MODIFICATION. A Substantial Modification occurs when:

1. The mounting of the proposed antenna on an existing structure that would increase the existing height of the existing structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed

antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

2. The mounting of the proposed antenna to an existing water tower that would increase the existing height of the water tower by more than 20%; or

3. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one new equipment shelter; or

4. The mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the existing structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the structure via cable; or

5. The mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

SUPPORT STRUCTURE(S). A structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

TELECOMMUNICATIONS FACILITY(IES). Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more Antennas and Accessory Equipment or one base station.

TOWER. A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

UTILITY POLE. A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

UTILITY POLE, TOWN. A utility pole owned by the Town in the Town right-of-way that provides lighting, traffic control, or a similar function.

WATER TOWER. A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

WIRELESS FACILITY. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

1. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.

2. Wireline backhaul facilities.

3. Coaxial or fiber-optic cable that is between wireless structures or utility poles or Town utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER. Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

WIRELESS PROVIDER. A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES. Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER. A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE. A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities, including water towers and high-tension electric towers. A utility pole or a Town utility pole is not a wireless support structure.

5.9.7.3. New Wireless Support Structures & Substantial Modifications

5.9.7.3.1. Location and Permitted Uses

A. New wireless support structures shall be permitted as set forth in Table 4.6-1 of this Ordinance, which states that new structures are permitted in every zoning district subject to the issuance of a Special Use Permit by the Board of Adjustment, except that concealed (stealth) structures of less than 60 feet tall shall be permitted administratively without the issuance of a Special Use Permit.

B. Wireless support structures may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

5.9.7.3.2. Necessity of Structure

A. Subject to NCGS 160D-933, prior to approval of a new wireless support structure or substantial modification, the applicant shall provide evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new structure, that residential, historic and designated scenic areas cannot be served from outside the area, and that the proposed height of the structure or replacement structure is necessary to provide the applicant’s desired service. The application shall also provide evidence that collocation on an existing wireless support structure is not feasible.

B. No new wireless support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Administrator, or Board of Adjustment (if Special Use Permit is required), that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can accommodate the applicant's proposed tower or antenna. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any or all of the following:

1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new tower development are presumed to be unreasonable.

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

7. The applicant demonstrates that alternative technologies, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, that does not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

5.9.7.3.3. Height, Setbacks, and Fall Zone

A. All new wireless support structures shall be a monopole or concealed (stealth) design. Maximum height is 200 feet in all districts except I-1 and I-2. Maximum height in the I-1 and I-2 districts is 250 feet. The Board of Adjustment shall also give consideration to compatibility with viewsheds and topography when approving the height of the structure.

B. Minimum setbacks for all monopole structures from shall be a minimum of the height of the tower from all property lines

C. Minimum setbacks for concealed (stealth) design structures shall be a minimum of the engineered fall zone (as certified by a professional engineer), except that from any residential structure, the setback shall be the height of the tower.

D. No wireless support structure shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any wireless support structure not located a distance equal to the height of the structure plus 50 feet away from all habitable structures, property lines, or other towers, shall be designed to withstand the maximum forces expected from wind and ice when the structure is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.

5.9.7.3.4. Aesthetics

A. Wireless support structures shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness.

B. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings located adjacent to the wireless support structure site.

C. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. This is in order to make the antenna, and related equipment, as visually unobtrusive as possible.

5.9.7.3.5. Security Fencing
Wireless support structures shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height, and shall be equipped in such a manner as to deter climbing. Fencing shall be wood, wood composite, masonry, or coated chain link.

5.9.7.3.6. Landscaping
Wireless communications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the structure compound from adjacent property. The standard buffer shall consist of a landscaped strip at least eight (8) feet wide outside the perimeter of the compound. Plant materials forming the visual buffer may be existing on the subject property or installed as part of the proposed facility, but existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible. The Board of Adjustment or Administrator (as applicable) may waive these requirements in locations where the view of the structure base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or a public street.

5.9.7.3.7. Lights
No wireless support structure shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or the Town. This restriction against lights shall not apply to structures which have been combined with light standards for illumination of ball fields, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and design shall be designed to create the minimum practicable penetration of areas outside the boundaries of the Lot or Parcel.

5.9.7.3.8. State or Federal Requirements
All wireless support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate wireless support structures. If such standards and regulations are changed, then the owners of the wireless support structures governed by this chapter shall bring such wireless support structures into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring wireless support structures into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless support structures at the owner's expense.

5.9.7.3.9. Building Codes; Safety Standards
To ensure the structural integrity of wireless support structures, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.

5.9.7.3.10. Signs
Signs on a wireless support structure, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of the Sign Regulations of this Ordinance.

5.9.7.3.11. Permit Requirements

A. No wireless support structures, shall be erected, established, or substantially modified unless and until a Zoning Permit has been issued pursuant to Section 3.2.6 of this Ordinance, following the issuance of a Special Use Permit by the Board of Adjustment pursuant to Section 3.5 of this Ordinance.

B. A concealed (stealth) telecommunications facility which does not exceed 60 feet in height is permitted by right, notwithstanding any provisions of the Use Matrix which requires a Special Use Permit. This provision does

not permit antennas in any zoning district where they are expressly prohibited by the Use Matrix.

C. In addition to the procedures, standards and criteria set forth in Section 3.5 of this Ordinance, Special Use Permits for wireless support structures shall be issued in accordance with the following provisions:

1. Wireless support structures 60 feet or more from the average ground level shall require a Special Use Permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antenna.
2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.
3. In addition to any other information required pursuant to Section 3.5 of this Ordinance, applications for Special Use Permits for wireless support structures shall include the following information:
4. A preliminary major site plan consistent with Appendix B of this Ordinance which clearly indicates the location, type, and height of the proposed wireless support structure; on-site land uses and zoning; adjacent land uses and zoning (including when adjacent to other zoning jurisdictions); adjacent roadways; proposed means of access; setbacks from property lines elevation drawings of the proposed wireless support structure and any other structures; and other information deemed by the Administrator to be necessary to assess compliance with this Section.
5. The setback distance between the proposed wireless support structure and the adjacent property line.
6. The availability of suitable existing wireless support structures, other structures, or alternative technology.
7. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
8. A statement by the applicant as to whether construction of the structure will accommodate co-location of additional antennas for future users.
9. A description of the suitability of the use of existing structures, other structures or alternative technology not requiring the use of structures to provide the services to be provided through the use of the proposed new structure.
10. A description of the feasible alternative location(s) of future wireless support structures within the Town based upon existing physical, engineering, technological or geographical limitations in the event the proposed structure is erected.
11. A statement of compliance with the FCC Radio Frequency (RF) exposure standards.

5.9.7.3.12. Approval Criteria

In determining whether to issue a Special Use permit, the Board of Adjustments shall consider, in addition to any other standards in this Ordinance governing Special Use Permits, the following factors:

- Height of the proposed wireless support structure;
- Proximity of the wireless support structure to residential structures and residentially zoned district boundaries;
- Nature of uses on adjacent and nearby properties;
- Surrounding topography;
- Surrounding tree coverage and vegetation;
- Design of the wireless support structure, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;
- Proposed ingress and egress; and
- Availability of suitable existing wireless support structures, other structures, or alternative technologies not requiring the construction of new structures.

5.9.7.4. Buildings or Other Equipment Storage

5.9.7.4.1. Accessory Equipment Structures

The equipment cabinets and other support structures used in association with wireless support structures shall comply with the following provisions:

- Equipment cabinets and/or other structures shall comply with all applicable building codes.

- Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.

5.9.7.4.2. Location and Size of Accessory Equipment Structures
Equipment cabinets and/or structures shall be no greater than fourteen (14) feet in height or three hundred (300) square feet in gross floor area. The entry or access side of a cabinet and/or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet and/or structure. Such access way shall be located away from residentially zoned property, wherever possible.

5.9.7.5. Cell On Wheels
The use of Cell on Wheels (COW) in response to a declaration of emergency is permitted following administrative review and approval for up to 120 days.

5.9.7.6. Collocation and Eligible Facilities Requests

5.9.7.6.1. Collocation Approval

A. Collocation of antenna on existing wireless support structures and minor modifications (eligible facilities requests) to existing wireless support structures that do not constitute substantial modifications, as defined by this Section, shall be reviewed and approved administratively subject to the requirements of Section 3.2.

B. A collocation or eligible facilities request application is deemed complete unless the Town provides notice that the application is incomplete in writing to the applicant within 45 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The Town may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, State, and local safety requirements. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated. The Town shall issue a written decision approving an eligible facilities request application within 45 days of such application being deemed complete. For a collocation application that is not an eligible facilities request, the Town shall issue its written decision to approve or deny the application within 45 days of the application being deemed complete.

5.9.7.6.2. Good Faith
Applicants and permittee shall make a good faith effort to share wireless support structures, facilities and sites where feasible and appropriate. Good faith effort shall include sharing technical information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an exception to the duty of good faith. Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit.

5.9.7.6.3. Third-Party Technical Review
In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users on the proposed structure, the Administrator may require the applicant to obtain a third-party technical study at the applicant's expense. The Administrator may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

5.9.7.6.4. Exceptions
No co-location may be required where the shared use would or does result in significant interference with the broadcast or reception capabilities of the existing wireless communication facilities or the failure of the facilities to meet federal standards for emissions.

5.9.7.7. Removal of Abandoned Antennas and Wireless Support Structures

5.9.7.7.1. Discontinuance Period

Any wireless support structure or antenna that is not operated for a continuous period of one (1) year shall be considered abandoned, and the owner of such facility shall remove the wireless support structures within ninety (90) days of receipt of notice from the Board of Adjustment notifying the owner of such abandonment. If there are two or more users of a single wireless support structure, then this provision shall not become effective until all users cease using the wireless support structure for the prescribed period. "Physically remove" shall include, but not be limited to:

A. Removal of antennas, mount, equipment shelters and security barriers from the subject property.

B. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

C. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

5.9.7.7.2. Authority to Remove and Require Bond

A performance bond shall be set for 1.25 times the estimated cost of removal of all wireless support structure and accessory equipment structures that are approved. The performance bond shall be filed prior to issuance of a zoning clearance. This amount will be determined by a removal company and certified by a North Carolina Licensed Engineer. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI) Index.

5.9.7.8. Nonconforming Uses

5.9.7.8.1. No Expansion of Nonconforming Use

Wireless support structures that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

5.9.7.8.2. Preexisting Wireless Support Structures

Preexisting wireless support structures constructed prior to the adoption of this Ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new wireless support structure of like construction and height) shall be permitted on such preexisting structures. New construction other than routine maintenance on a preexisting wireless support structures shall comply with the requirements of this Section.

5.9.7.8.3. Rebuilding Damaged or Destroyed Nonconforming Wireless Support Structures

Notwithstanding this Section, bona fide nonconforming wireless support structures or antennas that are damaged or destroyed by weather events or other non-manmade causes to conform to the requirements of this Ordinance provided the type, height, and location of the structure onsite shall be of the same type and intensity as the original facility; provided, however, that any destroyed lattice or guyed wireless support structure shall be replaced with a monopole structure only. If no permit is obtained or if said permit expires, the structure shall be deemed abandoned.

5.9.7.9. Collocation of Small Wireless Facilities

5.9.7.9.1. Applicability

A. Collocation of small wireless facilities, as defined by this Section, are permitted pursuant to NCGS 160D-935.

B. The Town shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates the design,

engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility. This subsection does not apply to a stadium or athletic facility owned or otherwise controlled by the Town. This subsection does not prohibit the enforcement of applicable codes.

C. Nothing contained in this Section shall amend, modify, or otherwise affect any easement between private parties. Any and all rights for the use of a right-of-way are subject to the rights granted pursuant to an easement between private parties.

D. Except as provided in this Section or otherwise specifically authorized by the General Statutes, the Town may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way of State-maintained highways or Town rights-of-way by a provider authorized by State law to operate in the rights-of-way of State-maintained highways or Town rights-of-way and may not regulate any communications services.

E. The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this Section does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way.

5.9.7.9.2. Approval

A. Small wireless facilities that meet the height requirements of Section 5.9.7.9.3 shall only be subject to administrative review and approval if they are collocated in a right-of-way within any zoning district or outside of rights-of-way on property other than single-family residential property.

B. A Zoning Clearance Permit shall be required to collocate a small wireless facility. A Town shall receive applications for, process, and issue such permits subject to Section 3.2 and the following requirements:

1. The Town may not, directly or indirectly, require an applicant to perform services unrelated to the collocation for which approval is sought. “Services unrelated to the collocation," includes in-kind contributions to the Town such as the reservation of fiber, conduit, or pole space for the Town.

2. The wireless provider completes an application as specified in form and content by the Town. A wireless provider shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers.

C. A permit application shall be deemed complete unless the Town provides notice otherwise in writing to the applicant within 30 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission if the additional materials cure the deficiencies identified. The permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the Town fails to approve or deny the application within 45 days from the time the application is deemed complete or a mutually agreed upon time frame between the Town and the applicant.

D. The Town may deny an application on the basis that it does not meet any of the following:
- Applicable Town codes;
- Local code provisions or regulations that concern public safety, objective design standards for decorative utility poles, Town utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment
- Public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or

- The historic preservation requirements in NCGS 160D-945. The Town must document the basis for a denial, including the specific code provisions on which the denial was based and send the documentation to the applicant on or before the day the Town denies an application. The applicant may cure the deficiencies identified by the Town and resubmit the application within 30 days of the denial without paying an additional application fee. The Town shall approve or deny the revised application within 30 days of the date on which the application was resubmitted. Any subsequent review shall be limited to the deficiencies cited in the prior denial.

E. An application must include an attestation that the small wireless facilities shall be collocated on the utility pole, Town utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the Town and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

F. An applicant seeking to collocate small wireless facilities at multiple locations within the jurisdiction of the Town shall be allowed at the applicant's discretion to file a consolidated application for no more than 25 separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this section. A Town may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations for which incomplete information has been provided or that are denied. The Town may issue a separate permit for each collocation that is approved.

G. The permit may specify that collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the Town and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

H. The Town shall require a wireless services provider to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the Town shall cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless services provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a signal, unless the wireless services provider gives the Town reasonable evidence that it is diligently working to place such wireless facility back in service.

I. The Town shall not require an application or permit or charge fees for (i) routine maintenance; (ii) the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or (iii) installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles or Town utility poles in compliance with applicable codes by or for a communications service provider authorized to occupy the Town rights-of-way and who is remitting taxes under NCGS 105-164.4(a)(4c) or NCGS 105-164.4(a)(6).

J. The applicant shall receive approval for work that involves excavation, affects traffic patterns, or obstructs vehicular traffic in a Town right-of-way.

5.9.7.9.3. Use of Public Right-of-way and Facility Height

A. The use of public rights-of-way for collocation of small wireless facilities shall be subject to NCGS 160D-936, including the following:

1. Each new utility pole and each modified or replacement utility pole or Town utility pole installed in the right-of-way shall not exceed 50 feet above ground level.

2. Each new small wireless facility in the right-of-way shall not extend more than 10 feet above the utility pole, Town utility pole, or wireless support structure on which it is collocated.

3. In no instance in a residential zoning district, where the existing utilities are installed underground may a utility pole, Town utility pole, or wireless support structure exceed 40 feet above ground level, unless the Board of Adjustment grants a variance approving a taller utility pole, Town utility pole, or wireless support structure.

B. Except as provided in this part, the Town may assess a right-of-way charge under this section for use or occupation of the right-of-way by a wireless provider, subject to the restrictions set forth under NCGS 160A-296(a)(6). In addition, charges authorized by this section shall meet all of the following requirements:

1. The right-of-way charge shall not exceed the direct and actual cost of managing the Town rights-of-way and shall not be based on the wireless provider's revenue or customer counts.

2. The right-of-way charge shall not exceed that imposed on other users of the right-of-way, including publicly, cooperatively, or municipally owned utilities.

3. The right-of-way charge shall be reasonable and nondiscriminatory.

C. Nothing in this section is intended to authorize a person to place, maintain, modify, operate, or replace a privately-owned utility pole or wireless support structure or to collocate small wireless facilities on a privately-owned utility pole, a privately-owned wireless support structure, or other private property without the consent of the property owner.

D. Wireless providers shall repair all damage within a right-of-way directly caused by the activities of the wireless provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, Town utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. If the wireless provider fails to make the repairs required by the Town within a reasonable time after written notice, the Town may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The Town may maintain an action to recover the costs of the repairs.

E. This section shall not be construed to limit enforcement of historic preservation zoning regulations consistent with NCGS Chapter 160D, Article 9, Part 3 the preservation of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications under 47 U.S.C. § 1455(a), or the National Historic Preservation Act of 1966, 54 U.S.C. § 300101, et seq., as amended, and the regulations, local acts, and Town charter provisions adopted to implement those laws.

F. A wireless provider may apply to a Town to place utility poles in the Town rights-of-way, or to replace or modify utility poles or Town utility poles in the public rights-of way, to support the collocation of small wireless facilities. A Town shall accept and process the application in accordance with the provisions of NCGS 160D-935 (d), applicable codes, and other local codes governing the placement of utility poles or Town utility poles in the Town rights-of-way, including provisions or regulations that concern public safety, objective design standards for decorative utility poles or Town utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including those relating to screening or landscaping, or public safety and reasonable spacing requirements. The application may be submitted in conjunction with the associated small wireless facility application.

5.9.7.9.4. Access to Town Utility Poles

A. Pursuant to NCGS 160D-937, the Town may not enter into an exclusive arrangement with any person for the right to collocate small wireless facilities on Town utility poles. The Town shall allow any wireless provider to collocate small wireless facilities on its Town utility poles at just, reasonable, and nondiscriminatory rates,

terms, and conditions, but in no instance may the rate exceed fifty dollars ($50.00) per Town utility pole per year.

B. A request to collocate under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the Town to be reimbursed by the wireless provider. In granting a request under this section, the Town shall require the requesting entity to comply with applicable safety requirements, including the National Electrical Safety Code and the applicable rules and regulations issued by the Occupational Safety and Health Administration.

C. Following receipt of the first request from a wireless provider to collocate on a Town utility pole, the Town shall, within 60 days, establish the rates, terms, and conditions for the use of or attachment to the Town utility poles that it owns or controls. Upon request, a party shall state in writing its objections to any proposed rate, terms, and conditions of the other party.

D. In any controversy concerning the appropriateness of a rate for a collocation attachment to a Town utility pole, the Town has the burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs incurred for use of space on the pole for such period.

E. The Town shall provide a good-faith estimate for any make-ready work necessary to enable the Town utility pole to support the requested collocation, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant. For purposes of this section, the term "make-ready work" means any modification or replacement of a Town utility pole necessary for the Town utility pole to support a small wireless facility in compliance with applicable safety requirements, including the National Electrical Safety Code, that is performed in preparation for a collocation installation.

F. The Town shall not require more make-ready work than that required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work and shall not include any consultant fees or expense

5.10. OTHER USES

5.10.1. BUSINESS KIOSKS, FREESTANDING (ATM, ICE VENDING, ETC.)

A. For purposes of these conditions, a business kiosk is defined as a freestanding structure of no greater than 200 square feet located within the parking lots of established shopping centers. These regulations shall not apply to vending units of smaller than 24 square feet and eight (8) feet tall placed against building walls within non-residential districts.

B. The erection or installation of a kiosk on the property shall not eliminate or reduce the number of parking spaces required for the principal use on the site.

C. A business kiosk shall maintain the same setbacks as required for all other non-residential accessory structures located within the zoning district.

D. Freestanding signs identifying the kiosk and/or its services shall not be allowed, however a panel on an existing multi-tenant sign is permitted. Wall signage only shall be permitted provided the wall signs comply with Article 12 of this Ordinance.

E. Space for stacking at least four (4) vehicles for each service window shall be provided; however, such space shall not eliminate or reduce the minimum number of parking spaces required for the principal use nor require the stacking of vehicles in such a manner that travel within the driving lanes and internal passageways are impeded.

F. All utility connections shall be underground.

G. Any landscaping or landscaping islands or areas eliminated or reduced in order to accommodate a business kiosk shall be replaced elsewhere within the parking lot at a location approved by the Administrator.

H. The location of the kiosk and travel lanes for vehicles to and from the kiosk shall not obstruct or interfere with existing traffic flow patterns within the shopping center. Any alteration of existing traffic flow patterns shall require the approval of the Administrator.

I. Kiosks shall meet the design standards for non-residential accessory structures as set forth in Section 11.3.14.

5.10.2. TEMPORARY USES

5.10.2.1. General Provisions

A. The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Planning Department is required pursuant to Section 3.2 of this Ordinance. Temporary Use Permits shall not be required for non-profit organization fundraisers or individual vendors at Town-sponsored special events or individual vendors for which a Temporary Use Permit has been issued under Section 5.10.2.8.

B. All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified in sections 5.10.2.2 through 5.10.2.6 below.

C. The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

D. The use shall not be on publicly or privately-owned property unless the applicant first obtains written approval from the owner.

E. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

F. Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

G. Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed, or business conducted within the public right-of-way, except that this section shall not apply to the CC district.

H. Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Article 12 for specific standards for signs.

I. Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.

J. The period of time an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on that parcel shall be at least three (3) months. This restriction shall not apply to real estate development and constructed related temporary uses as set forth in section 5.10.2.3.

5.10.2.2. Temporary Retail Sales Uses

5.10.2.2.1. Fireworks Stands
Limited to only non-residential zones for a period of time not to exceed 45 days. A maximum of one (1) structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period.

5.10.2.2.2. Seasonal Sale of Agricultural Products (Including Christmas Trees)
Temporary Use Permits are required for all produce stands in non-residential zoning districts. Such sales are limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

5.10.2.2.3. Food Vendors
The sale of food and/or beverages from a stand, motor vehicle, tent, cart, or person may be allowed in the C-1, C-2, and I-1 zoning districts, and shall be limited to a period not to exceed 90 days per calendar year per lot of record. Food vendors shall be subject to applicable Health Department requirements.

5.10.2.3. Real Estate Development and Construction-Related Temporary Uses

5.10.2.3.1. Contractors Office and Equipment/Storage Sheds
Accessory to a Construction Project (Residential or Non-Residential). Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within 30 days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.

5.10.2.3.2. Real Estate Office in a Construction Trailer or Temporary Modular Unit
Temporary structures, such as construction trailers or temporary modular units, may be used as real estate sales offices in any new construction project for the sale of unites within that project only. Such a temporary use may be allowed in all zoning districts. The permit shall be valid until the project is completed or for a period of two (2) years from the time of the recording of the most recent final plat.

5.10.2.3.3. Real Estate Office in a Model Home
Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

5.10.2.3.4. Single Family Dwelling in Temporary Structure
During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Zoning Compliance for a non-residential structure or the first residential unit if within a residential development.

5.10.2.3.5. Recreational Vehicles
Recreational vehicles shall be permitted as a temporary use or structure for up to six (6) months for residential construction or repair projects that have a valid building permit. At the end of six (6) months the recreational

vehicle shall be removed from the property or disconnected from utilities and parked in accordance with Section 5.2.10. This timeframe may receive a one-time extension of up to three (3) months due to extenuating circumstances.

5.10.2.4. Temporary Business Relocation

A business may be temporarily relocated to any location within the CC, O-I, C-1, C-2, or I-1 zoning districts, whether or not the use is allowed in that district, during the renovation of their permanent location for a period not to exceed six (6) months with the issuance of a Temporary Use Permit. A one-time extension of up to six (6) months may be issued due to delays in construction. Such may business may display a temporary banner not to exceed 32 square feet at the temporary location.

5.10.2.5. Amusement Enterprises

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed 21 days within any calendar year. This classification excludes events conducted in a permanent entertainment facility.

5.10.2.6. Religious Events

A. Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed 15 days.

B. Religious events in a tent or other temporary structure may be allowed in any residential zoning district for a period not to exceed 15days, provided that the property on which the temporary use is going to be operated is owned by the same religious institution requesting the temporary use.

5.10.2.7. Promotional Activities in Commercial Zones Involving the Display of Goods and Merchandise

Such activities may be conducted outside for a period of not more than two (2) consecutive days. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be issued up to 12 times during any calendar year, for a maximum of 24 days per calendar year.

5.10.2.8. Special Events and Activities

Special events and activities conducted on public property such as school sites and public parks shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency (*e.g.* School District or a Parks and Recreation Department).

5.10.2.9. Similar and Compatible Uses Not Specified

If a particular temporary use is listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a "similar and compatible use". Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information such as type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation. If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Planning & Zoning Board in accordance with Section 3.8 of this Ordinance.

ARTICLE 6
SUBDIVISION REGULATIONS

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6.1. GENERAL PROVISIONS

6.1.1. PURPOSE

A. This Article of the Development Ordinance shall officially be known, cited and referred to as the Subdivision Regulations of the Town of Mount Pleasant, North Carolina.

B. As required by NCGS Chapter 160D, Article 8, the purpose of establishing this Article is to provide for the orderly growth and development of the local government; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and general welfare.

6.1.2. SUBDIVISION DEFINED AND APPLICABILITY

A. This Article shall apply to any subdivision, as defined herein, within the corporate limits of the Town or any extraterritorial jurisdiction established pursuant to NCGS 160D-202.

B. Subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is 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 within this definition nor be subject to the regulations authorized by this Article:

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 the local government as shown in its subdivision regulations.

2. The division of land into parcels greater than 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 system corridors.

4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.

5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

6. A local government may provide for expedited review of specified classes of subdivisions.

C. The Town may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

1. The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

3. The entire area of the tract or parcel to be divided is greater than five (5) acres.

4. After division, no more than three (3) lots result from the division.

5. After division, all resultant lots comply with all of the following:
   - All lot dimension size requirements of the applicable land-use regulations, if any.
   - The use of the lots is in conformity with the applicable zoning requirements, if any.
   - A permanent means of ingress and egress is recorded for each lot.

D. The Administrator shall review any plat that does not qualify as a subdivision for compliance with zoning regulations. The following certificate shall be placed on exemption plats for divisions or recombinations that are not defined as subdivisions:

Exempt Plat Certificate
I certify that this plat is exempt from subdivision regulations in accordance with NCGS 160D-802 and meets the minimum zoning standards of the Town of Mount Pleasant Development Ordinance.

_____
Development Ordinance Administrator Date

6.1.3. MINOR SUBDIVISION DEFINED

A minor subdivision is defined as a subdivision involving no new public street right-of-way dedications (except widening of existing, platted street rights-of-way). The minor subdivision process shall be limited to the creation of no more than five (5) new lots from the original parent tract. The use of this process is limited to one (1) minor subdivision, or the creation of five (5) new lots, from the parent parcel per five (5) year period.

6.1.4. MAJOR SUBDIVISIONS DEFINED

All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

6.1.5. AUTHORITY AND JURISDICTION

A. The Planning & Zoning Board is vested with the authority to review, approve, conditionally approve and disapprove applications for Preliminary Plats.

B. The Administrator is vested with the authority to review sketch plans and to approve, conditionally approve and disapprove applications for conveyance plats, minor subdivisions, and/or Final Plats for major subdivisions.

C. The Director of Public Works, Town Engineer, and other applicable members of the Technical Review Committee (TRC), or their designees are vested with the authority to review and approve Construction Plans, Subdivision Improvement Agreements, and Performance Guarantees. The Director of Public Works, Town Engineer, and other applicable members of the Technical Review Committee (TRC), or their designees are also granted the authority to inspect and accept or deny all improvements.

D. The Town Board is vested with the authority to accept all public dedications including, but not limited to right-of-way, easements, park facilities, and open space.

6.1.6. PLAT REQUIRED

A. From and after the effective date of this Article, the owner or proprietor of any tract of land who desires to subdivide land (to create a "Subdivision") shall be required to submit a plat of such Subdivision to the Administrator, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Administrator must be made in accordance with the regulations set forth in this Article.

B. No person shall subdivide and without making and recording a plat and complying fully with the provisions of this Article and all other state and local laws and regulations applying to Subdivisions.

C. No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.

D. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.

E. In any matter in which a court orders the partition of land by dividing the same among the owners, such action shall be exempt from the provisions of this Article, provided that the Town is made a party defendant to said action and gives its consent or fails to file responsive pleadings to said division of the property

F. A final subdivision plat shall be approved by the Administrator before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Administrator in accordance with these regulations.

6.1.7. RECORDATION OF UNAPPROVED PLAT PROHIBITED

The Register of Deeds shall not file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Article.

6.1.8. SALE OF PROPERTY IN VIOLATION OF THIS ORDINANCE PROHIBITED

No land described in this Section shall be subdivided or sold, or transferred until each of the following conditions has occurred in accordance with these regulations:

A. The subdivider or his agent has obtained approval of the Sketch Plan, a Preliminary Plat (when required), and a Final Plat as provided in this Article; and

B. The subdivider or his agent files the final or conveyance plat with the Register of Deeds.

Table 6-1.1 Subdivision Review Periods

(A)		(B) DESIGNATED AGENCY (DECISION-MAKER)	(C) TIME LIMIT FOR PROCESSING
CLASSIFICATION	**STAGE**		
Minor Subdivision	Sketch Plan	Administrator	15 working days
Minor Subdivision	Conveyance Plat or Final Plat	Administrator	15 working days
Major Subdivision	Sketch Plat	Administrator	15 working days
Major Subdivision	Preliminary Plat	Planning & Zoning Board	60-100 days
Major Subdivision	Final Plat	Administrator	15 working days
Construction Plans	–	Administrator, TRC	30 days

6.2. CRITERIA FOR SUBDIVISION APPROVAL

It is the intent of this Ordinance that land to be subdivided shall be of a character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements are existing or proposed, and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities and improvements. Accordingly, the Administrator or Planning & Zoning Board shall consider the following criteria:

A. The proposed land uses are in accord with the adopted *Comprehensive Plan* and the Official Zoning Map, or that the means for reconciling any differences have been addressed. A Preliminary Plat may be processed concurrently with a rezoning request.

B. The proposed subdivision conforms to all relevant requirements of this Ordinance and to any variances that have been granted to permit any nonconformance. The plat shall meet all requirements of this Ordinance with respect to lot size and area, and in no way create a violation of any applicable current ordinances, statutes or regulations.

C. The proposed development, including its lot sizes, density, access and circulation, are compatible with the existing and/or permissible future use of adjacent property.

D. That the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties.

E. That the soils and topography have been adequately studied during Construction Drawing review to ensure that all lots are developable for their designated purposes.

F. That any land located within Zone A as shown on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, is determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain-related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance, as described in Section 4.14 of this Ordinance.

G. The proposed name of a subdivision shall be approved by the Cabarrus County E-911 Coordinator(s) and shall not use a word, or phrase, which is the same as, similar to, or pronounced the same as a word in the title of any other subdivision in Cabarrus County or other municipality in the County. Proposed subdivisions may only use a duplicate subdivision name in the event that the Administrator requires the use of the same name for purposes of clear identification.

H. In considering an application for a subdivision plat, the decision-making agency shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of this Ordinance or other local, state, or federal regulations.

6.3. MINOR SUBDIVISIONS

6.3.1. MINOR SUBDIVISION REVIEW PROCEDURES

A. Minor subdivisions shall be reviewed in accordance with the administrative review procedures set forth in Section 3.2.3.

B. Applications shall be submitted to the Administrator for completeness review. Appendix B outlines the information that is to be submitted with an application for any type of subdivision plat. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in Appendix B. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. Incomplete and/or non-compliant submissions shall not be processed.

6.3.2. FINAL PLAT SUBMISSION REQUIREMENTS

6.3.2.1. Standard Final Plat

A Final Plat may be in the form of a standard plat in accordance with the provisions of Appendix B for Minor Subdivision Plats.

6.3.2.2. Conveyance Plat

If the Administrator finds that the sketch plat meets the requirements of a minor subdivision and that there are no adverse effects on the remainder of the parcel or on adjoining property, then the subdivider may proceed with the preparation of a conveyance plat. A subdivision shall be deemed to have no adverse effects on the remainder of the parcel or on adjoining property if:

A. The subdivision meets the definition of Minor Subdivision as set forth in Section 6.3.1 of this Ordinance); and

B. The subdivision contains no watershed Critical Areas (see definitions) on any portion of the property to be subdivided or developed; and

C. The conveyance plat shall be recorded in the same manner, and shall be subject to the same restrictions, as a standard Final Plat (see Section 6.3.6).

6.3.3. FINAL PLAT APPROVAL

The Administrator, upon consultation with applicable members of the Technical Review Committee (TRC) shall render a determination as to whether the plat is approved, approved with conditions or denied pursuant to Section 6.2 of this Ordinance and NCGS Chapter 160D, Article 8. The application shall be processed within the time period specified in Column (C) of Table 6.1-1. If a plat is approved, the Administrator shall certify such approval by signing the plat. If disapproved, the Administrator shall advise the subdivider of such action and shall indicate the reasons for denial.

6.3.4. RECORDING A FINAL PLAT

A. Within 30 days of Final Plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The Final Plat approval shall expire within the above-referenced time period, unless the Administrator has granted an extension. The Administrator may grant up to two (2) extensions of Final Plat approval, each of up to six (6) months. Failure to record the Final Plat within the time frame noted shall cause the Final Plat approval to

be void.

B. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

C. No Zoning Permit or Building Permit shall be issued or approved until the expiration of ten (10) business days after a Final Plat has been recorded. The purpose of this time period is to permit the assignment of addresses and P.I.N.s (Parcel Identification Numbers) in the Land Records office of Cabarrus County.

6.3.5. UTILITY EXTENSIONS PERMITTED UNDER A MINOR PLAT

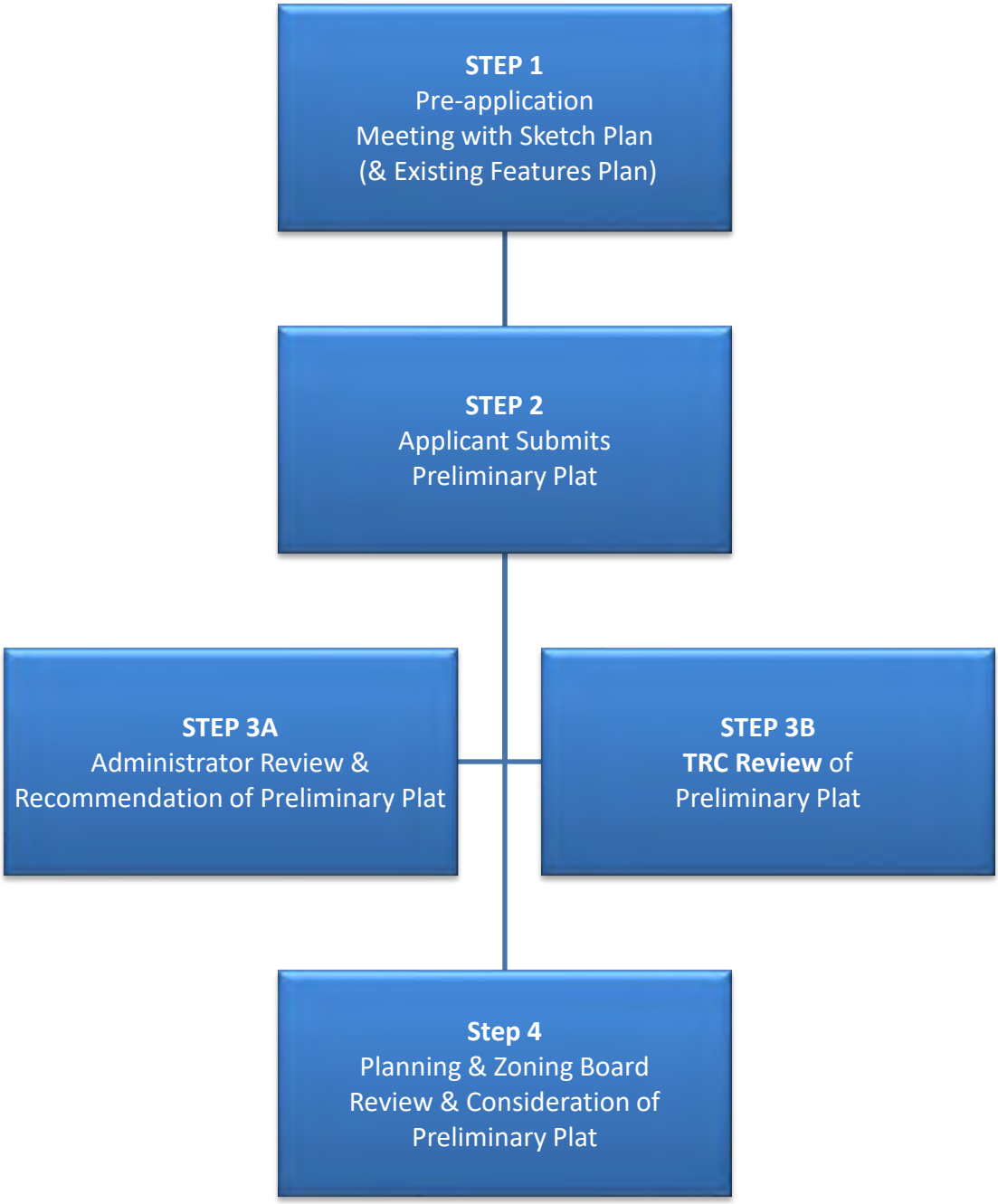
A utility extension shall be defined as the extension of a water or sewer line that falls under the ownership and maintenance of the Town of Mount Pleasant and shall require permitting by the State of North Carolina (or the Town if approved by the State for "Self-permitting"). Such extension shall require a right-of-way or easement. If applicable, utility extensions shall be allowed under a minor plat review provided that:

- all Construction Plans for utility extensions are submitted and approved in accordance with Article 10 of this Ordinance;
- all lines/improvements are constructed in accordance Article 10 of this Ordinance; and

6.4. MAJOR SUBDIVISIONS

6.4.1. MAJOR SUBDIVISION REVIEW PROCEDURES

FIGURE 6.4-1: MAJOR SUBDIVISION REVIEW PROCESS



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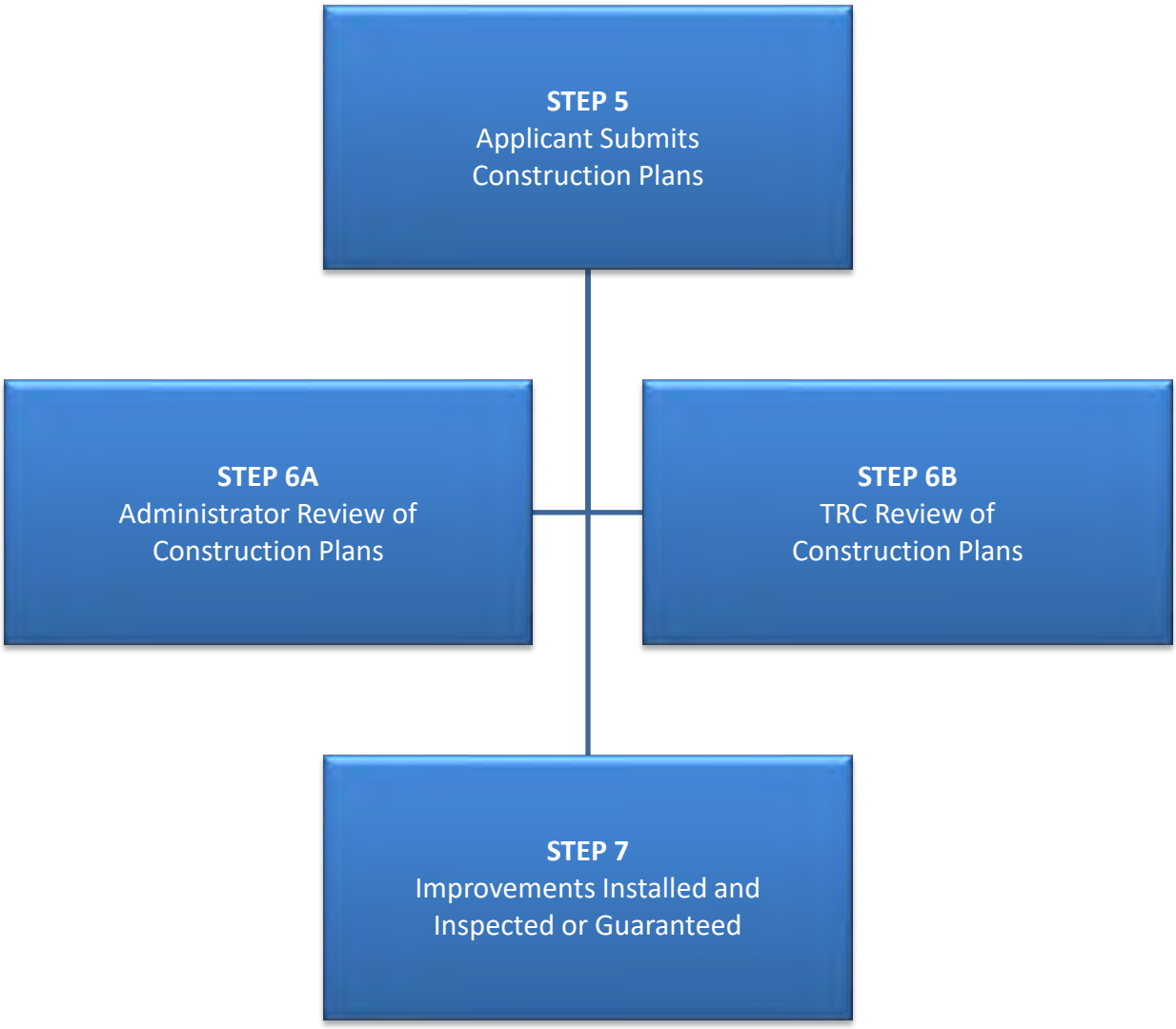

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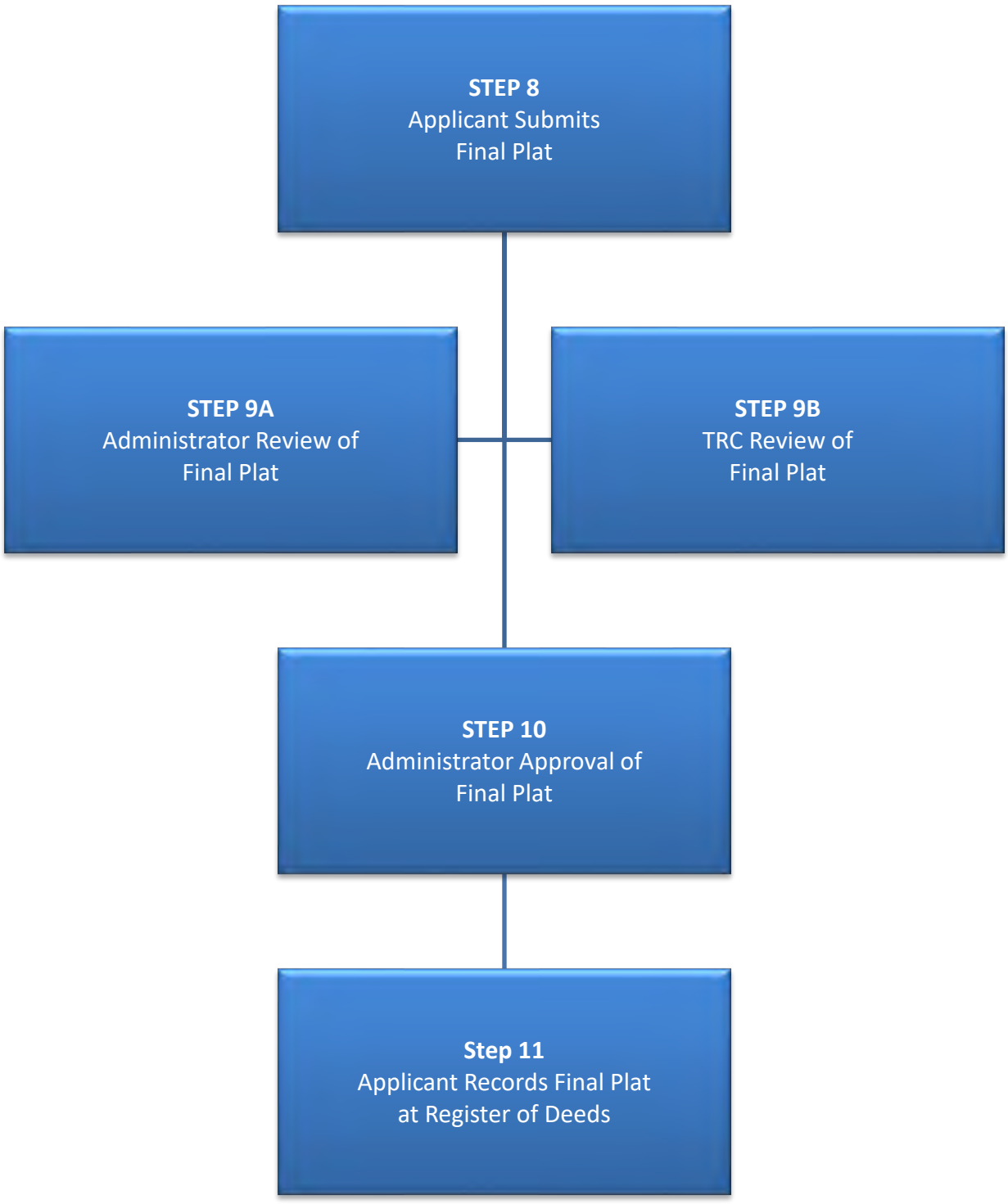


STEP 1. PRE-APPLICATION MEETING WITH SKETCH PLAN AND EXISTING FEATURES PLAN

A. To minimize subdivision planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed subdivision is required.

B. Before submitting an application authorizing a subdivision that consists of or contains a Subdivision, the developer shall submit to the Administrator an Existing Features Plan and a Sketch Plan in accordance with requirements of Sections 6.5.2 and Appendix B.

C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed.

STEP 2. APPLICANT SUBMITS PRELIMINARY PLAT

The applicant shall submit to the Administrator a completed application form, a complete Preliminary Plat (see Appendix B) and a filing fee as established by the Town Board of Commissioners.

STEP 3A AND B. ADMINISTRATOR AND TRC REVIEW OF PRELIMINARY PLAT

A. The Administrator shall review the Preliminary Plat to ensure compliance with the requirements of this Ordinance.

B. The Technical Review Committee (TRC), as established in Section 3.1.7, shall provide comments to the Administrator regarding the design of the subdivision. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the developer.

C. Upon satisfactory compliance with the Ordinance and other applicable local, state, and federal regulations, the Administrator shall present the Preliminary Plat to the Planning & Zoning Board with a report regarding whether or not the Plat is compliant with all applicable regulations.

STEP 4. PLANNING & ZONING BOARD REVIEW AND CONSIDERATION

A. The Planning & Zoning Board shall recommend approve, approve with conditions, or disapprove the Preliminary Plat. If the Plat is approved with conditions or disapproved, the reasons for such action shall be stated in writing and reference shall be made to the specific section or sections of this Ordinance with which the Preliminary Plat does not comply.

B. Subject to NCGS 160D-108, approval of the Preliminary Plat shall be effective for a period not to exceed two (2) years, and shall thereafter expire and be considered null and void, unless a petition for an extension of time is submitted to and subsequently approved by the Planning Board.

STEP 5. APPLICANT SUBMITS CONSTRUCTION PLANS

A. Following approval of the Preliminary Plat, the applicant shall submit to the Administrator a completed application form, a complete set of Construction Plans (see Appendix B) and a filing fee as established by the Town Board of Commissioners.

B. As an option, Construction Plans may be reviewed concurrently with the Preliminary Plat in Steps 1-3.

STEP 6A AND B. ADMINISTRATOR AND TRC REVIEW OF PRELIMINARY PLAT

A. The Administrator shall review the Construction Plans to ensure compliance with the requirements of this Ordinance.

B. The Technical Review Committee (TRC), as established in Section 3.1.7, shall review the Construction Plans and provide comments to the Administrator. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the developer.

C. Upon satisfactory compliance with the Ordinance and other applicable local, state, and federal regulations, the Administrator shall approve the Construction Plans.

STEP 7. IMPROVEMENTS INSTALLED AND INSPECTED OR GUARANTEED

A. Following approval of the Construction Plans, the applicant shall proceed with the installation of improvements as shown on the Preliminary Plat and Construction Plans and in accordance with Chapter 10 infrastructure requirements.

B. Approval of the Final Plat shall be subject to the developer having installed the required improvements or having guaranteed, to the satisfaction of the Town, the installation of said improvements. The Town Engineer or contract engineer shall inspect the improvements to ensure compliance with Town standards prior to approval of the Final Plat. Underground utilities shall be inspected before they are covered.

C. In lieu of requiring the completion, installation and dedication of all improvements prior to Final Plat approval, the Town may enter into an agreement with the developer whereby the developer shall agree to complete all required improvements as specified by the approved Preliminary Plat for that portion of the subdivision to be shown on the Final Plat within a mutually agreed upon specified time period subject to the provisions of NCGS 160D-804.1 Section 6.4.11.

STEP 8. APPLICANT SUBMITS FINAL PLAT

A. The applicant shall submit the applicable application, fee and the Final Plat that meets the requirements of Appendix B.

B. For phased developments, the Final Plat shall constitute only that portion of the approved Preliminary Plat which the developer proposed to develop and record at the time of submission.

STEP 9A AND B. ADMINISTRATOR AND TRC REVIEW OF PRELIMINARY PLAT

A. The Administrator shall review the Final Plat to ensure compliance with the requirements of this Ordinance. The Administrator shall check the Final Plat for conformance with the approved Preliminary Plat and with the requirements of these regulations. The Administrator shall notify the developer in writing of any non-compliance with these regulations or any deviation from the approved Preliminary Plat.

B. The Technical Review Committee (TRC), as established in Section 3.1.7, shall review the Final Plat and provide comments to the Administrator. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the developer.

STEP 10. ADMINISTRATOR APPROVAL OF FINAL PLAT

A. The Administrator shall approve or disapprove the Final Plat within the period of 30 calendar days of the Final Plat submittal. If the Administrator disapproves the Final Plat, the reasons for such action shall be transmitted

by letter to the developer or his agent, and reference shall be made to the specific section or sections of this Ordinance with which the Final Plat does not comply.

B. The Final Plat shall be properly signed and executed as required for recording by the Register of Deeds of Rutherford County. The approved Final Plat must be recorded with the Register of Deeds of Cabarrus County within 30 days after approval by the Administrator.

STEP 11. APPLICANT RECORDS FINAL PLAT AT REGISTER OF DEEDS
Within 30 days after the Final Plat has been approved by the Planning Board, it shall have been recorded with the Register of Deeds of Cabarrus County. Should this time limit expire before the plat is recorded, it must be re-submitted to the Administrator for reprocessing.

6.4.2. SCOPE OF PRELIMINARY PLAT APPROVAL

A. Should the Preliminary Plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Administrator with all corrections upon submittal of Construction Plans.

B. An approved Preliminary Plat shall be valid for two (2) years). The Planning & Zoning Board may approve a phasing plan extending the effective period of the Preliminary Plat approval up to two (2) years, for a total of four (4) years, where it is the intent of the landowners to proceed to Final Plats covering only a portion of the tract at any one time. Beyond two (2) years, if no Construction Plans have been approved, the applicant shall resubmit the Preliminary Plat to the Administrator for review by the Planning & Zoning Board in accordance with current development regulations.

C. The Planning & Zoning Board may grant a one-time two (2)-year extension. After expiration of a two (2)-year extension, a previously approved Preliminary Plat shall become void if Construction Plans have not been submitted and approved, and shall be subject to the full review process and any amendments to development regulations that have been adopted since the initial approval of the plat.

6.4.3. REVISING APPROVED PRELIMINARY PLATS

A. The Administrator shall have the authority to approve the following minor modifications from an approved Preliminary Plat and subject to the conditions below:

1. No increase in the number of lots or dwelling units;
2. A change in the location of not more than ten percent (10%) of the number of lots;
3. A change in the location of any part of open space acreage of not more than ten percent (10%) of the gross acreage;
4. A change in the location of any part of proposed street alignment and lot configuration of not more than ten percent (10%) of the gross acreage so long as the number of external access points is not decreased and the minimum street connectivity ratio as set forth in Article 10 is maintained; and
5. Changes are restricted to within internal parcel boundaries and shall not affect external property lines.

B. All other changes to an approved Preliminary Plat that do not meet the standards of this Section shall require the filing and approval of a new Preliminary Plat.

6.4.4. MAJOR SUBDIVISION FINAL PLAT PROVISIONS

A. Upon submittal of the copies of the Final Plat and other required materials, the Administrator shall review the application for completeness. The Administrator may find the application for a Final Plat incomplete if 1) any of the information required for Final Plats in Appendix B is not provided; 2) the Final Plat does not conform to the conditions attached to approval of the Preliminary Plat; or 3) the Plat is in conflict with the provisions of this Ordinance and no variance or exception been approved.

B. Except as provided in Section 6.4.11 Subdivision Improvement Agreements, all applicants shall be required to complete, to the satisfaction of Ordinance requirements, all street, sanitary, and other public improvements of the subdivision as required by this Ordinance before the Final Plat is recorded.

C. In the event that the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the Town shall compel the delivery of the deed and guarantees in order to complete the improvements as required.

D. In addition to the criteria as set forth in Section 6.2 of this Ordinance, the Administrator shall not approve a Final Plat unless and until satisfactory evidence is filed that the Final Plat is in a form acceptable for recording with the Register of Deeds, and that all improvements have been satisfactorily installed or Subdivision Improvement Agreements have been signed by the applicant. The subdivider will also be required to submit a fee, payment of all design costs for improvements, and appropriate performance surety.

E. The Final Plat shall comply with any phasing plan set forth in the Preliminary Plat.

F. The applicant shall place reference monuments in the subdivision as required by NCGS 47-30.

G. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

H. Final Plats for major subdivisions shall be reviewed and signed by a Review Officer prior to recordation at the Register of Deeds.

I. Approval of the Final Plat for a subdivision or section thereof shall not be deemed to be acceptance by the Town or state of any street, alley, public space, utility or other physical improvements shown on the Final Plat and engineering plans for the maintenance, repair or operation thereof. (See § 6.4.13 for acceptance).

J. No Zoning Permit or Building Permit shall be issued or approved until the expiration of ten (10) business days after a Final Plat has been recorded. The purpose of this time period is to permit the assignment of addresses and P.I.N.s (Parcel Identification Numbers) in the Land Records office of Cabarrus County.

6.4.5. PHASING OF A PRELIMINARY PLAT

Whenever a subdivider applies for approval of a Final Plat which contains only a portion of the land encompassed in the approved Preliminary Plat, the Final Plat shall coincide with phase lines as established on the Preliminary Plat or Construction Plans.

6.4.6. MAJOR SUBDIVISION CONSTRUCTION PLAN PROVISIONS

A. Within the timeframes set forward in Section 6.4.2, following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer, registered in the State of North Carolina, Construction Plans, consisting of complete specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by Appendix B of this Ordinance and any additional technical manuals as adopted by the Town.

B. In the course of preparation of Construction Plans, it is determined that minor revisions to the Preliminary Plat are necessary to accommodate unforeseen infrastructure issues, the provisions of Section 6.4.3 shall be followed.

C. Construction Plans shall be submitted to the Administrator for distribution to applicable Technical Review Committee (TRC) members. for review and approval as an administrative permit.

D. Approved Construction Plans shall be valid for two (2) years. After that time, both the Preliminary Plat and Construction Plans are subject to full review and approval in accordance with current development regulations.

E. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee. All installations of improvements shall conform to the approved Construction Plans. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Administrator, Director of Public Works, Town Engineer, or their designee. It shall be the responsibility of the applicant to notify the Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved Construction Plans, such unapproved work shall constitute a violation of this Ordinance and shall be remedied in accordance with Section 1.6. The applicant shall be required to correct the installed improvements to conform to the approved Construction Plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

6.4.7. AS-BUILT DRAWINGS

A. Prior to final inspection of the required improvements, the applicant shall submit to the Administrator one (1) digital and one (1) full-size print of as-built engineering drawings for each of the required improvements that have been completed, certified by the applicant's engineer indicating the date when the as-built survey was made.

B. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. In conjunction with the submittal of engineering plans and specifications, the subdivider shall be required to demonstrate compliance with the Erosion & Sedimentation Control Standards of the overall area proposed to be developed. The subdivider shall cause all grading, excavations, open cutting and similar land surface disturbances to be mulched, seeded, sodded or otherwise protected to ensure compliance with the North Carolina Department of Environmental Quality's (NCDEQ) Sedimentation Control Standards. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the subdivider's engineering plans and sedimentation control proposals have received approval.

C. As-built drawings shall depict the location of all street rights-of-way, alignments, widths and vertical elevations. water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties. As-built drawings shall show all control points and monumentation.

6.4.8. INSPECTION OF IMPROVEMENTS

A. During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications and standards. Appropriate agencies of the Town and state may make inspections at any time during the progress of work.

B. All improvements required by these regulations shall be inspected prior to acceptance by the Town. Where inspections are made by individuals or agencies, other than the Director of Public Works, Town Engineer, or their designee, the applicant shall provide the Director of Public Works, Town Engineer, or their designee with written reports of each final inspection.

C. Prior to beginning construction, the applicant shall arrange with the Director of Public Works, Town Engineer, or their designee a pre-construction meeting for the purpose of coordinating construction activities.

D. It shall be the responsibility of the applicant to notify the Director of Public Works, Town Engineer, or their designee of the commencement of construction of improvements one (1) full working day prior thereto. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or development improvement agreement:

1. Site grading/erosion control completion
2. Underground utility installation
3. Subgrade preparation prior to aggregate base installation
4. Aggregate base compaction
5. Concrete curb and gutter installation
6. Bituminous binder placing
7. Final surfacing prior to seal coat

E. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

6.4.9. ACCEPTANCE OF IMPROVEMENTS

A. Approval of the installation of improvements by the Director of Public Works, Town Engineer, or their designee shall not constitute acceptance by the Town of the improvement for dedication purposes. The installation of improvements in any subdivision shall, in no case, serve to bind the Town to accept such improvements for maintenance, repair or operation thereof. Such acceptance shall be subject to approval by the Town Board of Commissioners upon recommendation by the Director of Public Works, Town Engineer, or their designee.

B. The specific standards for acceptance of easements shall be subject to the technical design standards of this Ordinance and any other adopted policy or manual of the Town. All easements shall be in full compliance with this Ordinance prior to acceptance.

C. The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements have been accepted.

D. When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this Article, and the applicant has submitted as-built drawings to the Director of Public Works, Town Engineer, or their designee, the Town Board shall accept the improvements for maintenance by the Town, except that this shall not apply to improvements maintained by another entity.

E. These provisions shall not be construed to relieve the subdivider or the subdivider's agent or contractor of any responsibility in notifying any agency for the Town of completed work and formal request for inspection of same. The agency having jurisdiction shall inspect and approve all completed work prior to the release of any applied performance sureties.

6.4.10. SITE CLEANUP

The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the Town is prohibited.

6.4.11. PERFORMANCE GUARANTEES

Pursuant to NCGS 160D-804.1, a developer may provide a performance guarantee to assure successful completion of required improvements:

6.4.11.1. Performance Guarantee Type

The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:

A. Surety bond issued by any company authorized to do business in this State;

B. Letter of credit issued by any financial institution licensed to do business in this State; or

C. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

6.4.11.2. Duration

The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

6.4.11.3. Extension

A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the Town, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.

6.4.11.4. Release

The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to

its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the local government, if subject to its acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.

6.4.11.5. Amount

The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

6.4.11.6. Timing

The Town, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.

6.4.11.7. Coverage

The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

6.4.11.8. Legal Responsibilities

No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

A. The local government to whom the performance guarantee is provided;

B. The developer at whose request or for whose benefit the performance guarantee is given; or

C. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

6.4.11.9. Multiple Guarantees

The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

6.4.11.10. Exclusions

A. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section

B. In order to provide for emergency access, no performance guarantee shall be approved accepted, until the Base Course for the streets within the applicable phase for which a Final Plat is proposed has been installed.

6.4.12. SUBDIVISION EXCEPTIONS
(Applies Only to Preliminary Plats for Major Subdivisions)

A. Where the Planning & Zoning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the Planning & Zoning Board shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the subdivision exception will not be detrimental to the public safety, health, or welfare or injurious to other property;

2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

4. The relief sought will not in any manner vary the provisions of the Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.

B. In approving a subdivision exception, the Planning & Zoning Board may require such conditions as will, in its judgment, secure substantially the purposes described in 6.2 of this Ordinance.

C. A petition for a subdivision exception shall be submitted in writing by the subdivider at the time when the Preliminary Plat is filed for consideration. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

D. The Planning & Zoning Board shall consider the application at a public hearing and shall approve, approve with conditions, or deny the Subdivision Exception. Said hearings before the Planning & Zoning Board shall be considered a quasi-judicial proceeding and shall be subject to Section 3.1.7 of this Ordinance.

E. The applicant may appeal the decision of the Planning & Zoning Board to the Town Board by filing a Notice of Appeal with the Administrator. If the applicant submits a Notice of Appeal, the Administrator shall schedule the application for a hearing before the Town Board. The Town Board shall consider the appeal of the decision of the Planning and Zoning Board at a public hearing and shall approve, approve with conditions or deny the application for a variance. Said hearings before the Town Board shall be considered a quasi-judicial proceeding and shall be subject to Section 3.1.7 of this Ordinance.

6.5. OPEN SPACE STANDARDS

6.5.1. PURPOSE AND APPLICABILITY

A. The purpose of this Section is:

1. To protect existing environmental resources including streams, wetlands, floodplains, soils, forest stands, trees and other significant vegetation and wildlife.

2. To promote the reservation of open space in environmentally sensitive areas.

3. To provide recreational amenities for the residents of the Town.

B. The provisions of this section shall apply to an application for any residential development of more than five (5) dwelling units and a density of more than one (1) dwelling unit per two (2) acres (0.5 DUA).

C. The Administrator may require connection to a community open space network and/or trails system if the proposed development is adjacent to the boundary of an established community public open space as included in the *Town's Comprehensive Plan, Cabarrus County Active Living & Parks Master Plan, and/or Carolina Thread Trail Master Plan for Cabarrus County*, which is hereby incorporated by this reference as if set forth in its entirety herein. The open space/trail system shall be maintained by the applicant or subsequent owners provided, however, that the applicant may request to publicly dedicate any trail that the Town of Mount Pleasant or other non-profit entity accepts into a trail system.

6.5.2. EXISTING FEATURES PLAN

A. Existing features plans are required to be submitted with all subdivision sketch plans and multi-family residential site plans for developments more than five (5) dwelling units and a density of more than one (1) dwelling unit per two (2) acres (0.5 DUA).

B. Existing features plans shall contain the following information at a minimum:

1. Existing topography at intervals of no less than 5 feet

2. Perennial and intermittent streams

3. Ponds and wetlands

4. Special flood hazard areas

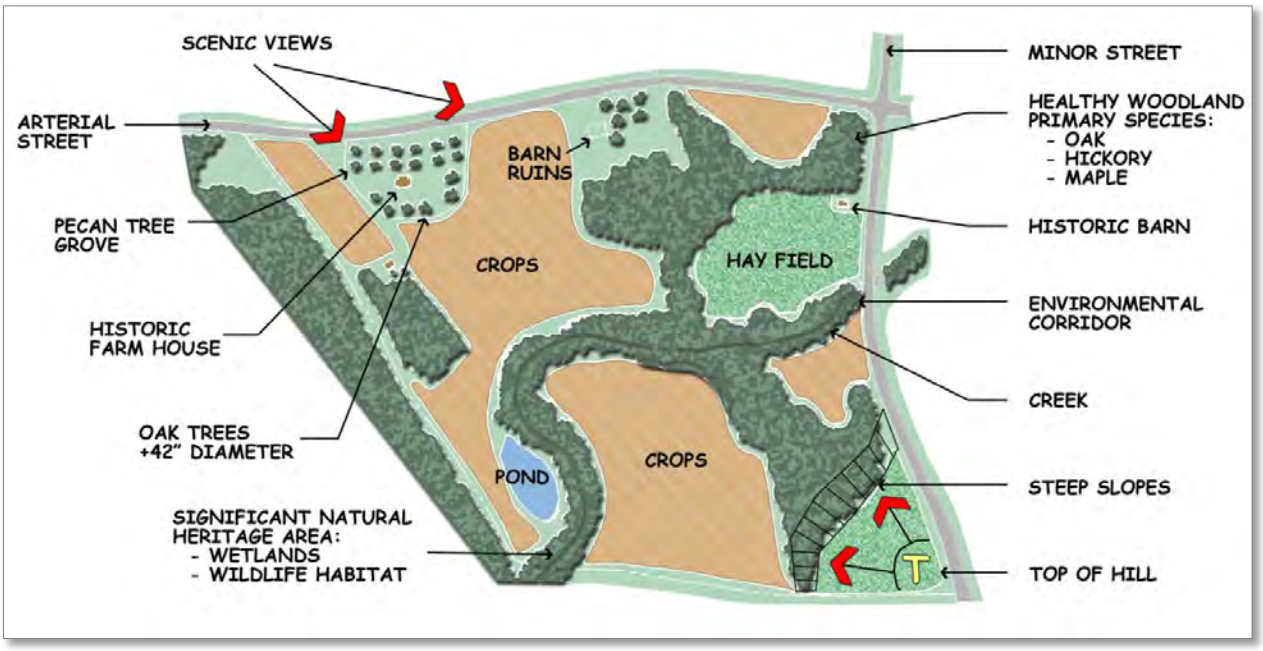
5. Existing groundcover: forested areas, grasslands, pasture, cropland, rock outcroppings, etc.

6. Existing structures

7. Historic or archaeological sites

8. Significant natural heritage areas as delineated by the North Carolina Natural Heritage Program

Figure 6.5-1: Conceptual Existing Features Plan



6.5.3. MINIMUM REQUIRED OPEN SPACE

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area. Open space dedication for conservation development is set forth in Section 6.7.

Density (DUA)	Percent Open Space
0.2 DUA or less	n/a
0.21 DUA-1.9 DUA	10%
2.0 DUA-3.9 DUA	15%
4.0 DUA or more	20%

How to Calculate DUA (Dwelling Units Per Acre):

Total Number of Dwelling Units = **DUA**
Total Development Area in Acres

6.5.4. ALTERNATIVES TO DEDICATION

A. As an alternative to incorporating required open space on a development site, the developer has the option of:

1. Requesting that the Town permit the purchase of land lying within a planned public park or open space system within or immediately adjacent to the Town's zoning jurisdiction and its dedication to the appropriate public authority; or

2. Requesting that the Town accept fees in lieu of land dedication for the purpose of providing public open space.

3. Such requests shall be considered exceptions and shall be heard and decided by the Planning & Zoning Board as part of subdivision or site plan approval.

B. Any request for alternative open space shall be accompanied by the following information:

1. The exact location (either a tax identification number or a metes and bounds description), size, and current assessed and appraised value of land proposed for purchase and public dedication.

2. The intended recipient of the dedication of land and evidence that the recipient (if other than the Town) approves of the dedication.

3. The proposed timing of the purchase and dedication.

C. If fees in lieu are proposed, the amount of fees offered shall be commensurate with the value of the land used for the development and the amount of open space required, based on the tax assessed value or appraisal completed within the last six months. For example, if one acre of open space is required per this ordinance and the cost of usable land within the development site is $50,000 per acre, then the minimum fee in lieu of open space would be equal to $50,000. All fees in lieu of open space dedication shall be placed in a fund separate from the General Fund to be used exclusively for the purchase of open space or park land or for the improvement of open space or park land already owned by the Town.

D. In considering a request for an alternative to dedication, the Planning & Zoning Board may:

1. Approve the request without modification; or

2. Approve the request with modifications or conditions agreed to by the developer; or

3. Approve only a portion of the request, requiring a portion of the required open space to be included on the site of the proposed development; or

4. Deny the request.

6.5.5. IDENTIFICATION OF PRIMARY, SECONDARY, AND TERTIARY CONSERVATION AREAS

6.5.5.1. Primary Conservation Areas

The following areas shall be considered primary conservation areas and shall be preserved first in designating areas for required open space:

- Land within riparian buffers on perennial and intermittent streams as required by Section 9.3.
- Wetlands and buffers of 50 feet from edge of wetland
- Areas within a 100-year floodplain (special flood hazard areas)
- Non-regulated isolated wetlands and depressions that accommodate ephemeral pools
- Natural Heritage Areas (NHNA) as defined by the National Heritage Program
- Areas within a Natural Heritage Element Occurrence (NHEO) as defined by the National Heritage Program
- Areas identified by the Biodiversity and Wildlife Habitat Assessment (BWHA) by the National Heritage Program

6.5.5.2. Secondary Conservation Areas

The following areas shall be considered secondary conservation areas and shall be preserved after all primary conservation areas have been used towards meeting minimum open space requirements:

- Buffers within 100 feet of a designated wetland or perennial stream
- Areas within a 500-year floodplain
- Areas adjacent to existing preserved, or managed open space areas
- Mature forest of at least one contiguous acre
- Unfragmented forest areas that comprise any portion of a 50 acre or more forest block
- Wildlife corridors of a minimum of 150 feet in width that connect to NHNAs, NHEOs, BWHA areas, wetlands, or floodplains
- Greenways as shown on adopted Town and County plans
- Slopes of greater than 10%
- Rock outcroppings and a 200-foot protection area
- Farmland within a present use value program and a 200-foot buffer area
- Areas with sensitive soils including Armenia loam (Ar), Altavista sandy loam (AaB), Chewalca sandy loam (Ch), Iredell loam (IdA), Sedgefield sandy loam (SfB) and Wednadkee (We)

6.5.5.3. Tertiary Conservation Areas

The following areas shall be considered tertiary conservation areas and shall be preserved after all primary and secondary conservation areas have been used towards meeting minimum open space requirements:

- Land with cultural or historic significance
- Viewsheds (contributes to rural view from public roadway)
- Heritage trees (existing healthy individual trees greater than 12 inches DBH)
- Undeveloped land and tree save areas
- Farmland of statewide importance
- Agricultural uses and pollinator gardens

6.5.5.4. Other Open Space Areas

The following areas that are not primary, secondary, or tertiary conservation areas may be used to meet remaining minimum opens space requirements.

- Passive recreational areas including squares, greens, or parks
- Active recreational areas including playgrounds and recreation amenity centers

6.5.6. CONFIGURATION OF OPEN SPACE

The minimum standards for open space configuration are outlined below:

A. The minimum width for any open space is 50 feet. Exceptions may be granted for trail easements, linear parks, and tree conservation areas.

B. At least 60 percent of open space shall be contiguous. For the purposes of this section, contiguous includes any open space bisected by a local street, provided that:

   1. A pedestrian crosswalk provides access to the open space on both sides of the street; and

   2. The right-of-way area is not included in the calculation of minimum open space required.

C. Where feasible, the open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas.

D. Open space should be directly accessible to the largest practicable number of dwelling units within the development.

E. No lot shall be more than one quarter (1/4) mile from open space, as measured in a straight line from the lot line to the nearest point of open space.

F. Access from a public or private street shall be provided to all designated open space with a minimum 15-foot wide access to the open space area. Lakes or ponds within the development used as open space shall provide adequate community access beyond this 15-foot minimum as determined by the Administrator.

G. A minimum of .025 acres of active open space per dwelling unit (lot) shall be provided for all subdivisions in the form of active open space as set forth in Section 6.5.7. For example, a subdivision containing 100 dwelling units shall be required to provide 2.5 acres of active open space for the development (.025 x 100 lots = 2.5 acres). Active open space shall be considered a part of the overall open space required for the development.

H. Area within a floodway shall not be counted towards meeting the minimum open space requirements. A maximum of 75 percent of the required open space shall be located within a primary conservation area or a slope of greater than 25%.

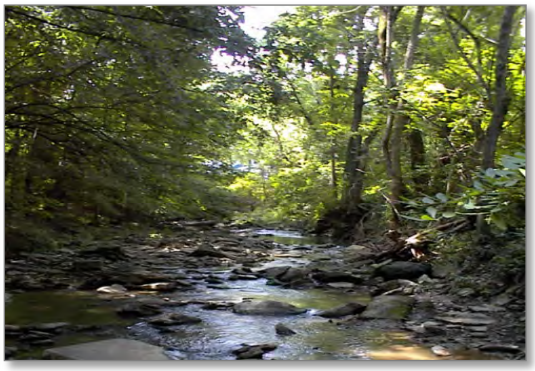
6.5.7. OPEN SPACE TYPES

All open space used to meet the minimum requirements of this section shall be classified as one (1) or more of the following categories and be classified as private common area open space or public open space. The Existing Features Plan should be used as a guide by the developer and Administrator to determine the most appropriate open space type and location, based upon the primary, secondary, and tertiary conservation areas outlined in Section 6.5.4. Also ,Town and County trail, parks and recreation, and open space plans shall be considered when evaluating the most appropriate open space type.

6.5.7.1. Nature Preserve (Passive)

The Nature Preserve open space type shall be used for the conservation of primary and secondary conservation areas. Areas designated as nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail. Nature preserves are also the encouraged open space type for tertiary conservation areas that consist of tree conservation areas and scenic viewsheds such as ridge lines, field borders, meadows, fields, stream views, and natural woodlands that can be seen from roadways.

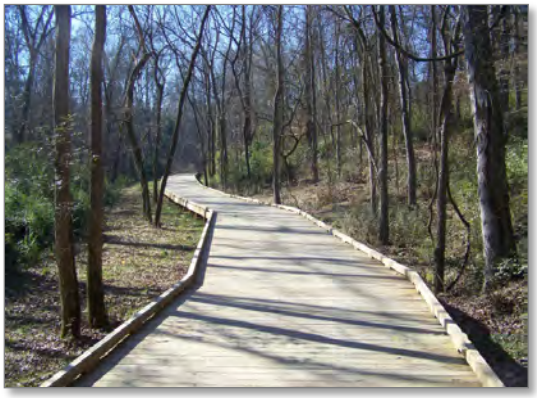
EXAMPLES OF NATURE PRESERVES



6.5.7.2. Greenway (Active)

Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways connect points of interest in a community such as schools, parks, civic uses, and, in some cases, primary and secondary conservation areas. Greenways shall be used for, at a minimum, trails for walking, jogging, and biking. If land proposed for development within an area designated for a greenway on adopted Town and County plans, then a greenway right-of-way or easement shall be set aside, and a greenway constructed by the developer in accordance with the requirements of Appendix C.

EXAMPLES OF GREENWAYS



6.5.7.3. Greenbelt (Passive)

Greenbelts typically run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or a developed area from agricultural areas or adjacent communities. Greenbelts can also provide a valuable wildlife corridor between primary and secondary conservation areas. Greenbelts are wider and provide more existing natural vegetation than any buffer yard required as part of Section 4.4.3. Greenbelts differ from greenways in that they are left natural, and are not intended for recreational use. A greenbelt shall have an average width of not less than 40 feet in order to count towards the minimum open space requirement.

EXAMPLES OF GREENBELTS

6.5.7.4. Agricultural Preserve (Passive)

Open spaces designated as agricultural preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities as secondary and tertiary conservation areas. Agricultural preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations. If farming operations cease, an agricultural preserve may be used as a nature preserve or greenbelt.

EXAMPLES OF AGRICULTURAL PRESERVES

6.5.7.5. Square or Green (Passive or Active)

Squares or greens may have monuments, pavilions, sitting areas. Squares or greens shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares or greens are encouraged to be entirely bounded by streets and/or lanes. Squares and greens shall be planted parallel to all streets and shall contain canopy trees along street frontages. The area of a square or green that contains gazebos, picnic shelters, or similar structures, may be considered active open space.

EXAMPLES OF SQUARES

6.5.7.6. Park (Passive or Active)

Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens. Portions of a park that contain playgrounds, sports fields, or similar amenities may be considered active open space.

EXAMPLES OF PARKS

6.5.7.7. Playground (Active)

Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks or recreational amenity centers, or may stand alone.

EXAMPLES OF PLAYGROUNDS

6.5.7.8. Recreational Amenity Center (Active)

Recreational amenity centers are intended for active recreational use and may include swimming pools, splash pads, tennis courts and similar uses. Recreational amenity centers shall be centrally located to the residences that they serve.

EXAMPLES OF RECREATIONAL AMENITY CENTERS

6.5.8. ALLOWED USES OF OPEN SPACE

Unless otherwise stated, open space intended to achieve the performance standard may be used for the following:

- Conservation areas for natural, archeological or historic resources;
- Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- Pedestrian or multi-purpose trails;
- Passive recreation areas;
- Active recreation areas, provided that impervious area is limited to no more than 25 percent of the total open space for the development;
- Golf courses (excluding clubhouse areas and maintenance facilities), proved that the area does not exceed 50 percent of the total open space for the development and that impervious area is no more than 25 percent of the total open space for the development;
- Water bodies, such as lakes, pond and floodways, provided that the total surface area does not exceed 50 percent of the total open space for the development;
- Crop production, community garden;
- Stormwater control measures, provided that area does not exceed 25 percent of the total open space for the development and the stormwater control measure is designed as a pond amenity of greater than one-half (1/2) acre or greater, is surrounded by open space, and is accessible to all residents; and
- Easements for drainage, access and underground utilities.

6.5.9. PROHIBITED USES OF OPEN SPACE

Open space intended to achieve the performance standard shall not be used for the following:

- Individual conventional wastewater disposal systems (excluding innovative systems);
- Overhead electric transmission lines or high voltage electric transmission lines; and
- Streets and impervious parking areas.

6.5.10. OPEN SPACE DEDICATION, OWNERSHIP, AND MAINTENANCE

A. Any areas reserved as open space shall be indicated on a preliminary and/or final subdivision plat. An Phasing Plan shall be submitted as a part of the application for Preliminary Plat approval. An Open Space Maintenance Plan shall be submitted prior to the approval of the first Final Plat. All open space shall be dedicated prior to or simultaneously with the first Final Plat approval. Any active open space shall be completed prior to the issuance of the a zoning permit for the fifth dwelling unit and prior to approval of a second phase Final Plat.

B. Open space may be owned or administered by one (1) or a combination of the following methods:

1. Fee simple ownership by a unit of government or private non-profit land conservancy;

2. Common ownership by Homeowners Association;

3. Split deeded ownership by individual property owners within the development;

4. By individual private ownership such as a farmer, developer or other private entity that maintains the open space in accordance with the purposes of this Section. (i.e. farming, equestrian facility).

5. Deed restricted open space easements on individual private properties.

C. The Town Board of Commissioners shall have the authority to accept or reject land dedications made as a requirement of this Section.

D. The owner of dedicated open space shall be responsible for the continuing upkeep and proper maintenance of the same.

E. In the case of common ownership by a Homeowners Association, the restrictive covenants shall provide that, in the event the Homeowners Association fails to maintain the open space according to the standards of this Ordinance, the Town may, following reasonable notice, demand that deficiency of maintenance be corrected, or enter the open space to maintain it. The cost of such maintenance shall be charged to the Homeowners Association.

F. The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space.

G. The developer will provide proof of registration of the Articles of Incorporation with the appropriate state agency for the formation of the Homeowners Association to the Administrator.

H. Homeowners' Associations or similar legal entities that are responsible for the maintenance and control of open space areas and common areas shall be established by the developer who shall record in the Register of Deeds a declaration of covenants and restrictions that will govern the association or similar legal entity. A copy of the recorded document shall be provided to the Administrator and such document shall include, but not be limited to, the following:

1. Provision for the establishment of the association or similar entity is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each homeowner and any successive buyer.

2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common open space areas.

3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the homeowners association or similar legal entity.

4. The open space restrictions must be permanent, not just for a period of years.

5. The association or similar legal entity must be responsible for liability insurance, applicable taxes and the maintenance of open space and other facilities under their control.

6. The association or similar legal entity must be able to adjust the assessment to meet changing needs.

7. The association shall be responsible for maintaining all public storm water drainage systems and easements within the development not being maintained by the Town, County, State or other approved entity.

8. It shall be expressly stated within the restrictive covenants/homeowners association documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the Homeowners Association Board of Directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the Homeowners Association Board of Directors.

I. Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as determined by the Town Board by any of the following mechanisms or combinations thereof:

1. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such open space.

2. Common ownership of the open space by a property owner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the homeowner's association fails to maintain the open space according to the standards of this Ordinance, the Town may, following reasonable notice:
   - demand that deficiency of maintenance be corrected; or
   - enter the open space to maintain same. The cost of such maintenance shall be charged to the homeowners association.

6.6. LOT DESIGN STANDARDS

6.6.1. PURPOSE OF SITE DESIGN STANDARDS

This Section establishes standards to guide the design and review of proposed developments involving the layout or development of lots and relationship to streets and other public facilities.

6.6.2. MINIMUM LOT STANDARDS

A. The provisions of this Section shall apply to any newly created or proposed Lot or Parcel resulting from a subdivision of land as provided for in Article 6 of this Ordinance.

B. Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks (see Section 4.7) and buffer yards (see Article 7) will exist on the lot.

6.6.3. BLOCKS

The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. The maximum and average perimeter of any blocks within a subdivision shall not exceed that as shown in Table 6.6-1 (a dash [–] indicates that the requirement is not applicable). Block lengths shall be measured from intersection to intersection and/or intersection to end point.

Table 6.6-1 ***Block Size Requirements***

Zoning District	Maximum Length (in feet)
AG, RE	–
RL, RM, RH, CC, C-1, C-2	1,800
I-1, I-2	–
PUD	1,500

6.6.4. CORNER LOTS

Side lot lines of lots abutting a public or private right-of-way shall, to the extent practicable:

- run at right angles to the right-of-way line, or
- in the case of cul-de-sacs or curvilinear street rights-of-way, radial to the curve.

6.6.5. LOT FRONTAGE REQUIREMENTS

A. Unless otherwise permitted herein, every lot resulting from a subdivision of land as provided for in Article 6 of this Ordinance shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided in this section.

B. For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five (5) lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.

C. Frontage on a public street shall not be required in the following situations; provided, however, that an easement providing access to the public street shall be recorded and substituted with the application for development approval:

   1. Parcels within nonresidential subdivisions;

   2. Townhome lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the town home lots; and

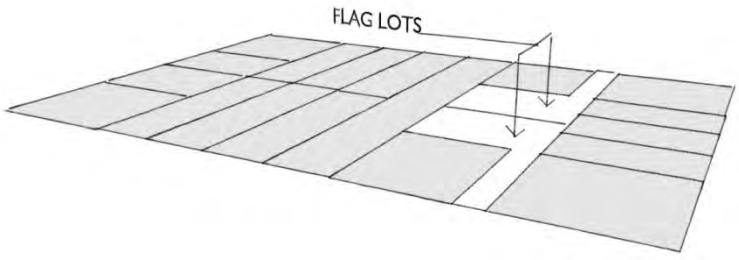
   3. Lots fronting on approved private streets in accordance with Section 10.3.10.

D. Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment.

6.6.6. FLAG LOTS

A. Flag lots may be developed on a limited basis where individual development of each lot is contemplated and the Administrator determines that no future street access through the property will be needed. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations, or to eliminate or reduce access to a thoroughfare or collector street. Flag lots shall not be permitted except as provided for in this section.

Figure 6.6-1: Flag Lots



B. The maximum number of flag lots shall be set forth in Table 6.6-2:

Table 6.6-2. Maximum Number of Flag Lots*

Size of Subdivision	Maximum Number of Flag Lots
2 – 20 lots	1 lot
Over 20 lots	1 per every 20 lots

*This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots. The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

C. The minimum width of the "pole" portion of a flag lot shall be fifteen (15) feet (subject to residential driveway standards) for residential lots and thirty (30) feet for non-residential lots.

D. The "pole" portion of the lot shall have a maximum length not exceeding the following for each district:

Table 6.6-3 Flag Lot Depth Requirements

Zoning District	Maximum "Pole" Length (in feet)
AG, RE, RL	400
RM, RH, CC, C-1	200
C-2, I-1, I-2	250
PUD	Not permitted

6.6.7. CUL-DE-SAC LOTS

A lot located on a cul-de-sac that does not maintain the minimum required width along the public street frontage shall provide:

- lot frontage of at least 50 percent of the minimum required, but in no case less than 25 feet; and
- lot area equal to or greater than the minimum lot area (if one is specified); and
- the minimum required lot width at the building line.

6.6.8. PERIMETER BUFFER YARD FOR RESIDENTIAL SUBDIVISIONS

(these standards shall apply to major subdivisions only)

A. A buffer yard shall be required along the perimeter of a residential subdivision in order to separate residential lots from:

- abutting thoroughfares; and
- abutting non-residential uses.

B. The buffer yard for abutting non-residential uses shall be designed and landscaped per Section 7.4 of this Ordinance. The buffer yard for abutting a thoroughfare shall be a minimum of Type C buffer as set forth in Table 7.4-2 of this Ordinance with no structure being closer than 30 feet from the edge of right-of-way. A buffer of less than 40 feet shall include a berm or fence a minimum of six (6) in height.

C. All required buffer yards shall be platted as common areas and may be included as "open space-greenbelt" subject to the standards and criteria as set forth in Section 6.5 of this Ordinance.

6.6.9. INFRASTRUCTURE STANDARDS

A. Public and/or private streets shall be designed in accordance with Article 10 of this Ordinance.

B. Standards for the design and installation of public utilities shall be in accordance with Appendix C of this Ordinance.

6.7. CONSERVATION DEVELOPMENTS

6.7.1. PURPOSE AND APPLICABILITY

A. The purpose of Conservation Development design is an optional residential development design tool intended to preserve agricultural and forestry lands, natural and cultural features and environmentally sensitive areas that would be likely lost through conventional development approaches.

B. The conservation development design option may be utilized for any residential development of greater than 10 units within any zoning district in which residential uses are permitted.

6.7.2. DEVELOPMENT DENSITY AND DIMENSIONS

A. The development density shall not exceed the overall density permitted in the zoning district in which the development is located (except as set forth in Section 6.7.3.). Areas with slopes of greater than 25% and floodway areas shall not be included in the overall allowable density calculation.

B. Lot widths and setbacks may be reduced by up to 50% of the minimum required for the zoning district in which the development is located, subject to the requirements set forth in this section. The district setbacks set forth in Section 4.7 (Table 4.7-2) shall apply along the boundaries of the development in addition to any buffers required in Article 7. Setbacks within the development shall be set forth as part of the design process as outlined in Section 6.7.4, but in no case shall be reduced to less than a minimum 10-foot separation between buildings and a minimum of 20 feet from a street right-of-way.

6.7.3. REQUIRED OPEN SPACE AND DENSITY BONUS

A. A minimum of 40% of the total area of the development shall be set aside in Common Open Space and shall meet the requirements of Section 6.5.

B. Any development exceeding the minimum open space of 40% may increase the number of residential units by 1% for every 1% increase in open space up to a maximum of 120% of the density yield for the base zoning district.

6.7.4. CONSERVATION DEVELOPMENT APPROVAL PROCESS

Approval of conservation development shall follow the same approval process for major subdivisions as set forth in Section 6.4, except that the following steps shall be added to the sketch plan phase:

A. During the first step, the total yield for the property is calculated based on the total property area and the density for zoning district, minus the minimum open space for the base zoning district, as set forth in Section 6.5. (Density bonuses may be given in accordance with Section 6.7.3)

B. Next, all potential Conservation Areas (primary, secondary, and tertiary), as defined in Section 6.5.4 shall be identified, using the Existing Features Plan described in Section 6.5.2.

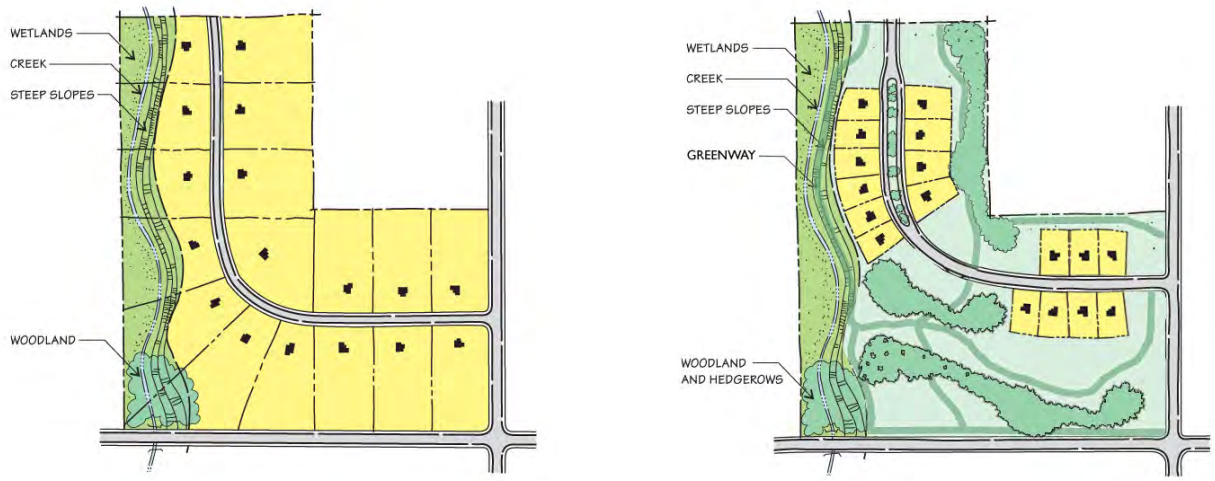
C. During the third step, potential building sites (up to the maximum identified in Step 1) are tentatively located. House sites should generally be located not closer than 50 feet to Primary Conservation Areas.

D. The fourth step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids, or at least minimizes, adverse impacts on the Conservation Areas. Wetland crossings should be avoided.

Street connections shall be provided to minimize the number of cul-de-sacs and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).

E. The fifth step is simply to draw the lot lines where applicable.

Figure 6.7-1: Conservation Development Example



ARTICLE 7
LANDSCAPING AND BUFFERING STANDARDS

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7.1. GENERAL STANDARDS

7.1.1. PURPOSE

The purpose of these landscaping, screening, and buffer requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants. Planting yard regulations are established herein to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These requirements will be applied to all new development, redevelopment or building expansion projects including streetscaping of rights-of-ways. These minimum requirements will:

- Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
- Mitigate air, dust, noise, heat and chemical pollution;
- Reduce the "heat island" effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
- Establish a landscape theme including street trees and streetscape designs to be used throughout the Town to promote the overall character and identity of the community;
- Address the design of entryways into the Town to express the community's values;
- Establish a streetscape program;
- Preserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
- Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
- Promote planting techniques that ensures long term health of plant materials;
- Screen unsightly equipment or materials from the view of persons on public streets or adjoining prope-rties and buffering from uncomplimentary land uses;
- Maintain and increase property values by requiring site appropriate landscaping to be incorporated into development that is designed and installed by a qualified landscape professional.
- Promote walkable pedestrian-scale streetscapes, traditional neighborhoods, and compact centers by exempting uses which relate to each other functionally and visually from certain requirements of this Section.

7.1.2. GENERAL STANDARDS

7.1.2.1. Retention of Existing Vegetation

Existing trees, shrubs and ground cover shall be retained and incorporated into the landscape plan to the extent possible.

7.1.2.2. Qualified Designer and Installer Required

Landscape materials shall be installed in conformance with the approved landscape plan prepared by in accordance with Section 7.2.

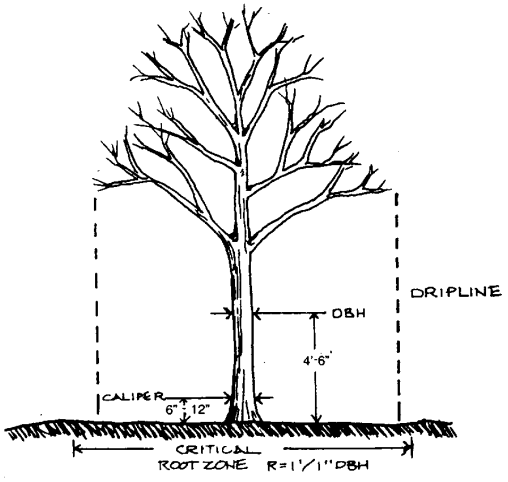
7.1.3. INTERPRETATION OF LANDSCAPING TERMS

Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to American Nursery and Landscape Association ("ANLA") (formerly the American Association of Nurserymen), *The American Standard for Nursery Stock*, latest edition, which document is hereby incorporated by reference.

7.1.3.1. Definitions

In addition to the definitions set forth in Appendix A to this Ordinance, the following definitions shall apply to the regulation and control of landscaping within this Section.

Figure 7.1-1 Tree Descriptive Terms



ARBORIST: A qualified professional who has studied the science or art of cultivating trees especially for ornamental use.

CALIPER: A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

CRITICAL ROOT ZONE (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.

CROWN: The upper mass or head of a tree, shrub, or vine, including branches with foliage.

DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

DECIDUOUS: Plants that lose their leaves annually.

DECIDUOUS TREE: A tree which sheds or loses foliage at the end of the growing season. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York: Van Nostrand Reinhold & Co., 1988), at 790).

DRIP LINE: A vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.

EVERGREEN: Plants that retain their foliage throughout the year.

EVERGREEN SCREEN: A dense vegetative screen that grows to a minimum of 8 feet in height at maturity and retains foliage year-round used for purposes of visual mitigation between zoning districts and/or uses.

EVERGREEN TREE: A tree which holds green leaves, either broadleaf or needle-shaped, throughout the year.

GABION: A wire basket containing primarily stones deposited to provide protection against erosion.

GROUND COVER: A prostrate plant growing less than 2 feet in height at maturity that is used for: a) ornamental purposes, b) alternatives to grasses, and c) erosion control on slopes.

HORTICULTURIST: A qualified professional who has studied the science or art of cultivating plants especially for ornamental use.

LANDSCAPE ARCHITECT: A landscape architect licensed pursuant to the North Carolina General Statutes.

LANDSCAPE CONTRACTOR: A landscape contractor, or nurseryman, certified pursuant to the NC Landscape Contractors Registration Board.

LANDSCAPING: The process or product of site development including grading, installation of plant materials and seeding of turf or ground cover.

NON-LIVING MATERIALS: Landscaping materials used to complement plants such as river rock, stone, bark, and similar materials.

NUISANCE: Any tree or shrub or part thereof that grows upon private or public property which 1) interferes with the use of any public area; 2) is infected with an infectious plant disease or insects; 3) is invasive and damaging to other plants; or 4) which endangers the life, health, or safety of persons or property.

PLANTING YARDS: The required installation of landscaping and/or screening material between zoning districts and certain individual uses. The four Planting Yards are as follows:

- **BUFFER YARD:** A planting yard comprised of a strip of land containing landscaping and/or screening materials, having a varying minimum width, located along side and rear property lines between zoning districts and/or between certain individual uses, as specified in this Article.

- **BUILDING YARD:** A planting yard comprised of a strip of land containing landscaping materials located along the front and/or sides of a building and having a varying minimum width, as specified in this Article.

- **PARKING LOT YARD:** A planting yard comprised of a strip, or strips of land containing landscaping materials located around and within a parking lot and having a varying width, as specified in this Article.

- **STREET YARD:** A planting yard comprised of a strip of land containing landscaping materials located along and parallel to a public street, or streets and having a varying minimum width, as specified in this Article.

SCREEN: Vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

SHRUB, LARGE: An upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

SHRUB, MEDIUM: An upright plant growing to a mature height of 4 to 8 feet.

SHRUB, SMALL: An upright plant growing to a mature height of less than 4 feet.

SIGNIFICANT STANDS OF TREES OR SHRUBS: A massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular area.

STREET TREE: A tree planted along a public street or roadway behind or within the right-of-way.

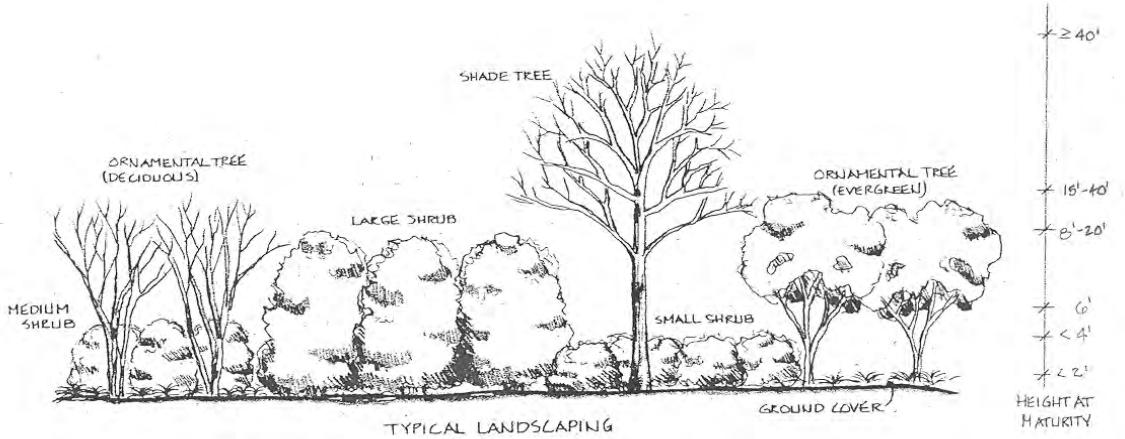
TREE, ORNAMENTAL: A small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark or brilliant fall foliage.

TREE, SHADE: A large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover shade.

VINES: A woody plant that spreads as it grows over the ground, walls or trellises.

XERISCAPE: Landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

Figure 7.1.-2 Landscape Plants Typical Sizes



7.2. LANDSCAPE PLAN

7.2.1. PLAN REQUIRED

Landscape plans shall accompany any application for site plan approval. Such plans shall be submitted in conformance with the requirements of Table B-2, Appendix B to this Ordinance.

7.2.2. PERMITS REQUIRED

All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Compliance (as required in Article 3).

7.2.3. PERFORMANCE GUARANTEE

Subject to the conditions as specified in Section 3.2.5 of this Ordinance, a temporary Certificate of Compliance may be issued for occupancy of a structure or initiation of a use prior to the completion of installation of all required planting yards.

7.2.4. VIOLATIONS

Failure to maintain required landscaping or to adhere to an approved landscaping plan shall constitute a zoning violation, subject to any and all remedies set forth in Section 1.6 of this Ordinance.

7.3. PLANTING YARDS

7.3.1. PURPOSE

Planting yards are intended to aesthetically enhance and separate different land uses and zoning districts from each other, as well as to beautify individual sites, the roadside or streetscape, and are intended to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, and unsightly buildings or parking areas. Planting yards shall include the following:

- Buffer Yards (see Section 7.4)
- Building Yards (see Section 7.5)
- Parking Lot Yards (see Section 7.6)
- Street Yards (see Section 7.7)

7.3.2. APPLICABILITY

Planting yards shall be required for all uses except:

- single-family detached homes and two-family homes (duplex) (except for major subdivision street yards as set forth in Section 7.7);
- agricultural uses as listed in Table 4.6-1 of this Ordinance;
- any use, building or structure for which only a change of use is requested, and which requires no structural modifications which would increase its volume, scale or intensity;
- developments in the CC District (except that the Parking Lot yard requirements of Section 7.6 shall apply);
- developments in a PUD District that provide a Master Plan showing proposed landscaping in the development (Submitted at the time of rezoning) which meets the intent of this Section 7.3 “Planting Yards”;
- sites containing unoccupied public utility equipment that are less than 1,000 square feet in area, except that all electrical substations shall install a minimum Type B buffer per Section 7.4.

7.3.3. EXPANSION OF USES

The expansion of an existing use, structure or parking lot of less than 25% of the total use, structure, or parking area shall be required to comply with this Section only for the expansion area. If the expansion is greater than 25%, then landscaping shall be brought into compliance for the entire site to the greatest extent possible, given existing conditions, as determined by the Administrator.

A. Different uses shall require different planting yards. Minimum dimensions shall apply and be measured horizontally. Plant quantities, in most cases, shall be based upon a point system.

B. For the purpose of this section, building setbacks (as listed in Section 4.7-1) shall supersede planting yard requirements.

C. Landscaping as required within a planting yard shall be counted for only that planting yard and shall not be used in calculating the minimum quantity for any other planting yard.

D. The point system, as partially illustrated in Table 7.3-1, is established to ensure that a minimum level of landscaping is achieved during development. It sets forth the points attributable to the five different plant types that are required in the three planting yards subject to the point system. Table 7.3-1 is to be used in conjunction with the other tables in this Article to determine total landscaping required. This table is applicable to planting yards, as well as in determining credits for tree preservation.

E. When calculating points, or quantities of plants, fractions shall be rounded upward to the higher whole number for decimals of 0.5 and higher. Decimals below 0.5 shall be rounded downward to the lower whole number.

Table 7.3-1: Points for Individual Plant Types

Type of Plant	Points
Shade Tree	12
Ornamental Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1

Total landscaping required for buffer yards, building yards and street yards is determined by multiplying the length of the respective planting yard by the minimum required points per linear foot shown in the landscaping requirements tables for each of the three planting yards subject to the point system. The resultant total point figure determines the total amount of landscaping required for the respective planting yard. In some cases, the tables which set forth the planting yard landscaping requirements include a minimum required number of individual plant types, such as shade trees, or large shrubs. In those instances, the minimum number of individual plants types required shall be considered included as part of the total landscaping required. (See Figure 7.7-3)

7.4. BUFFER YARDS

7.4.1. PURPOSE

A. The purpose of buffer yards is to:
- provide a transitional buffer between uses that may differ in development intensity and density; or
- provide a minimum buffer between uses of similar intensity and density.

B. These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses. Buffer yards shall be of different types, based upon the relationship between the two (2) adjacent land uses between which the buffer yard is to be located. The width of the buffer yard and the density of plantings shall increase as the difference between adjacent land uses increases. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set forth in Section 7.4.4.7. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

7.4.2. YARD TYPES

There shall be five different classes of land uses for purposes of determining the buffer yard type. Land use classes shall be based upon the specific land use to be developed, which is permitted either by right or conditionally, in the following groupings of zoning districts or land use categories as listed in the Use Matrix of Table 4.6-1:

Table 7.4-1: District & Use Classifications for Buffer Yards

Class	Zoning Districts	Land Uses
Class 1	AG Agricultural	Agricultural uses
	RE Rural Estate	Residential uses (single-family detached, and two-family only)
	RL Residential Low Density	
	RM Residential Medium Density	
Class 2	RH Residential High Density	Residential uses (other than single-family detached, and two-family only)
Class 3	O-I Office-Institutional	Civic, Government, Institutional uses
	C-1 Light Commercial and Office	Recreational & Entertainment uses (public)
		Office & Service uses
Class 4	C-2 General Commercial	Recreational & Entertainment uses (private)
	CD Campus Development	Retail uses
Class 5	I-1 Light Industrial	Industrial, Wholesale, Transportation & Utility Uses
	I-2 Heavy Industrial	

Table 7.4-2 identifies the buffer yard type required for a given development, based on the relationship between the adjacent land uses. If an adjoining parcel is undeveloped, the minimum buffer shall be determined based on the zoning of the adjoining property. Table 7.4-3 contains the required plantings and dimensions of the respective buffer yard types. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increases.

Table 7.4-2: Buffer Yard Chart

Buffer Yard Types for Adjacent Land Use Classes					
Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	N/A	N/A	N/A (B[2])	N/A (C[2])	N/A (D[2])
2 PROPOSED	A	A	B	C	D
3 PROPOSED	B[1]	B[1]	A	A	C
4 PROPOSED	C[1]	C[1]	B[1]	A	B
5 PROPOSED	D[1]	D[1]	C[1]	B[1]	N/A

1 Complete visual separation is required through the use of densely planted landscaping that would provide complete visual separation within three (3) years of planting, or a six foot fence (constructed of masonry or pressure-treated lumber). In either case, the requirements of Table 7.4-2 shall be met for the corresponding buffer yard. See Section 7.4.4.8 for definition of "Visual Separation".

2 New single-family subdivisions shall provide the required buffer yard, if they abut existing non-residential developments which were constructed before the adoption of this Ordinance and lack the required buffer yard. If an adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivision.

3 All approved development projects consisting of a primary structure/user and outparcels shall maintain that the primary user shall provide the buffer yards for all external boundaries. All outparcels shall be required to maintain a buffer yard between it and the primary user. The primary user is not responsible for an additional buffer yard between it and outparcels.

Table 7.4-3: Buffer Yard Landscaping Requirements

Buffer Yard Type	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Large Evergreen Shrubs	Min. Required Points per Linear Foot
A	8’	1/100’	Optional	Optional	0.2
B	15’	1/75’	1/100’	Optional	0.7
C	20’	1/50’	1/75’	Optional	1.0
D	50’ or 25’ w/ 6’ high berm	1/50’	1/50’	Optional	1.2 or 0.9 w/ 6’ high berm

7.4.3. EXEMPTIONS

In addition to the exemptions as set forth in Section 7.3.2, certain uses are exempt from the buffer requirements as described in this section. Exemptions include, but are not limited to the following:

- Lot or parcels, under common ownership, on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines;
- Lots or parcels separated by a public street right-of-way greater than 30 feet in width;
- Lots or parcels separated by a railroad right-of-way.

7.4.4. STANDARDS FOR BUFFER YARD DEVELOPMENT

7.4.4.1. Prohibited Uses

The construction of any building or the placement of any mechanical equipment within the landscape buffer yard is not permitted except for equipment necessary for the provision of utilities. Signs may be placed within the buffer yard consistent with the Sign Regulations of this Ordinance. Active recreational uses, such as play fields, swimming pools, racquetball and tennis courts or other active, structured recreational uses, or circulation drives and parking lots, shall not be permitted in the buffer yard.

7.4.4.2. Permitted Uses

The following other uses may be permitted in a buffer yard provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:

- passive recreation;
- sculpture, outdoor furniture, picnic areas; pedestrian, bike or equestrian trails; golf courses,
- storm water retention basins;
- parks and open space.

7.4.4.3. Reduction in Required Buffer Yard Permitted

Where a dedicated buffer yard exists on an abutting property, a reduction or elimination in a buffer yard for a property to be developed may be allowed subject to the following:

- the adjoining property owners have provided a written agreement restricting the use of the dedicated buffer yard to uses provided for in this Section
- maintenance of the existing buffer yard consistent with the requirements of this Section, the Administrator may approve a reduction in the required buffer yard for the property to be developed
- the "net" buffer yard satisfies the minimum buffer yard requirements of this Section. The net buffer shall include the cumulative total for both required buffers.

7.4.4.4. Existing Vegetation

Existing healthy vegetation may be counted toward required landscaping. In order to do so, the landscape plan shall indicate the type, number and size of existing plants which are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this Ordinance shall be required to be listed.

7.4.4.5. Application Toward Setback Requirement

Buffer yard areas shall be counted towards required building setbacks.

7.4.4.6. Designation of Buffer Yard as Landscaped Area

Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.

7.4.4.7. Buffer Yard on Property Line

When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

7.4.4.8. Visual Separation

Where complete visual separation is required, that may be accomplished through the use of landscaping which provides year-round opaque screening, earth berms, masonry walls, or a combination of two or more of these techniques that provides complete visual separation within three (3) years of planting.

7.5. BUILDING YARDS

7.5.1. PURPOSE AND APPLICABILITY

The purpose of building yards is to aesthetically and visually enhance the appearance of buildings. Building yards shall be provided along the portion(s) of the building facing any adjacent off-street parking area, excluding loading/unloading areas. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective building front wall. Where building yards turn at building corners, the length measurements determining plant quantities shall not be required to overlap. Building yards shall be of different types, based upon the size of the structure around which the building yard is to be located. The width of the building yard and the density of plantings shall increase as the size of the structure around which the building yard is to be located increases. Entrance walkways to buildings may cross building yards. The width of the entrance walkway shall not be calculated as part of the length of the building yard for purposes of determining the total required landscaping, provided, however, that the width deducted for the entrance walkway shall not exceed the width of the entrance to the building.

7.5.2. YARD TYPES

There shall be four different categories of building size for purposes of determining the building yard type:

Category 1
Less than 2,500 Square Feet GFA (Gross Floor Area)

Category 2
2,500 Square Feet to 9,999 Square Feet GFA

Category 3
10,000 Square Feet to 99,999 Square Feet GFA

Category 4
100,000 Square Feet GFA and over

Table 7.5-1 identifies the building yard required for a given development, based on the size of the structure around which the building yard is to be located, and specifies the required plantings and dimensions of the respective building yard.

Table 7.5-1: Building Yard Landscaping Requirements

Building Yard Category	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Small or Medium Evergreen Shrubs	Min. Required Points per Linear Foot
1	6 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet	0.4
2	8 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet	0.5
3	12 feet	1 per 50 lin. feet	1 per 50 lin. feet	12 per 30 lin. feet	0.8
4	16 feet	1 per 50 lin. feet	1 per 50 lin. feet	16 per 30 lin. feet	1.0

7.6. PARKING LOT YARDS

7.6.1. PURPOSE AND APPLICABILITY

The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots. Parking lot yards shall be located around and within parking lots and shall be of different sizes, based upon the size of the respective parking lot. The size of the parking lot yard shall increase as the size of the respective parking lot increases. Minimum dimensions shall apply, and be measured, horizontally. The requirements of this section shall apply to all new and expanded (10 or more added spaces) parking lots and parking lots of land uses that have substantially changed. If an existing parking lot (paved or unpaved) is expanded or improved to add 10 or more spaces, it shall comply with the parking lot landscaping requirements within the expanded or improved portion. If a parking lot is expanded or developed, then street yard, buffer yard and parking lot yard landscaping requirements shall be applicable.

7.6.2. DESIGN CRITERIA

7.6.2.1. Minimum Net Area of Landscaping

Parking lots shall provide a minimum 10% net area of landscaping on the interior or exterior of parking lots.

7.6.2.2. Minimum Quantity of Landscape Plantings

Landscaped planting areas and islands for parking lot yards shall have one (1) shade tree, or two (2) ornamental trees, and eight (8) small shrubs per each ten (10) parking spaces.

7.6.2.3. Minimum Planting Area Dimensional Requirements

Planting areas and islands shall be not less than nine (9) feet in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for canopy trees. Shrubs, or ground covers may be planted within the required open planting area for trees without increasing the area. Planting areas and islands shall have a minimum prepared depth of 18 inches. All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

7.6.2.4. Location of Trees

Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.

7.6.3. EXCEPTIONS

In instances where the strict interpretation of this Section will seriously limit the function of the parking area, increase stormwater runoff, or create ponding or pooling of water so as to impair the habitability of buildings or interfere with traffic circulation, the Administrator may permit a portion of the required landscaping to be located near the perimeter of the lot.

7.7. STREET YARDS

7.7.1. PURPOSE AND APPLICABILITY

The purpose of street yards is to provide continuity of vegetation along the street right-of-way, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment. New single-family home subdivisions shall require street yards, provided, however, that the street yard may be located in the right-of-way in the required planting strip between the curb and the sidewalk in accordance with the design specifications in Appendix B of this Ordinance. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective right-of-way/property line. Where street yards turn at street corners, the length measurements determining plant quantities shall not be required to overlap. Street yards shall be of different types, based upon the zoning of the property. The width of the street yard and the density of plantings shall increase as the intensity of the development increases.

7.7.2. YARD TYPE

There shall be four different classes of land use for purposes of determining the street yard type. Land use classes shall be based upon the specific land use to be developed, which is permitted either by right or conditionally, in the following groupings of zoning districts or land use groupings as listed in the Use Matrix of Table 4.6-1 of this Ordinance:

Table 7.7-1: District & Use Classifications for Street Yards

Class	Zoning Districts	Land Uses
Class 1	AG Agricultural	Agricultural uses
	RE Rural Estate	Residential uses
	RL Residential Low Density	
	RM Residential Medium Density	
	RH Residential High Density	
Class 2	O-I Office-Institutional	Civic, Government, Institutional uses
	C-1 Light Commercial and Office	Recreational & Entertainment uses (public)
		Office & Service uses
Class 3	C-2 General Commercial	Recreational & Entertainment uses (private)
	CD Campus Development	Retail uses
Class 4	I-1 Light Industrial	Industrial, Wholesale, Transportation & Utility Uses
	I-2 Heavy Industrial	

Table 7.7-2: Street Yard Landscaping Requirements

Street Yard Level	Minimum Width	Min. Required Shade* or Ornamental Trees	Min. Required Points per Linear Foot
1**	6’	1 per 100’ or 2 per 100’	---
2	8’	1 per 75’ or 2 per 75’	0.4
3	10’	1 per 50’ or 2 per 50’	0.5
4	12’	1 per 50’ or 2 per 50’	0.6

* Shade trees may not be planted under over-head power lines.

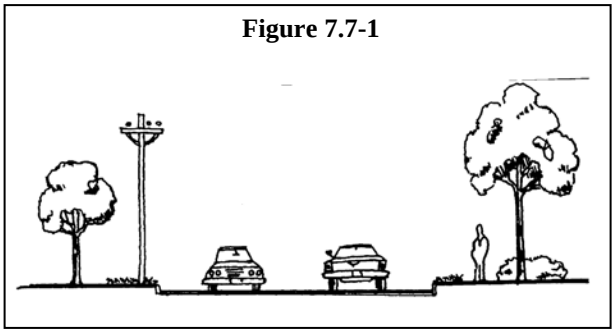
** This standard shall only apply to new subdivision streets and along existing streets that provides access to the subdivision.

7.7.3. DESIGN CONSIDERATIONS

7.7.3.1. Overhead Power Lines

The presence of overhead power lines requires street yard trees to be ornamental trees. Larger shade tree varieties are encouraged where overhead power lines are not present. (see Fig. 7.7-1, below)

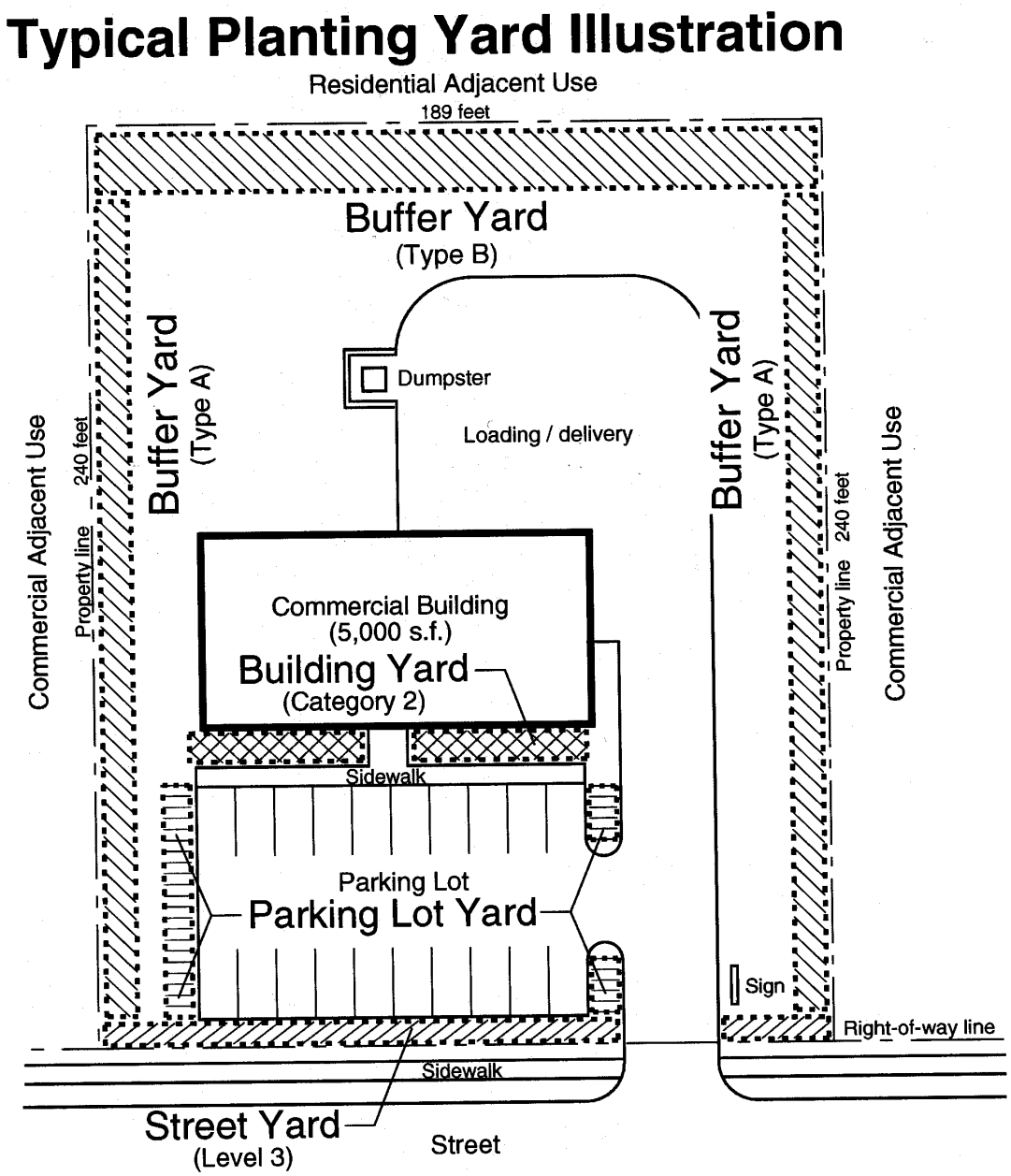
Figure 7.7-1



7.7.3.2. Sight Triangles

Corner lots, and in situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian. The triangular area (sight triangle) of corner lots, driveways and alley areas abutting rights-of-way shall conform to Article 10 of this Ordinance.

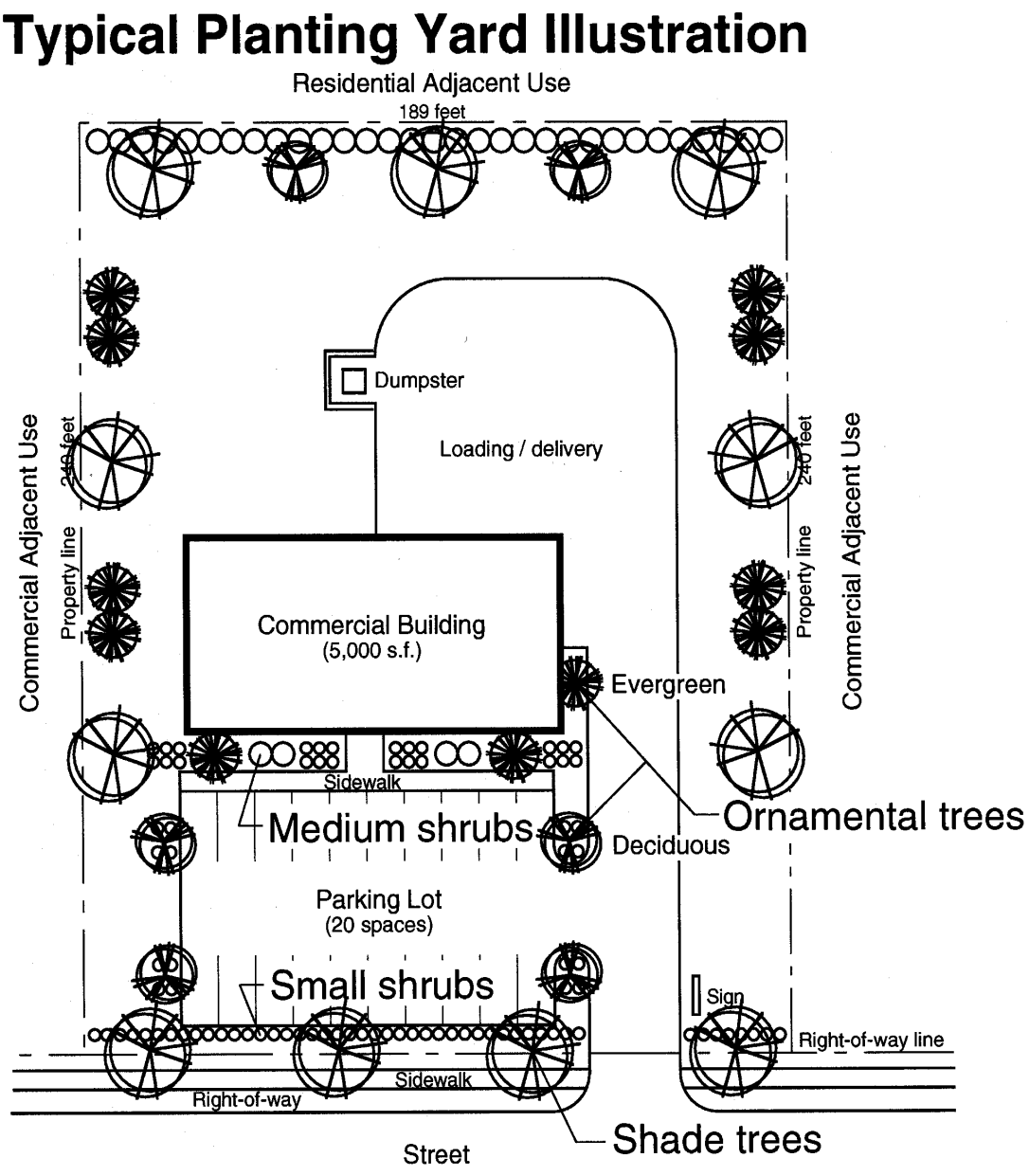
Figure 7.7-2 Planting Yards Typical Diagram



Planting Yards

Buffer Yard - To separate and buffer different land uses
Building Yard - To enhance the aesthetic appearance of buildings
Parking Lot Yard - To enhance the aesthetic appearance of parking lots
Street Yard - To establish a coordinated pattern of tree plantings and other landscaping along streets

Figure 7.7.3 Planting Yards Typical Plan



Planting Yards - Commercial abutting residential and commercial
Buffer Yard - Type B - 1 shade tree per 40 feet as part of 0.8 points per foot
Building Yard - Category 2 - 1 ornamental tree and 8 small shrubs per 30 feet as part of 0.5 points per foot
Parking Lot Yard - 2 ornamental trees and 8 shrubs per 10 parking spaces
Street Yard - Level 2 - 1 shade trees per 50 feet as part of 0.5 points per foot

7.8. SPECIFICATIONS FOR INSTALLATION

7.8.1. SIZE STANDARDS

The minimum allowable plant size for new installations shall be as set forth herein. Due to the variation between genus and species, the caliper or height necessary for newly installed plant materials may vary. As a general rule, the caliper or diameter of trees shall be measured 6 inches from the ground level up to a 4-inch caliper diameter and at 12 inches for 4-inch caliper diameter or greater. The height of shrubs shall be a minimum of 24 inches as measured at ground level to the top of the densest portion of the top of the shrub or hedge.

7.8.1.1. Shade Trees

Shade trees shall measure a minimum 2 to 2.5-inches in caliper, and 10 to 12 feet in height at the time of planting.

7.8.1.2. Ornamental Trees

Ornamental trees shall measure a minimum 1.5 to 2-inches in caliper for single-stem trees or 1 to 1.5-inches in caliper for multi-stem trees, and 6 to 8 feet in height at the time of planting.

7.8.1.3. Large Shrubs

Large shrubs, normally planted for screening, shall measure a minimum of 3 to 3½ feet in height at the time of planting. Shrubs planted for screening purposes shall form the required density to block visibility within three (3) years from the date of installation.

7.8.1.4. Small Shrubs

Small shrubs shall measure a minimum of 18 to 24 inches in spread and/or height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged in order to obtain a variety of color and texture throughout the year.

7.8.1.5. Ground Cover (Organic)

Organic ground covers shall provide 100 percent coverage on the ground within three (3) years of installation. Except for seeding, grass or turf shall provide 100 percent coverage upon installation. Organic mulch may be used around plantings to maintain soil moisture and prevent the growth of weeds.

7.8.1.6. Ground Cover (Inorganic)

Inorganic ground covers consisting of river rock or similar materials may be used provided they do not exceed 20 percent coverage of the required landscape planting area.

7.8.2. SELECTION OF PLANT MATERIALS

All plant material, except Ground Covers, shall be selected from Table 7.1-1 Acceptable Plant Species. Consideration shall be given to the environmental conditions of the site, such as soil, topography, climate, microclimate, pattern of sun movement, prevailing winds and precipitation, and air movement to ensure that plant materials will be established successfully. Tree selection for street yards, or other locations within utility rights-of-way, shall consider the presence or planned addition of overhead utility lines. Such trees shall be small and medium trees that are pest- and disease-resistant and are slow growing.

7.8.2.1. Substitution of Plant Materials

The Administrator shall have the authority to approve the installation of comparable substitution plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes that require the replacement and relocation of more than 25 percent of the plant materials shall require a new landscape plan and approval through the plan review process.

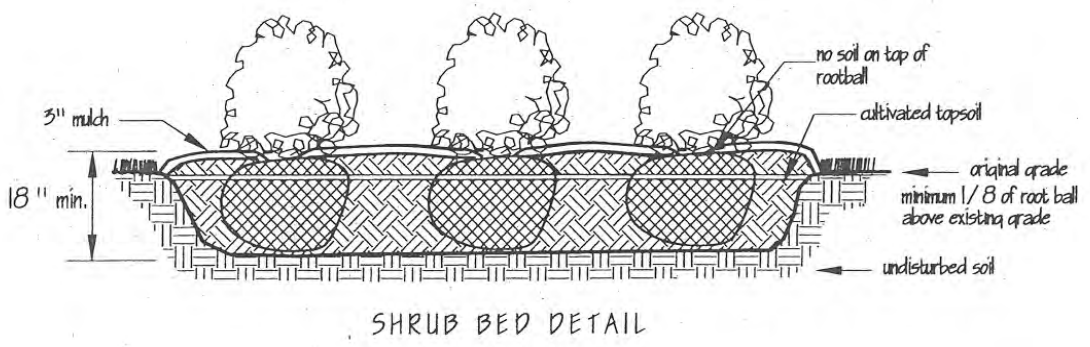
7.8.2.2. Mix of Genus and Species Encouraged
Except for Street Yard trees (Section 7.7), a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged in order to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard trees shall retain a reasonably uniform pattern along both sides of a street within the same block or corridor.

7.8.3. STANDARDS FOR INSTALLATION OF LANDSCAPING MATERIALS

7.8.3.1. Site Maintenance During Construction
Equipment, wood and similar objects shall not be stored or laid upon the critical root zone area during or after construction. Chemicals and liquid construction wastes shall not be dumped, poured or spilled in the area of any plant materials. Washing of concrete mixers shall not be done near the site.

7.8.3.2. Plant Pit, Hedge Trench and Shrub Bed Preparation
Preparation of plant pits, hedge trenches and shrub beds shall be done in conformance with the following procedures:

Figure 7.8-1



- Excavate pits with vertical sides approximately the depth of the rootball and with a circular outline which shall be approximately 2 to 3 times wider than the rootball. For planting pits, beds or trenches which are to be developed where paving existed previously, all paving and base stone shall be removed as part of the excavation.

- Remove rock, debris, inorganic compositions and chemical residues from soil in planting pits.

- Cultivate shrub planting pits to a minimum depth of 18 inches. Ground cover and vine planting pits shall be cultivated to a minimum depth of 12 inches.

- Install root ball on a flat, compact surface of undisturbed soil and remove any inorganic ties on top of the rootball. Remove the top 1/3 of wire baskets.

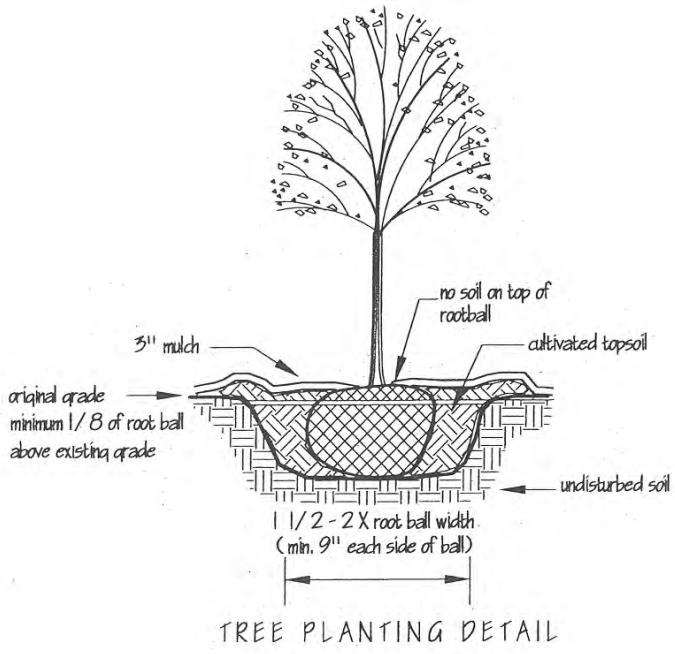
- Leave the top of the tree root ball exposed, to be covered by mulch only.

- Finish the planting with a minimum 3-inch layer of mulch of pine needles, tree bark or similar materials distributed around the tree trunk.

- Re-establish native plants salvaged from the site or relocated as a result of grading in conformance with the recommendations of the North Carolina Cooperative Extension Service.

- Support trees and shrubs adequately when planted in order to avoid interference with their typical growing patterns.

Figure 7.8-2



7.8.4. GENERAL MAINTENANCE OF LANDSCAPING AND SITE

A. The applicant, property owner, and/or subsequent or successor owner, and their agents, including tenants, shall be jointly and severally responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

B. Required landscaping shall be maintained in perpetuity. After initial installation, it shall be the responsibility of the owner and/or tenant of the property upon which the landscaping is installed to maintain all required plantings in a healthy, vigorous and attractive state, or replace dead, diseased or deteriorated plants. Within residential subdivisions, the maintenance of street trees in planting strips between curbs and sidewalks which are within the street right-of-way shall be the responsibility of the respective homeowners association, or the abutting homeowner, in the absence of a homeowners association.

C. If after three (3) years following installation of required screening plant materials, the plants have not formed an effective screen, or if an effective screen is not maintained, the Administrator may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Administrator shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements of this Ordinance.

D. All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development permit.

7.8.5. UTILITY RIGHT-OF-WAY TREE TRIMMING

Utility crews and companies are encouraged to do directional pruning of branches interfering with utility lines to prevent damage, disfigurement and heavy suckering and reduce future pruning needs. Utility tree trimmers are encouraged to remove branches to laterals (drop-crotching) in order to direct tree growth away from utility lines. Directional pruning includes top trimming, side trimming, under trimming and through trimming.

Table 7.8-1 Acceptable Plant Species

The following list of plant species includes shade trees, ornamental trees and shrubs which are acceptable for landscaping in this area of North Carolina. A few species are labeled as "discouraged" due to marginal hardiness in this zone, to disease susceptibility, or to overuse.

Shade Trees

Botanical Name	*Common Name*
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Amelanchier canadensis	Serviceberry
Betula nigra	River birch
Carya illinoensis	Pecan
Carya ovata	Shagbark hickory
Carya glabra	Pignut hickory
Carya cordiformis	Bitternut hickory
Cedrus deodara	Deodar cedar
Celtis occidentalis	Hackberry
Cupressocyparis leylandii	Leyland cypress (discouraged)
Diospyros virginiana	Persimmon
Fagus grandiflora	American beech
Fraxinus americana	White ash
Fraxinus pennsylvanica	Green ash
Ginkgo biloba	Ginkgo
Juniperus virginiana	Eastern red cedar
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip poplar
Magnolia grandiflora	Southern magnolia
Nyssa sylvatica	Black gum
Pinus echinata	Short leaf pine
Pinus nigra	Austrian pine
Pinus thunbergi	Japanese black pine
Pinus taeda	Loblolly pine
Pinus virginiana	Virginia pine
Platanus acerifolia	London planetree
Quercus acutissima	Sawtooth oak
Quercus alba	White oak
Quercus bicolor	Swamp white oak
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus laurifolia	Laurel oak
Quercus nigra	Water oak
Quercus phellos	Willow oak
Quercus borealis	Northern red oak
Quercus shumardi	Shumard oak
Quercus velutina	Black oak
Quercus virginiana	Live oak
Sophora japonica regent	Japanese pagoda tree
Taxodium distichum	Bald cypress
Ulmus parvifolia	Lacebark elm
Ulmus alata	Winged elm
Zelkova serrata	Japanese zelkova

Ornamental Trees

Botanical Name	*Common Name*
Acer buergeranum	Trident maple
Acer campestre	Hedge maple
Acer palmatum	Japanese maple
Carpinus betulus	European hornbeam
Carpinus caroliniana	American hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood
Cornus kousa	Kousa dogwood
Crataegus phaenopyrum	Washington hawthorne
Eleganus angustifolia	Russian olive
Halesia carolina	Carolina silverbell
Hammamelis mollis	Chinese witch-hazel
Ilex fosteri	Foster holly
Ilex opaca	American holly
Ilex opaca hume	Hume holly
Ilex x attenuata savannah	Savannah holly
Koelreutaria paniculata	Golden rain-tree
Lagerstroemia indica	Crapemyrtle
Magnolia soulangeana	Saucer magnolia
Magnolia stellata	Star magnolia
Malus hybrids	Flowering crabapple
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Prunus cerasifera pissardii	Purpleleaf plum
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry
Prunus yedoensis	Yoshino cherry
Prunus caroliniana	Carolina cherry laurel
Pyrus calleryana 'Redspire'	
Pyrus calleryana 'Capital'	

Shrubs

Botanical Name	*Common Name*
Abelia grandiflora	Glossy abelia
Aucuba japonica	Japanese aucuba
Azalea hybrida	Glenn dale azalea
Azalea indica	Indian azalea
Azalea obtusum Kaempferi	Kaempferi azalea
Bambusa multiplex	Hedge bamboo
Berberis julianae	Wintergreen barberry
Brberis thunbergii	Japanese barberry
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua Camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus
Euonymus japonicus	Evergreen euonymus
Eleagnus pungens	Eleagnus

Forsythia intermedia	Forsythia
Hammamelis virginiana	Witch-hazel
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium	English holly
Ilex cornuta	Chinese holly
Ilex cornuta burfordi	Burford holly
Ilex cornuta burfordi nana	Dward burford holy
Ilex crenata 'convexa'	Convex japanese holly
Ilex crenata 'hetzi'	Hetzi japanese holly
Ilex crenata 'rotundifolis'	Roundleaf japanese holly
Ilex "Emily Brunner"	Emily brunner holly
Ilex glabra	Inkberry holly
Ilex latifolia	Lusterleaf holly
Ilex pernyi	Perny holly
Ilex vomitoria	Yaupon holly
Juniperus chinensis pfitzeriana	Pfitzer juniper
Juniperus chinesis hetzi	Hetzi juniper
Laurus nobilis	Laurel
Ligustrum japonicum	Japanese privet
Ligustrum lucidum	Glossy privet
Ligustrum vicaryi	Vicary golden privet
Loropetalum chinense	Lotopetalum
Mahonia bealei	Leatherleaf mahonia
Myrica cerifera	Wax myrtle
Nandina domestica	Nandina
Osmanthus fortunei	Fortune tea olive
Osmanthus fragrans	Fragrant tea olive
Osmanthus heterophyllus	Holly osmanthus
Osmanthus heterophyllus rotundifolius	Curly leaf tea olive
Pieris floribunda	Mountain andromeda
Pieris japonica	Japanese andromeda
Pittosporum tobira	Pittosporum (discouraged)
Prunus laurocerasus	English laurel
Prunus laurocerasus “Zabel”	“Zabel” Skip laurel
Podocarpus macrophyllus maki	Podocarpus (discouraged)
Prunus laurocerasus angustifolia	Narrow leafed english laurel
Pyracantha coccinea	Scarlet firethorn
Raphiolepsis umbellata	Yeddo-hawthorn
Raphiolepsis indica	India hawthorn
Spirea cantoniensis	Reves spirea
Spirea thunbergi	Thunberg spirea
Spirea prunifolia plena	Bridalwreath spirea
Spirea vanhouttei	Vanhoutte spirea
Taxus cuspidata	Japanese yew
Viburnum rhytidophyllum	Leatherleaf viburnum
Viburnum tinus	Laurestinus viburnum

ARTICLE 8
OFF-STREET PARKING AND PRIVATE DRIVEWAY STANDARDS

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8.1 GENERAL STANDARDS

8.1.1. PURPOSE AND APPLICABILITY

A. The purpose of this Section is to ensure that adequate and well-designed parking and site access is provided for developments in the Town of Mount Pleasant.

B. Unless otherwise specified, the requirements of this Section shall be initiated by any one (1) or more of the following activities on a property:
- New construction or the initial use of the property
- A substantial change of use or change in zoning classification
- Any building or parking expansion of greater than 25%

C. The standards of this Article 8 shall not apply to detached single-family dwellings or duplex developments on individual lots of record (except that single-family units and duplexes shall maintain an area large enough to accommodate two off-street parking spaces).

8.1.2. GENERAL STANDARDS

A. Required off-street parking area(s) shall be provided on the same parcel as the principal structure or use, unless shared parking is provided as set forth in Section 8.3.1.6.

B. No parking spaces shall be allowed in a required street yard or buffer yard as required in Article 7.

C. No parking spaces shall be allowed in a required street yard or buffer yard as required in Article 7.

D. Landscaping shall be required in accordance with Article 7 Landscaping and Buffering Standards.

E. All parking lots shall be constructed with proper drainage so as to prevent standing water.

F. Lighting sources shall be designed and constructed so as to direct light away from public rights-of-way and residentially zoned or developed areas.

G. Off-street parking areas shall be properly maintained in all respects. In particular, off-street parking area surfaces shall be kept in good condition (free from potholes, crumbling pavement, etc.) and parking space lines or markings shall be kept clearly visible and distinct. Wheel stops, where provided or required, shall be in sound condition and not cracked or broken. Parking areas shall be kept free of weeds, litter, dust, and debris.

8.1.3. PARKING LOT DESIGN

8.1.3.1. Parking Surface

8.1.3.1.1. Paving Required

All required parking and vehicular traffic surfaces shall be graded for drainage in accordance with Section 10.3 Stormwater Management Standards and shall be surfaced with concrete or bituminous asphalt pavement on a compacted base course, constructed to industry standards, except as allowed by Section 8.1.3.1.2 and 8.1.3.1.3, below. Alternative materials, such as pervious pavement or pavers, may be approved by the Administrator, subject to the standards of Section 10.3.8, if such material(s) exhibits equivalent load bearing and wear characteristics as concrete or bituminous asphalt. In making such a

determination, the Administrator may consult the Town Engineer, Director of Public Works, or their designee or other persons with knowledge of paving materials.

8.1.3.1.2. Overflow Parking and Industrial Storage Parking

Overflow parking areas, event parking areas and/or industrial parking/storage yards may use gravel instead of paved surface provided that the following conditions are met:

- The minimum number of parking spaces required for each use is paved
- All parking areas within front and side yards are paved
- Driveway aprons a minimum of 20 feet deep (or greater if required by NCDOT) are paved
- Required ADA accessible parking spaces are paved
- Gravel is spread four-inches deep on top of a compacted base course
- The property is not located in the CC district

8.1.3.1.3. Paving Exemption for Assembly Uses

Paving of parking areas and access ways for assembly uses (churches, sports facilities, fairgrounds, etc.) may be waived if evidence is presented to the Administrator that these spaces will not be used regularly on a daily basis or at least five times per week. Parking areas for which paving is waived shall maintain a turf or gravel surface**.** Gravel shall be spread four (4) inches deep on top of a compacted base course. All parking areas for which paving is waived shall meet the minimum requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and for Fire Prevention.

8.1.3.1.4. Striping Required

Paved off-street parking areas, as required by this Ordinance, shall be striped in accordance with the dimensions as set forth in this Article 8.

8.1.3.1.5. CC City District Parking

All parking surfaces within the Center City district shall be paved. Any existing unpaved, dirt or gravel parking and vehicular circulation areas shall be closed or paved within four (4) years of notification of affected property owners after the adoption of this provision on July 8, 2019. The deadline to conform with the provision is July 8, 2023.

8.1.3.2. Curb & Gutter

All sites with more than 50 parking spaces shall be constructed with standard or valley curb and gutter as detailed in Appendix C. As an alternative, parking areas shall be designed in accordance with *Low Impact Development (LID): A Guidebook for North Carolina* published by the North Carolina Cooperative Extension.

8.1.3.3. Overhang Protection

Wheel stops, bumper guards, or curbing shall be provided, located and arranged so that no part of any parked vehicle will extend beyond the boundaries of the parking space and into a pedestrian crossing area or landscaping area.

8.1.3.4. Backing Movements Prohibited

Except for single- and two-family dwellings on individual lots, parking spaces and driveways shall be arranged to require ingress and egress from the lot to a public street by forward motion of the vehicle.

8.1.3.5. Sight Triangles

Sight Triangles for intersections of driveways and public streets shall be regulated in accordance with Article 10 of this Ordinance.

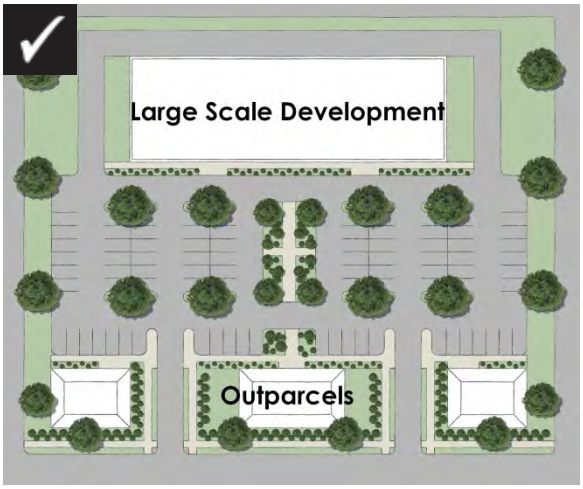
8.1.3.6. Large Scale Parking Lots

A. No more than three (3) parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which shall include pedestrian walkways. Large parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building(s).

B. For non-residential uses with more than two (2) rows of parking located in the front yard of the principal building, parking shall have additional screening using one (1) of the following methods:
   - The minimum street yard width required by Article 7 shall be doubled and the number of shrubs shall be increased by 25%; or
   - Parking may be shared and screened with outparcel buildings as shown Figure 8.1-1.

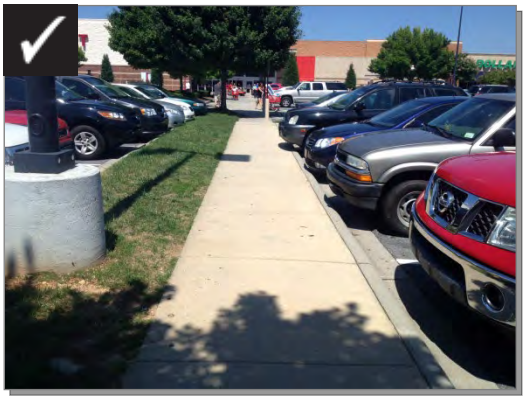
FIGURE 8.1-1: EXAMPLE OF PARKING AREA FOR LARGE SCALE DEVELOPMENT

Option 1-Street Yard doubled with 25% more shrubs



Option 2-Outparcels

No Outparcels, Enhanced Street Yard or Landscaped Pedestrian Walkway



Planted Median with Pedestrian Walkway

No Parking Aisle Separation

8.2 PRIVATE DRIVEWAY PROVISIONS

8.2.1. APPLICABILITY

All proposed vehicular access points to connect to a public street shall conform to the Access Management provisions of this Section, as well as applicable sections of Article 10 and Appendix D of this Ordinance. This Section shall apply to all driveways or access points to be maintained on private property (except for single-family detached and two-family homes on existing streets not within a major subdivision). The provisions of Appendix D of this Ordinance shall regulate that portion of a private driveway that connects to a public and extends to the edge of a public right-of-way.

8.2.2. DRIVEWAY PAVING

If ingress and egress are the same, off-street parking spaces shall be connected to a public street by a paved driveway which affords safe and convenient ingress and egress provided, however, that the Administrator may waive this requirement where:

- the driveway is connected to an adjacent driveway or series of driveways with access to a public street; and
- the applicant has a valid easement providing for access to all driveways leading to the public street.

8.2.3. DRIVEWAY WIDTH

The width of driveways shall be measured at the point of intersection with the public street right-of-way. Driveway width shall be regulated in accordance with Table 8.2-1 below, unless the Administrator determines the width should be expanded as set forth in Section 8.2.4. Medians shall not be included in the calculation for the width of driveways. Where no right-of-way exists, the Administrator shall determine the most appropriate location for the measurement.

Table 8.2-1 – Driveway Width

Type	Min.	Max.
One-way	*	20 feet
Two-way	*	36 feet

*subject to parking design as set forth in Column "D" of Table 8.3-1

8.2.4. EXCEPTIONS

The Administrator may waive the requirements of Section 8.2.1.2 only under the following conditions:

- The Town Engineer and/or Director of Public Works or their designee determines that a wider turning area is needed in order to avoid a traffic hazard;

- The Town Engineer and/or Director of Public Works or their designee and the Administrator jointly determine an appropriate distance from the point of intersection with the public street right-of-way where the driveway shall conform to the dimensional requirements of Table 8.2-1;

- The design of the driveway is such that it progressively decreases in width to conform to the width as determined in Table 8.2-1; and

- Review and final approval of any proposed driveway design that does not conform to the dimensional limitation shall be under the authority of the Administrator upon recommendation from the Town Engineer and/or Director of Public Works or their designee.

8.3 OFF-STREET PARKING STANDARDS

8.3.1. REQUIRED AMOUNT OF OFF-STREET PARKING

Table 8.3-1 establishes the minimum and the maximum number of parking spaces permitted for the uses indicated.

8.3.1.1. Parking Structures Exempted

The maximum parking requirements shall not apply to parking spaces within an above-ground or an underground parking structure. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.

8.3.1.2. Exemption from Required Number of Spaces

The minimum requirement for the number of vehicle parking spaces shall not apply within the CC City Center zoning district.

8.3.1.3. Uses Not Identified in Table 8.1-6

The Administrator shall determine the parking requirement for uses which do not correspond to the categories listed in Table 8.3-1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

- type of use(s);
- number of employees;
- the occupant load (per Building Code) of the building;
- square feet of sales area and service area;
- parking spaces proposed on-site;
- parking spaces provided elsewhere; and
- hours of operation.

8.3.1.4. Multiple Uses

In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as provided in Section 8.3.1.6.

8.3.1.5. Modification to Required Number of Spaces

In unusual circumstances, the standard parking requirement may not be appropriate. The Administrator shall have the authority to vary the parking requirement, either upward or downward by up to 10 percent, if one (1) or more of the following circumstances exists:

- Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use.

- The parking demand varies throughout the day in relation to parking supply.

- The nature of operational aspects of the use warrants unique parking arrangements.

8.3.1.6. Shared Parking

Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:

- In non-residential zoning districts, the parking may be up to 500 feet from the principal structure;

- The parking demands of the individual uses, as determined by the Administrator, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking spaces required; and

- A written agreement between the owners and lessees is executed for a minimum of 10 years, approved by the Administrator, recorded, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements. Future expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.

Developments which contain a mix of uses on the same parcel, as set forth in Table 8.1-6 below, may reduce the amount of required parking in accordance with the following methodology: (1) determine the minimum parking requirements in accordance with Table 8.3-1 for each land use as if it were a separate use, (2) multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 6.4-1, (3) calculate the total for each time period (Columns), (4) select the Column with the highest total, and (5) use this number as the required minimum number of parking spaces.

8.3.2. PARKING AISLE AND SPACE DIMENSIONS

Minimum dimensions of standard parking spaces (other than compact car spaces and handicap spaces) and maneuvering area shall be as set forth in Table 8.3.

8.3.2.1. Handicapped Spaces

Handicapped parking spaces shall be a minimum of 13 feet by 18 feet for a single non-van space (8 feet in width in addition to a 5-foot access aisle); a minimum of 16 feet by 18 feet for a single van space (8 feet in width in addition to an 8 foot access aisle); or 24 feet by 18 feet for a double van space, or a non-van and van double space (8 feet in width for each space with an 8 foot access aisle between spaces). Parking spaces for handicapped or disabled persons shall comply with Chapter 4 of the N.C. Accessibility Code.

8.3.2.2. Compact Car Spaces

This section shall apply only to retail shopping centers/superstores of 25,000 square feet or more. Not more than 20% of the off-street parking spaces required by this Section shall be designed as compact car parking spaces. Each compact car parking space shall be a minimum of eight (8) feet wide and 16 feet long. Compact car parking spaces shall be clearly marked or posted for "Compact Cars Only." All other provisions of this Article relating to off-street parking requirements shall be met.

8.5 OFF-STREET LOADING AND UNLOADING AREA STANDARDS

8.3.3. APPLICABILITY

A. There shall be provided on the same lot with each nonresidential building or structure, adequate space for off-street loading, unloading and the maneuvering of shipping and delivery vehicles. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:

- be surfaced with pavement, concrete or equivalent,
- be properly drained,
- be designed with regard to pedestrian safety,
- have direct access to public streets, and
- be screened from adjacent residentially zoned or developed property as provided in Article 7 Landscaping Standards of this Ordinance.

B. No loading docks shall be visible from a thoroughfare or collector street right-of-way.

8.3.4. REQUIRED AMOUNT

A. The Uses required to provide off-street loading/unloading space and, the quantity and size of said space required shall be:

1. Retail and service establishments - One (1) loading space with minimum dimensions of 12 feet by 25 feet for every 20,000 square feet of Gross Leasable Area rounded off to the nearest 20,000.

2. Office buildings and lodging establishments. - One (1) loading space with minimum dimensions of 12 feet by 25 feet for every 50,000 square feet of Gross Leasable Area rounded to the nearest 50,000.

3. Industrial/manufacturing and wholesale establishments shall provide the following loading spaces with a minimum dimension of 12 feet by 25 feet:

➢ Up to - 50,000 sq. ft.	1 space
➢ 50,000 - 120,000 sq. ft.	2 spaces
➢ 120,000 - 220,000 sq. ft.	3 spaces
➢ 220,000 - 350,000 sq. ft.	4 spaces
➢ 350,000 - 550,000 sq. ft.	5 spaces
➢ 550,000 - 850,000 sq. ft.	6 spaces
➢ Each additional 400,000 sq.ft.	1 additional space

4. Off-street loading/unloading areas shall be located such that interference with traffic on Streets is minimized (subject to approval by the Administrator).

B. No off-street loading/unloading space shall be sized such that any reasonably anticipated vehicle utilizing the space will protrude into any required Parking Space and/or Street right-of-way.

Figure 8.3-1 Standard Parking Dimensions

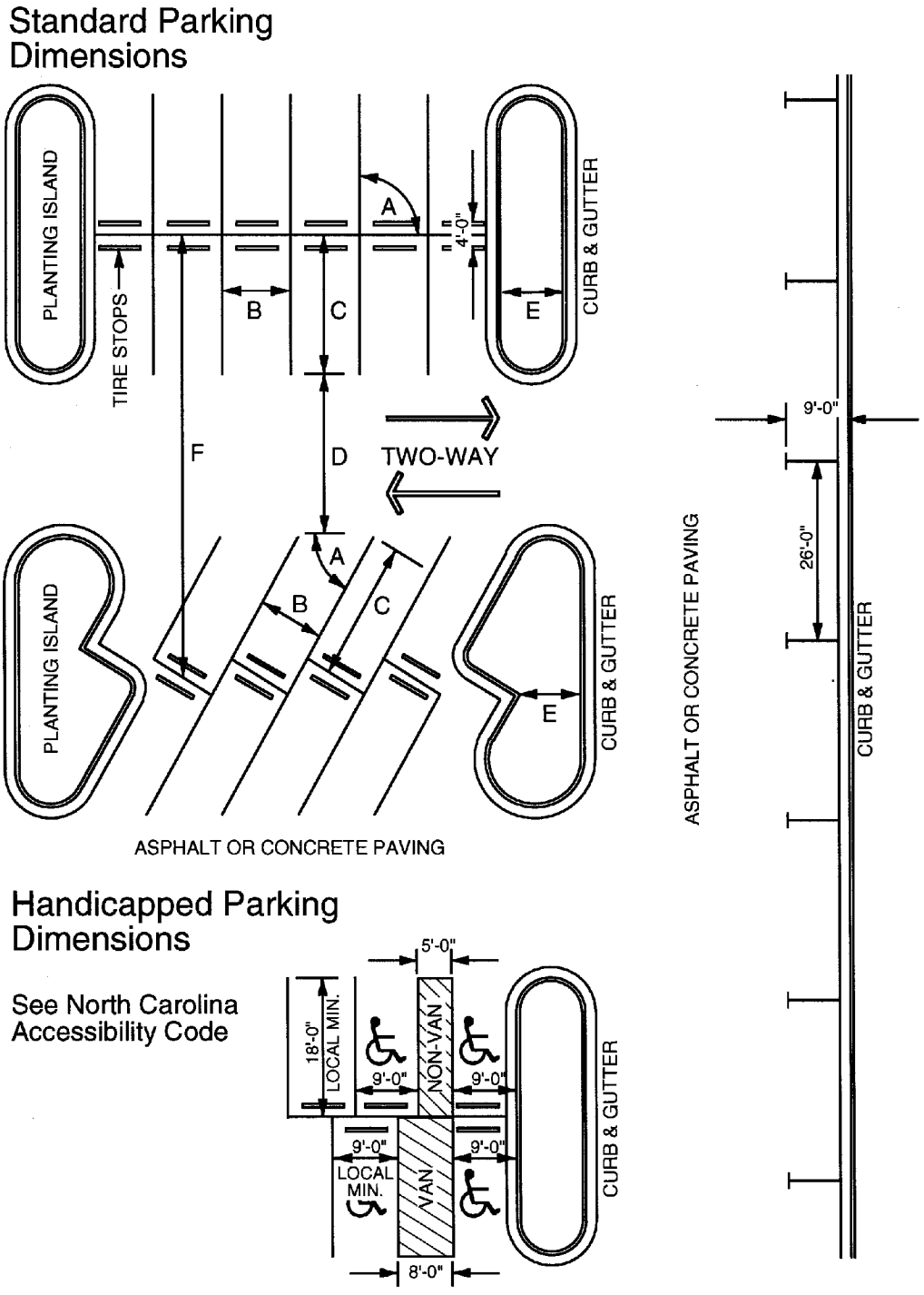


Table 8.3-1 Parking Area Dimensional Standards

For standard-size vehicles

A	B	C	D	E	F	G
45°	9.0’	18.0’	12.0’ ONE-WAY	6.3’	51.0’	2.0’ / 4.0’
60°	9.0’	18.0’	18.0’ ONE-WAY	7.8’	58.0’	2.0’ / 4.0’
90°	9.0’	18.0’	24.0’ TWO-WAY	9.0’	60.0’	2.0’ / 4.0’

For compact-size vehicles (see Sect. 8.3.2.2)

A	B	C	D	E	F	G
45°	8.0’	16.0’	N/A	5.3	N/A	1.5’ / 3.0’
60°	8.0’	16.0’	N/A	6.8’	N/A	1.5’ / 3.0’
90°	8.0’	16.0’	N/A	8.0’	N/A	1.5’ / 3.0’

Note: Parallel parking spaces shall be 9’ by 26’ with a 20’ two-way access, or a 12’ one-way access.

Key (also see Figure 8.1-1):
A. Parking Angle
B. Stall Width
C. Stall Depth
D. Aisle Width
E. Planting Island Width (minimum width shown, refer to Article 7 for minimum area)
F. Parking Bay Width
G. Bumper Overhang (front / rear)

Table 8.3-2 Shared Parking Allowances by Land Use.

	Weekday		**Weekend**		
Land Use	**Daytime***	**Evening***	**Daytime***	**Evening***	**Nighttime***
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

*Key:
- Daytime (6am – 5pm)
- Evening (5pm – midnight)
- Nighttime (midnight – 6 am)

Table 8.3-1 Off-street Vehicular Parking Space and Bicycle Space Requirements

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
Residential			
Accessory Dwellings	1 per unit	n/a	n/a
Duplex (Two units per lot)	2 per unit	n/a	n/a
Family Care Home	2 per parcel	n/a	n/a
Multi-Family (3 or more units) and attached Single-Family	1.5 per unit	2.5 per unit	0.5 per unit
Single Family, detached (includes manufactured and modular homes)	2 per parcel	n/a	n/a
Insitiutional and Civic			
Auditorium/Public Assembly	1 per 6 seats or 1 per 50 sf GFA (if no seats)	1 per 4 seats or 1 per 30 sf GFA (if no seats)	1 per 20 vehicle spaces
Botanical Garden and Nature Preserves	n/a	1 per 125 sf GFA of bldg.	n/a
Campground	1 per 6 camp sites, plus 4 per laundry & shower facility	n/a	n/a
Child Care Center	1 per 375 sf GFA	1.5 per 375 sf GFA	n/a
Civic, Social and Fraternal Organizations	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Emergency Service Facilities	1 per employee + 1 per 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	n/a	3% of total required vehicular spaces
Golf Course	4 per hole	6 per hole	n/a
Golf Driving Range	1 per 2 tees	1 per tee	n/a
Governments Buildings	1 per 300 sf GFA	1 per 125 sf GFA	1 per 20 vehicle spaces
Hospital	1 per 400 sf GFA	1 per 100 sf GFA	1 per 20 vehicle spaces
Museums and Art Galleries	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf GFA
Park, public	1 per 4 seats	1 per seat	n/a
Religious Institutions	1 per 8 seats	1 per 1.5 seats	1 per 20 vehicle spaces
Residential Care Facilities and Group Homes	0.3 per room	1 per room	n/a
Schools - Business, Trade and/or other Vocational	1 per 200 sf GFA	1 per 150 sf GFA	1 per 10 students
Schools - Elementary and Secondary	1 per classroom	2 per classroom	1 per 10 students
Schools - University or College	1 per 4 students	1 per 2 students	1 per 5 students
All other Institutional Uses	1 per 300 sf GFA of bldg.	1 per 125 sf GFA of bldg.	1 per 20 vehicle spaces

sf - square footage
GFA - Gross Floor Area of stucture unless otherwise noted

Table 8.3-1 Off-street Vehicular Parking Space and Bicycle Space Requirements

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
Professional Office/Business Services			
Offices, General	1 per 1,000 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
Banks (with drive-through)	1 per 200 sf GFA, plus sufficient stacking spaces to accomodate any drive-through lane(s)	1 per 150 sf GFA, plus sufficient stacking spaces to accomodate any drive-through lane(s)	1 per 10 vehicle spaces
Banks (without drive-through facilities)	1 per 250 sf GFA	1 per 140 sf GFA	n/a
Funeral Home and Services	1 per 4 seats	1 per 2 seats	n/a
Personal Services (Dry Cleaners, etc.)	1 per 500 sf GFA	1 per 215 sf GFA	1 per 20 vehicle spaces
Personal Care Services (Hair, skin, etc.)	1 per 300 sf GFA	1 per 150 sf GFA	1 per 20 vehicle spaces
All other Professional Office/Business Serivce uses	1 per 300 sf GFA	1 per 150 sf GFA	1 per 20 vehicle spaces
Retail Trade			
Amusement Arcade	1 per game table, video game or other amusement device	n/a	1 per 10 vehicle spaces
Amusement Park	1 per 600 sf of outdoor recreation area	1 per 500 sf of outdoor recreation area	n/a
Automobile Sales, New and Used (see Section 5.6)	1.5 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site	1 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site	n/a
Automobile Repair/Body Shop	1 per 500 sf GFA including all service areas, plus 1 per employee	1 per 375 sf GFA including all service areas, plus 1 per employee	n/a
Beach Bingo (see Section 5.6.1)	1 per 3 seats	n/a	n/a
Bed and Breakfast Inns (see Section 5.7.2)	1 per guest bedroom, plus 2 for owner/operator	n/a	n/a
Bowling Centers	2 per lane	4 per lane	1 per 10 vehicle spaces
Building Material Supply/Greenhouses/Nurseries/Lawn & Garden Supply	1.5 per 375 sf GFA of sales or service building area	1 per 375 sf GFA of sales or service building area	n/a
Car Wash (as a principal use), Truck Stops, and/or Travel Plaza	1 per 500 sf GFA including wash bays/tunnels	1 per 375 sf GFA including wash bays/tunnels	n/a

sf - square footage
GFA - Gross Floor Area of stucture unless otherwise noted

	and retail areas	and retail areas	

sf - square footage
GFA - Gross Floor Area of stucture unless otherwise noted

Table 8.3-1 Off-street Vehicular Parking Space and Bicycle Space Requirements

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
Retail Trade (cont.)			
Convenience Store	6 per 1,000 GFA, plus sufficient stacking area to accommodate 2 vehicles per each side of pump island	10 per 1,000 GFA, plus sufficient stacking area to accommodate 2 vehicles per each side of pump island	1 per 10 vehicle spaces
General Merchandise Stores (less than 25,000 sf GFA)	1 per 300 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Grocery/Food Stores	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
Health Clubs and Fitness Centers	1.5 per 1,000 sf GFA	10 per 1,000 GFA	1 per 10 vehicle spaces
Hotels, Motels and Extended Stay Facilities	1 per room plus 1 per 800 sf of public meeting area and restaurant space	1 per room plus 1 per 400 sf of public meeting area and restaurant space	n/a
Manufactured Home Sales	1 per 100 sf GFA of office area, plus 1 per every 2 employees	n/a	n/a
Miniature Golf	1 per hole	2 per hole	n/a
Mini-warehouseing/Self-storage Leasing (see § 5.15)	1 for every 200 rental spaces (2 required)	n/a	n/a
Motion Picture Theater	1 per 6 seats	1 per 4 seats	1 per 20 vehicle spaces
Motion Picture Theater, drive-in	1 for each viewing space the facility is designed to accommodate	1 for each viewing space the facility is designed to accommodate	n/a
Restaurants (with drive-through service and/or carry-out)	1 per every 3 seating accommodation plus sufficient stacking area to accommodate any drive-through lane(s)	1 per 50 sf GFA, plus sufficient stacking area to accommodate any drive-through lane(s)	1 per 20 vehicle spaces
Restaurants (dine-in only)	1 per every 3 seating accommodation	1 per 50 sf GFA	1 per 20 vehicle spaces
Shopping Centers/Superstores (25,000-400,000 sf GFA)	1 per 250 sf GFA	1 per 150 sf GFA	1 per 20 vehicle spaces
Shopping Centers/Superstores (400,001-600,000 sf GFA)	1 per 225 sf GFA	1 per 150 sf GFA	1 per 20 vehicle spaces
Shopping Centers/Superstores (over 600,000 sf GFA)	1 per 200 sf GFA	1 per 150 sf GFA	1 per 20 vehicle spaces
All other Retail uses	1 per 300 sf GFA	1 per 150 sf GFA	1 per 20 vehicle spaces

sf - square footage
GFA - Gross Floor Area of stucture unless otherwise noted

Table 8.3-1 Off-street Vehicular Parking Space and Bicycle Space Requirements

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
WholesaleTrade uses, Manufacturing and Industrial uses			
Contractor's office	1 per 600 sf GFA	n/a	n/a
Junk/Salvage Yard	1 per 2 employees at peak shift, plus 1 per 5,000 sf of land area devoted to material storage, plus 1 for each company vehicle at peak shift	n/a	n/a
Manufacturing uses	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	n/a	n/a
Mining and Extractive Uses	1 per employee at max. shift, plus 1 per each company vehicle at peak shift	n/a	n/a
Wholesale sales and all other Industrial Uses	1 per 400 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	n/a	n/a
Transportation, Warehousing and Utility uses			
Air, Rail or Bus Terminal	1 per employee, plus spaces required to satisfy projected peak parking demands	n/a	n/a

sf - square footage
GFA - Gross Floor Area of stucture unless otherwise noted

Table 8.3-1 Off-street Vehicular Parking Space and Bicycle Space Requirements

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
Transportation, Warehousing and Utility uses (cont.)			
Communications Tower/Antenna	none (see § 5.21)	n/a	n/a
Truck Terminal	1 per employee at peak shift, plus 1 per each company vehicle at peak shift	n/a	n/a
Warehouse and Storage	1 per 400 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	n/a	n/a
Utility uses	1 per employee at peak shift, plus 1 per each company vehicle at peak shift	n/a	n/a

sf - square footage
GFA - Gross Floor Area of stucture unless otherwise noted

ARTICLE 9
ENVIRONMENTAL PROTECTION REGULATIONS

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9.1. SEDIMENTATION AND EROSION CONTROL

9.1.1. ADOPTION BY REFERENCE

Sedimentation and Erosion Control is regulated and enforced by the North Carolina Department of Environmental Quality (NCDEQ) in accordance with Title 15A, Chapter 4 of the North Carolina Administrative Code**.**

9.2. RIPARIAN AREA MANAGEMENT AND PROTECTION

9.2.1. PURPOSE

Pursuant to NCGS 160D-925 and 143-214.7, these regulations are set forth in order to minimize soil erosion, reduce the velocity of overland stormwater flow, trap sediment and soil eroded from cropland and land being developed, and limit other pollutants from entering local water bodies through the establishment and maintenance of vegetated riparian buffers.

9.2.2. APPLICABILITY

All land development activity, with the exception of those activities specifically exempted in Section 9.2.3, shall be subject to the provisions of this Section of the Ordinance.

9.2.3. EXEMPTIONS

The following structures and activities shall be exempt from the provisions of this Section:

A. Sewer lines, providing that the installation of said lines strictly adhere to applicable state and local soil and erosion control regulations/guidelines. Perennial vegetation must be established as a necessary step in completing construction of any sewer facilities. Sewer lines shall be installed either perpendicular or parallel to the stream channel to minimize the impact on the buffer;

B. Other overhead and/or underground utilities, provided that they are designed and installed in a manner which minimizes their impact on regulated streams;

C. Roads, streets, bridges, or similar structures within public rights-of-way. Said structures shall cross the stream buffer as close to perpendicular as possible;

D. Public greenways, bike paths and other off-road trails;

E. Water dependent structures and facilities;

F. Fences, provided that the design does not interfere with the flow of water;

G. Agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities may occur within the Buffer. Such activities shall conform to all State and Federal regulations. Existing agricultural operations, forested or vegetated areas within stream buffer areas shall follow the State's forest practice guidelines which include best management practices (BMPs) as defined by the North Carolina Soil and Water Conservation Commission. Other agricultural activities not enumerated herein, which would result in significant disturbance of the existing soil, increase soil erosion, or destroy plant and wildlife habitats, are strongly discouraged and shall not occur except in accordance with the following requirements:

    1. Said activities shall be consistent with an approved vegetation replacement program.

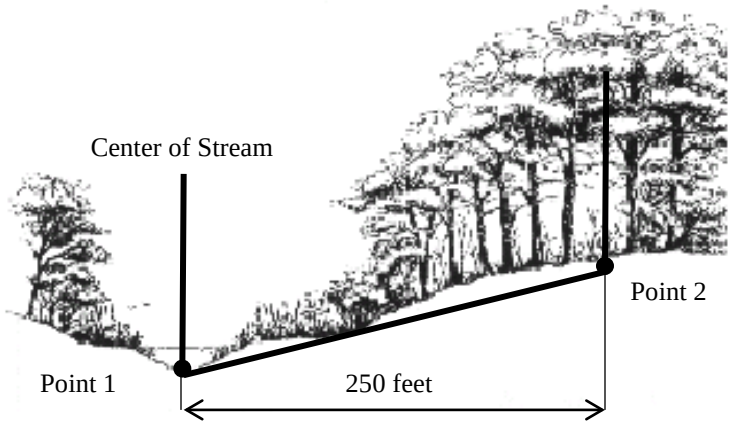
    2. Said activities shall be consistent with the North Carolina Sediment Control Law.

    3. Said activities shall be coordinated with the North Carolina Wildlife Resources Commission's District 6 Biologist and the Cabarrus Soil and Water District Representative.

9.2.4. RIPARIAN BUFFER REQUIREMENTS

A. A vegetated riparian buffer shall be maintained along both sides of all perennial and intermittent streams as identified on the most recent published U.S. Geological Survey 1:24,000 (7.5 minute) scale topographic maps for Cabarrus County.

B. The riparian buffer width along perennial streams (streams with year-round flow) shall be fifty (50) feet plus four (4) times the average percent slope of the land area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet landward from the center of the stream. The maximum width of the undisturbed buffer shall be 120 feet from both sides of the top of the stream bank. For lakes, ponds, and impoundments, the buffer shall be computed using the high-water elevation in place of the stream bank in the calculation. All structures and parking areas shall be set back a minimum of 20 feet from the edge of the buffer.



Pre-development elevation of Point 1 in feet=E1
Pre-development elevation of Point 2 in feet=E2

$$S=\frac{E2-E1(feet)\ x100}{250\ et}$$

C. The riparian buffer width along intermittent streams (streams with flow only during part of the year) and any lakes, ponds, or impoundments located along or on those streams shall be 25 feet measured perpendicularly from the top of the stream bank on both sides of the stream. Any proposed piping or redirection of intermittent streams shall be subject to review by the U.S. Army Corps of Engineers and properly sized to no impact adjacent, upstream, or downstream properties.

D. Development impacting wetlands subject to 404 of the Clean Water Act (404 jurisdictional wetlands) shall be reviewed and permitted by the US Army Corps of Engineers.

E. All development impacting less than or equal to one (1) acre of isolated and other non-404 jurisdictional wetlands or open waters and/or less than or equal to 300 feet of isolated and other non-404 jurisdictional streams are subject to the State General Permit Number IWGP100000, in conformity with the North Carolina Administrative Code regulations in 15A NCAC 02H.1300.

F. Riparian buffers shall remain in a natural vegetated state. Maintenance of vegetation within the buffer, such as pruning, mowing and clearing of dead vegetation is permitted as long as no soil is disturbed during the maintenance process.

9.3. FLOOD DAMAGE PREVENTION STANDARDS

9.3.1. PUPRPOSE AND AUTHORITY

9.3.1.1. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; 160D-9-23; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the governing body of the Town of Mount Pleasant, North Carolina does ordain as follows:

9.3.1.2. Findings Of Fact

A. The flood hazard areas of the Town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or other hazards.

9.3.1.3. Statement of Purpose

The purpose of the Flood Damage Prevention Standards is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

9.3.1.4. Objectives

The objectives of the Flood Damage Prevention Standards are to:

- Protect human life, safety, and health;
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- Minimize prolonged business losses and interruptions;
- Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- Minimize damage to private and public property due to flooding;
- Make flood insurance available to the community through the National Flood Insurance Program (NFIP);
- Maintain the natural and beneficial functions of floodplains;
- Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- Ensure that potential buyers are aware that property is in a Special Flood Hazard Area

9.3.2. DEFINITIONS

Unless specially defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application. The words and phrases set forth herein shall apply exclusively in the context of Flood Damage Prevention:

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ADDITION (TO AN EXISTING BUILDING) means an extension or increase in the floor area or height of a building or structure.

ALTERATION OF A WATERCOURSE means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in a cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

APPEAL means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

AREA OF SHALLOW FLOODING means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD see "Special Flood Hazard Area (SFHA)".

BASE FLOOD means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING see "Structure".

CHEMICAL STORAGE FACILITY means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

DESIGN FLOOD See "Regulatory Flood Protection Elevation."

DEVELOPMENT means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill,

bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DISPOSAL means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

ELEVATED BUILDING means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING BUILDING AND EXISTING STRUCTURE means any building and/or structure for which the "start of construction" commenced before December 3, 2007.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

FLOOD or **FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- the overflow of inland or tidal waters; and/or
- the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE means the insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD PRONE AREA see "Floodplain"

FLOOD ZONE means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN means any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR is the individual appointed to administer and enforce the Floodplain Protection Overlay District regulations.

FLOODPLAIN DEVELOPMENT PERMIT means any type of permit that is required in conformance with the

provisions of this ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT ANALYSIS means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

FREEBOARD means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation".

FUNCTIONALLY DEPENDENT FACILITY means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

HAZARDOUS WASTE MANAGEMENT FACILITY means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HIGHEST ADJACENT GRADE (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE means any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

- Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".

  Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

LETTER OF MAP CHANGE (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIGHT DUTY TRUCK means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- Available with special features enabling off-street or off-highway operation and use.

LOWEST ADJACENT GRADE (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

NON-ENCROACHMENT AREA means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

POST-FIRM means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map December 3, 2007.

PRE-FIRM means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map December 3, 2007.

PRINCIPALLY ABOVE GROUND means that at least 51% of the actual cash value of the structure is above ground.

PUBLIC SAFETY AND/OR NUISANCE means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE (RV) means a vehicle, which is:

- Built on a single chassis;
- Four hundred (400) square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck;
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- Is fully licensed for and ready for highway use.

REFERENCE LEVEL is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A, AE, AH, AO, or A99.

REGULATORY FLOOD PROTECTION ELEVATION means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SALVAGE YARD means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

SOLID WASTE DISPOSAL FACILITY means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA) means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 9.3.3.2 of this ordinance.

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1) year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued

designation as a historic structure.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

TEMPERATURE CONTROLLED means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

VARIANCE is a grant of relief from the requirements of this ordinance.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Section is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE) means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

9.3.3. GENERAL PROVISIONS

9.3.3.1. Lands to Which This Section Applies

This Section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJ), of the Town of Mount Pleasant.

9.3.3.2. Basis for Establishing the Areas of Special Flood Hazard

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS), for Cabarrus County dated November 16, 2018, and its associated DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Mount Pleasant are also adopted by reference and are declared part of this Section. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three (3) months.

9.3.3.3. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within Special Flood Hazard Areas as determined in accordance with the provisions of Section 9.3.3.2.

9.3.3.4. Compliance Required

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Section and other applicable regulations.

9.3.3.5. Abrogation and Greater Restrictions
This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the regulations set forth in this Section and others conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

9.3.3.6. Interpretation
In the interpretation and application of this Section, all provisions shall be:

- Considered as minimum requirements;
- Liberally construed in favor of the governing body; and
- Deemed neither to limit nor repeal any other powers granted under state statutes.

9.3.3.7. Warning and Disclaimer of Liability
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part the Town of Mount Pleasant or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

9.3.3.8. Penalties for Violation
Violation of the provisions of this Section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a Class 1 misdemeanor pursuant to NCGS 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Mount Pleasant from taking such other lawful action as is necessary to prevent or remedy any violation.

9.3.4. ADMINISTRATION

9.3.4.1. Designation of Floodplain Administrator
The Ordinance Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

9.3.4.2. Floodplain Development Application, Permit And Certification Requirements.

9.3.4.2.1. Application Requirements
Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

A. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

1. The nature, location, dimensions, and elevations of the area of development/disturbance;

existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 9.3.3.2, or a statement that the entire lot is within the Special Flood Hazard Area;

3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 9.3.3.2;

4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.3.3.2;

5. The Base Flood Elevation (BFE) where provided as set forth in Section 9.3.3.2; 9.3.4.5, or 9.3.5.10.

6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

7. The certification of the plot plan by a registered land surveyor or professional engineer.

B. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

1. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

2. Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and

3. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

C. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

D. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 9.3.5.3.3 when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

E. Usage details of any enclosed areas below the lowest floor.

F. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

G. Certification that all other Local, State and Federal permits required prior to floodplain development

permit issuance have been received.

H. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of 9.3.5.5 and 9.3.5.6 of this ordinance are met.

I. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

9.3.4.2.2. Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

A. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

B. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in 9.3.3.2.

C. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

D. The Regulatory Flood Protection Elevation required for the protection of all public utilities.

E. All certification submittal requirements with timelines.

F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 9.3.5.12 have been met.

G. The flood openings requirements, if in Zones A, AE, AH, AO, A99.

H. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

I. A statement, that all materials below BFE/RFPE must be flood resistant materials.

9.3.4.3. Certification Requirements

9.3.4.3.1. Elevation Certificates

A. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

B. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-

built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

9.3.4.3.2. Floodproofing Certificate

A. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

B. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

C. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 9.3.5.2.3 (B).

D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

E. Certification Exemptions: The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

1. Recreational Vehicles meeting requirements of Section 9.3.5.5.1;
2. Temporary Structures meeting requirements of; and
3. Accessory Structures that are 150 square feet or less or $3,000 or less and meeting requirements of Section 9.3.5.7.

9.3.4.4. Determinations for Existing Buildings and Structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

9.3.4.4.1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

9.3.4.4.2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

9.3.4.4.3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

9.3.4.4.4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

9.3.4.5. Duties and Responsibilities of the Floodplain Administrator

9.3.4.5.1. In administering this Section, the Floodplain Administrator shall perform, but not be limited to, the following duties:

A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

B. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 9.3.5.12 are met.

F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 9.3.4.3.

G. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 9.3.4.3.

H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 9.3.4.3.

I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 9.3.4.3 and Section 9.3.5.2.2.

J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

K. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Section 9.3.3.2, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 9.3.5.10.2, in order to administer the provisions of this ordinance.

L. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 9.3.3.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

N. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may

order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

Q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

R. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

S. Follow through with corrective procedures of Section 9.3.6.

T. Review, provide input, and make recommendations for variance requests.

U. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of 9.3.3.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

9.3.4.6. Corrective Procedures

9.3.4.6.1. Violations to Be Corrected

When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

9.3.4.6.2. Actions in Event of Failure to Take Corrective Action

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- That the building or property is in violation of the floodplain management regulations;
- That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

9.3.4.6.3. Order to Take Corrective Action

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

9.3.4.6.4. Appeal

Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

9.3.4.6.5. Failure to Comply with Order

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor and shall be punished at the discretion of the court.

9.3.4.7. Variance Procedures

9.3.4.7.1. The Board of Adjustment, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this Section in accordance with the procedures and standards set forth in Section 3.7 of this Ordinance and this Section**.** Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

9.3.4.7.2. Variances may be issued for**:**

A. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

B. Functionally dependent facilities if determined to meet the definition as stated in Section 9.3.2 of this ordinance, provided provisions of Section 9.3.4.7.6 (B), (C), and (E) been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

C. Any other type of development, provided it meets the requirements of this section.

9.3.4.7.3. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this Ordinance, and**:**

A. The danger that materials may be swept onto other lands to the injury of others;

B. The danger to life and property due to flooding or erosion damage;

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

D. The importance of the services provided by the proposed facility to the community;

E. The necessity to the facility of a waterfront location as defined under Section 9.3.2 of this ordinance as a functionally dependent facility, where applicable;

F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

G. The compatibility of the proposed use with existing and anticipated development;

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

9.3.4.7.4. A written report addressing each of the above factors shall be submitted with the application for a variance**.**

9.3.4.7.5. Upon consideration of the factors listed above, and the purposes of this Section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section**.**

9.3.4.7.6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance**.**

9.3.4.7.7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request**.**

9.3.4.7.8. Conditions for variances are as follows**:**

A. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

B. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued prior to development permit approval.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9.3.4.7.9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met**:**

A. The use serves a critical need in the community.

B. No feasible location exists for the use outside the Special Flood Hazard Area.

C. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

D. The use complies with all other applicable Federal, State and local laws.

E. The Town of Mount Pleasant has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

9.3.5. PROVISIONS FOR FLOOD HAZARD REDUCTION

9.3.5.1. General Standards

In all Special Flood Hazard Areas the following provisions are required:

9.3.5.1.1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

9.3.5.1.2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

9.3.5.1.3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

9.3.5.1.4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

A. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air

conditioning equipment, and other service equipment shall also meet the above provisions.

B. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

9.3.5.1.5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

9.3.5.1.6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

9.3.5.1.7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9.3.5.1.8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

9.3.5.1.9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 9.3.4.7.7. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 9.3.4.2.

9.3.5.1.10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

9.3.5.1.11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

9.3.5.1.12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

9.3.5.1.13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

9.3.5.1.14. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

9.3.5.1.15. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

9.3.5.2. Specific Standards for Flood Hazard Reduction

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section

9.3.3.2, or Section 9.3.5.10, the following provisions, in addition to the provisions of Section 9.3.5.1, are required:

9.3.5.2.1. Residential Construction
New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 9.3.2 of this ordinance.

9.3.5.2.2. Nonresidential Construction
New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 9.3.2 of this ordinance. Structures located in Zones A, AE, AH, AO, and A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 9.3.5.13. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 9.3.4.3, along with the operational plan and the inspection and maintenance plan.

9.3.5.2.3. Manufactured Homes
The following shall apply to manufactured homes only:

A. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Section 9.3.2 of this ordinance.

B. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

C. All enclosures or skirting below the lowest floor shall meet the requirements of Section 9.3.5.3.

D. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

9.3.5.3. Elevated buildings
Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

9.3.5.3.1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

9.3.5.3.2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

9.3.5.3.3. Shall include, in Zones A, AO, AE, AH, and A99, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

A. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

B. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

C. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

D. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

E. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

F. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

9.3.5.4. Additions/Improvements

9.3.5.4.1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are**:**

A. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

9.3.5.4.2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction**.**

9.3.5.4.3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications with any interior modifications to the existing structure are**:**

A. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

9.3.5.4.4. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (*The repetitive loss portion is OPTIONAL, but will be required for flood insurance policy holders to be eligible for Increased Cost of Compliance (ICC) benefits for repetitive losses.*) If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

A. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

9.3.5.5. Recreational Vehicles
Recreational vehicles shall either:

9.3.5.5.1. Temporary Placement

A. Be on site for fewer than one hundred eighty (180) consecutive days; or

B. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)

9.3.5.5.2. Permanent Placement
Recreational vehicles that do not meet he limitations of Temporary Placement shall meet all the requirements for new construction.

9.3.5.6. Temporary Nonresidential Structures
Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

9.3.5.6.1. a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

9.3.5.6.2. the name, address, and phone number of the individual responsible for the removal of the temporary structure;

9.3.5.6.3. the time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);

9.3.5.6.4. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

9.3.5.6.5. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

9.3.5.7. Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

9.3.5.7.1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

9.3.5.7.2. Accessory structures shall not be temperature-controlled;

9.3.5.7.3. Accessory structures shall be designed to have low flood damage potential;

9.3.5.7.4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

9.3.5.7.5. Accessory structures shall be firmly anchored in accordance with the provisions of Section 9.3.5.1.1;

9.3.5.7.6. All service facilities such as electrical shall be installed in accordance with the provisions of Section 9.3.5; and

9.3.5.7.7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 9.3.5.3.3 (D).

9.3.5.7.8. An accessory structure with a footprint less than 150 square feet or that is a minimal investment of $3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 9.3.5.2.2. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 9.3.4.2.3.

9.3.5.8. Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

9.3.5.8.1. Underground tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

9.3.5.8.2. Above-ground tanks, elevated

Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

9.3.5.8.3. Above-ground tanks, not elevated

Above-ground tanks that do not meet the elevation requirements of 9.3.5.2.2 of this ordinance shall be

permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

9.3.5.8.4. Tank inlets and vents
Tank inlets, fill openings, outlets and vents shall be:

A. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

9.3.5.9. Other Development

9.3.5.9.1. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 9.3.5.12 of this ordinance.

9.3.5.9.2. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of 9.3.5.12 of this Ordinance.

9.3.5.9.3. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of 9.3.5.12 of this Ordinance.

9.3.5.10. Standards for Floodplains Without Established Base Flood Elevations
Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.3.3.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 9.3.5.1, shall apply:

9.3.5.10.1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge**.**

9.3.5.10.2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria**:**

A. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 9.3.5.1 and 9.3.5.2.

B. When floodway or non-encroachment data is available from a Federal, State, or other source, all

new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 9.3.5.2 and 9.3.5.12.

C. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 9.3.3.2 and utilized in implementing this ordinance.

D. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in 9.3.2. All other applicable provisions of Section 9.3.5.2 shall also apply.

9.3.5.11. Standards for Riverine Floodplains with Base Flood Elevations but Without Established Floodways or Non-Encroachment Areas

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

9.3.5.11.1. Standards of Sections 9.3.5.1 and 9.3.5.2; and

9.3.5.11.2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

9.3.5.12. Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 9.3.3.2. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 9.3.5.1 and 9.3.5.2, and shall apply to all development within such areas:

9.3.5.12.1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless**:**

A. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

B. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

9.3.5.12.2. If Section 9.3.5.12.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance**.**

9.3.5.12.3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met**:**

A. The anchoring and the elevation standards of Section 9.3.5.2.2; and

B. The no encroachment standard of Section 9.3.5.12.1.

9.3.5.13. Standards for Areas of Shallow Flooding (AO Zones)

9.3.5.13.1. Located within the Special Flood Hazard Areas established in Section 9.3.3.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 9.3.5.1 and 9.3.5.2, all new construction and substantial improvements shall meet the following requirements:

A. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

B. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 9.3.5.13 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Sections 9.3.4.2.3 and 9.3.5.2.2.

C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures

9.3.5.14. Standards for Areas of Shallow Flooding (Zone AH).
Located within the Special Flood Hazard Areas established in Section 9.3.3.2, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to 9.3.5.1 and 9.3.5.2, all new construction and substantial improvements shall provide adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

9.3.6. LEGAL STATUS PROVISIONS

9.3.6.1. Effect on Rights and Liabilities Under The Existing Flood Damage Prevention Standards
This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted December 3,2007 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Mount Pleasant enacted on December 7, 2008, as amended, which are not reenacted herein are repealed.

9.3.6.2. Effect Upon Outstanding Floodplain Development Permits
Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

9.3.6.3. Adoption and Effective Date
These Flood Damage Prevention Standards shall become effective on November 16, 2018.

9.4. WATERSHED PROTECTION OVERLAY (WP-O) DISTRICT

9.4.1. PURPOSE

The purpose of these overlay districts is to implement the Water Supply Watershed Protection Act (the Act) (NCGS 143-214.5 & 143-214.6). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission (the "EMC") requires that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, and maps. The Town of Mount Pleasant has adopted watershed protection overlay restrictions as part of its development ordinance. It is the intent of this Section to continue these restrictions. While the restrictions previously codified separately are combined herein and rewritten for clarity and it is the intent of this Ordinance to carry forth these regulations which previously existed and which have been approved by the EMC.

9.4.2. JURISDICTION

The provisions of this Ordinance shall apply within the areas designated within the following watershed overlay districts as shown on the Official Zoning Map. All explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance.

9.4.3. ESTABLISHMENT

The watershed overlay zones listed in this subsection have been established by the Town of Mount Pleasant. Said overlay zoning districts are also established and continued in effect by this Ordinance. The watershed protection districts, the watershed classification, and the jurisdiction within which the watershed districts are established, are as listed in Table 9.4-1.

9.4.4. CRITICAL AREA BOUNDARY ADJUSTMENTS

The Planning Board may, in carrying out its plan review authority under this Ordinance, including its subdivision review authority under the Subdivision Ordinance, adjust the boundary of a Watershed Critical Area Overlay District to fit existing or proposed streets, lot lines or other features provided that such adjustments are agreed to by the property owner(s) involved and provided that any such adjustment is made with no loss of total area in the affected Watershed Critical Area Overlay District.

9.4.5. INTERPRETATION OF THE WATERSHED BOUNDARIES

A. The Board of Adjustment shall have the power to make adjustments to the exterior boundary of Watershed Overlay Districts by removing all or part of a piece of property from a Watershed Overlay District where it finds that all or part of such property actually lies outside the drainage area of such Watershed. In any case where there is a dispute as to whether a property or any part of a property that is shown on the Official Zoning Map as being in a Watershed Overlay District actually drains to that Watershed, the Board of Adjustment shall, upon appeal by the owner, make a determination as to the facts of the matter as it affects the subject property.

B. In determining whether a property or part of a property drains to the Watershed as indicated on the Map, the Board of Adjustment shall base its determination on actual field conditions of the property as determined by topographical conditions. In making its determination, the Board of Adjustment may require the appellant to produce relevant expert testimony and exhibits.

C. After hearing such appeal, the Board shall find that the subject property (all or part) is either in the designated Watershed or out of the designated Watershed. If the Board shall find that the subject property is out of the designated Watershed, the Board shall order the Map to be adjusted to show the subject property to be outside the

designated Watershed. In making such order, the Board of Adjustment shall designate the Watershed in which the subject property is located. If such designation causes the subject property to be located in another Watershed Overlay District, the order shall cause the Map to be adjusted to show the same.

9.4.6. GENERAL PROVISIONS APPLICABLE TO ALL WATERSHED OVERLAY DISTRICTS

The following general provisions apply to all Watershed Overlay Districts. These provisions and the provisions contained in the Individual Watershed Overlay Districts are designed to protect the water quality of the Water Supply Watersheds that lie within the jurisdiction of this Ordinance and to implement the rules adopted by the North Carolina Environmental Management Commission for the classified watersheds pursuant to North Carolina General Statutes 143-214.5.

A. The construction of new roads and bridges and non-residential development should minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices (BMPs) to minimize water quality impacts. To the extent practicable, the construction of new roads in the critical area should be avoided. The NC Department of Transportation BMPs as outlined in their document entitled "Best Management Practices for the Protection of Surface Waters" shall be used in all road and bridge construction projects in the Watershed Overlay Districts.

B. All development activities within Watershed Overlay Districts, in addition to those activities specifically regulated by these provisions, are subject to the standards, usage conditions and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the North Carolina Environmental Management Commission.

C. A minimum 50 foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers and impoundments, indicated on the most recent versions of United States Geodetic Survey (USGS) 1: 24,000 scale topographic maps; provided, that nothing in this Subsection shall prevent artificial streambank or shoreline stabilization. No new development is allowed in the buffer, except that water dependent structures, or other structures such as flagpoles, signs, and security lights, which result in only de minimis increase in impervious area and public works projects such as road crossings and greenways may be allowed where no practicable alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of BMPs.

D. Where otherwise permitted in the underlying Primary Zoning District, Cluster Development is allowed on a project-by-project basis as follows:

1. The overall density of the project meets the density requirements of this Ordinance;

2. The appropriate vegetative buffer in Subsection (C) above is provided;

3. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, and maximize the flow length through vegetated areas;

4. Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;

5. Remainder of tract to remain in vegetated or natural state;

6. The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property

deeds and;

7. Conservation development shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.

E. All development in Watershed Overlay Districts, shall, to the maximum extent practical, minimize built-upon surface area, direct stormwater runoff away from surface waters and incorporate best management practices to minimize water quality impacts.

F. Existing development, as defined in this Ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures classified as existing development must meet the requirements of these provisions, provided however, the built-upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built-upon by the appropriate percent built-upon limitation for the Overlay District in which the property is located.

G. A pre-existing lot created prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single family residential purposes without being subject to the restrictions of these overlay provisions.

H. Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:

1. Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage or removal.

2. The total amount of space devoted to built-upon area may not be increased.

3. The repair or reconstruction is otherwise permitted under the provisions of this Ordinance.

4. No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on- site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

5. The Administrator may require such information on Zoning Clearance Permit and Site Plan or Subdivision Plan applications, including density/built-upon area calculations, as he may deem necessary to determine compliance with Watershed Overlay District provisions.

6. The Administrator may, prior to the issuance of any permit in a Watershed Overlay District, require evidence of a valid Sedimentation Control Permit or evidence satisfactory to the Administrator that no permit is required.

7. The Administrator shall maintain records of the administration of the Watershed Overlay District regulations and shall submit any modifications of the regulations to the North Carolina Department of Environmental Quality (NCDEQ). The Zoning Administrator shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the North Carolina Department of Environmental Quality (NCDEQ). The annual report shall contain the record of each variance granted by the Board of Adjustment during the previous calendar year and shall be submitted on or before January 1 of the following year.

9.4.7. PROHIBITED USES

Permitted principal and accessory uses shall be those permitted within the underlying zoning districts provided, however, that the uses listed in Column (B) of Table 9.4-2 shall be prohibited.

9.4.8. DEVELOPMENT CRITERIA

9.4.8.1. Residential Density & Built-Upon Area

Residential development activities shall comply with the minimum lot size for the applicable underlying zoning district as established in Section 4.7 of this Ordinance Notwithstanding, residential density shall not exceed that permitted for the corresponding watershed overlay district in one of either Column (B) or Column (C) of Table 9.4-3. As an option to complying with these residential density limitations, maximum built-upon area may be used instead. In such cases, the development project shall not exceed the built-upon amount established in Column (E) of Table 9.4-3 for each Overlay District on a project-by project basis. Using the built-upon area method shall not be permitted in the Dutch Buffalo Creek WS-II CA.

9.4.8.2. Non-Residential Lot Size & Built Upon Area

Non-residential Development activities shall comply with the minimum lot size for the applicable underlying zoning district as established in Section 4.7 of this Ordinance. Notwithstanding, individual non-residential development projects shall not exceed the built-upon amount established in Column (E) of Table 9.4-3 for each Overlay District.

Table 9.4-1: Watershed Overlay Districts

WATERSHED	CLASSIFICATION
Dutch Buffalo Creek	WS-II CA
Dutch Buffalo Creek	WS-II BW
Notes: "CA" denotes "Critical Area" "BW" Balance of Watershed"	

Table 9.4-2: Prohibited Uses

(A) DISTRICT	(B) PROHIBITED USES
Dutch Buffalo Creek WS-II CA	Commercial or industrial uses or hazardous material
Dutch Buffalo Creek WS-II BW	• No National Pollution Discharge Elimination System (NPDES) Permits shall be issued for landfills that discharge treated leachate. • Uses involving the storage of toxic and hazardous materials unless a spill containment plan is implemented.

Table 9.4-3: Maximum Development Intensity

(A) DISTRICT	(B) MINIMUM LOT SIZE	(C) MINIMUM LAND REQUIRED PER DWELLING UNIT	(D) MAXIMUM DENSITY (DWELLING UNITS/ACRE)	(E) MAXIMUM BUILT-UPON AREA
Dutch Buffalo Creek WS-II CA	Determined by underlying zoning district, provided the limitations of Column C or D of this Table are complied with.	2 acres	0.5	6%(1)
Dutch Buffalo Creek WS-II BW		1 acre	1.0	12%

Notes: (1) Applicable to non-residential development only

9.4.9. ADDITIONAL DEVELOPMENT CRITERIA

9.4.9.1. Dutch Buffalo Creek WS-II CA

A 150-foot vegetative buffer shall be maintained from the normal pool level on all property adjoining the reservoir. No permanent structures shall be permitted within this buffer area.

9.4.10. VARIANCE PROCEDURES

The Board of Adjustment may authorize variances from the specific requirements of the Watershed Overlay Districts in the same manner and subject to the same procedures and requirements of this Article for authorizing other variances, provided that:

A. The notice required in Section 3.1.5 shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption; and

B. If the variance request is for a major variance as defined herein the following procedure shall apply. If the Board of Adjustment decides in favor of granting the major variance, the Board shall then prepare a preliminary record of the hearing and submit it to the North Carolina Environmental Commission (EMC) for review and action. If the Board does not decide in favor of granting the major variance such unfavorable action shall constitute denial. In the event of favorable action by the Board on a major variance, the Board, shall cause the record of their hearing to be promptly submitted to the EMC. The record of the hearing shall include but not be limited to:

   1. The variance application;

   2. The hearing notices;

   3. The evidence presented;

   4. Motions, offers of proof, objections to evidence and rulings on them;

   5. Findings and exceptions;

   6. The action of the Board including any conditions proposed.

ARTICLE 10
INFRASTRUCTURE STANDARDS

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10.1. GENERAL PROVISIONS

10.1.1. COMPLIANCE

Except as hereinafter provided, before any final plat of a subdivision shall be eligible for final approval, and before any street or utility shall be accepted for maintenance by the town, minimum improvements shall have been completed and approved in accordance with town engineering standards and specifications, or their completion shall have been guaranteed in accordance with Article 6 of this Ordinance.

10.1.2. INTENT OF SPECIFICATIONS

The intent of the specifications set out in this Article is to prescribe minimum requirements for infrastructure improvements to be undertaken by a developer within the Town or its extraterritorial jurisdiction. Satisfactory completion of these improvements, attested by approval of the town Public Works Director or their designee will qualify streets and utilities in the Town to be accepted for maintenance by the Town.

10.1.3. STATEMENT BY OWNER

The owner of land, or his authorized agent, shown on a subdivision plat submitted for approval by the Town Board shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of the Town Board.

10.1.4. EFFECT OF PLAT APPROVAL ON DEDICATIONS

Pursuant to General Statutes 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Board may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

10.1.5. ABROGATION

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposed greater restrictions, the provisions of this ordinance shall govern.

10.1.6. INSPECTIONS OF UTILITIES

A. The Town Public Works Director or his/her designee shall be notified 24 hours in advance of the work to be started so that an authorized representative of the town Public Works Director or their designee may be assigned to make any and all necessary inspections of the work performed.

B. The Town Public Works Director or his/her designee shall be allowed access to all parts of the work, and shall be furnished with every reasonable facility to ascertain whether or not the work is performed in accordance with the specifications.

C. No material shall be placed nor any work performed except in the presence of the Town Public Works Director or his/her designee, or his authorized inspector, without special permission of the Town Public Works Director or his/her designee. Such inspections, however, shall not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.

D. In case of any dispute arising as to the material furnished or the manner of performing the work, the inspector shall have authority to reject materials or suspend work until the question at issue can be referred to and decided by the Town Public Works Director or his/her designee. The contractor shall remove any work or material condemned as unsatisfactory by the town Public Works Director or their designee and shall rebuild and replace same to the standard required by the specifications, all at his own expense.

E. The office of the town Public Works Director or his/her designee will be responsible for all inspection.

F. When conflicts occur between North Carolina Department of Transportation (NCDOT), standards and the Town standards, the more stringent standard shall apply.

G. All contracts for the performance of work to construct required improvements must be approved by the town Public Works Director or their designee.

10.1.7. IMPROVEMENTS EXCEPTION

A. The Planning & Zoning Board at the recommendation of the Town Public Works Director or their designee may grant an exception from the terms of these improvements regulations when such exception will not be contrary to the public interest and where, because of the existence of unusual physical conditions, strict compliance with the provisions of this chapter would cause an unusual and unnecessary hardship on the developer. Such exception shall not be granted if it has the effect of nullifying the intent and purpose of these regulations. Furthermore, such variance shall not be granted by the Planning and Zoning Board unless and until a written application for an improvements exception is submitted to the office of the Town Public Works Director on forms provided by that office demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;

2. That a literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;

3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That the granting of the exception requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required subdivision improvements under similar conditions. No existing conditions on neighboring lands which are contrary to these regulations shall be considered grounds for the issuance of an exception.

B. The Planning & Zoning Board shall make findings that the requirements of this section have been met.

C. The Planning & Zoning Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings, or other improvements.

D. The Planning & Zoning Board shall make further finding that the granting of the variance would be in harmony

with the general purpose and intent of these regulations, will not be injurious to the surrounding territory, or otherwise be detrimental to the public welfare.

E. An appeal from the finding of the Planning & Zoning Board may be taken to the Town Board by any person aggrieved. An appeal is taken by filing with the zoning administrator a written notice requesting a improvements exception and specifying the grounds therefore, as set forth in Article 6 of this Ordinance. An appeal must be taken within 15 days after the date of the findings by the Planning & Zoning Board. The Town Board may reverse or affirm (wholly or partly) or may modify the findings appealed from and shall make any order, requirements, decision or determination that in its opinion ought to be made in the case before it.

10.2. STREET IMPROVEMENT STANDARDS

10.2.1. PURPOSE

The purpose of this Section is to prescribe minimum design standards for new streets. These requirements may exceed the standards prescribed by NCDOT for the acceptance of streets into the Secondary System of State Highways. Satisfactory completion of these improvements, attested by approval of the Town Public Works Director or their designee, is required to qualify streets in the Town to be accepted for maintenance by the Town. Additional information is available in the design standards of the subdivision regulations.

10.2.2. CTP CONFORMANCE AND RIGHT-OF-WAY DEDICATION

A. The location and design of streets shall be in conformance with Cabarrus-Rowan Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan (CTP). In any case where any part of a development lies within the corridor of a thoroughfare shown on a roadway corridor official map adopted pursuant to NCGS Chapter 136, Article 2E, no development approval shall be granted with respect to the property in the roadway corridor. Provided, however, no development plat approval shall be delayed by the provision of the roadway corridor official map procedure for more than three (3) years from the date of its original submittal.

B. Pursuant to NCGS § 136-66.2, where a proposed subdivision abuts an existing street or roadway included in the Town or North Carolina Department of Transportation street system, the applicant shall be required to dedicate at least one-half of the land necessary to comply with the minimum width requirements referenced in this Section or the applicable regulations of the North Carolina Department of Transportation, whichever is greater.

C. Where a major subdivision abuts an existing street or roadway included in the Town or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the subdivider shall be required to improve such street in accordance with the design requirements of this Section or, if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation.

10.2.3. STREET DESIGN

A. The Town has adopted North Carolina Department of Transportation (NCDOT) construction standards. Unless otherwise specified in this Ordinance, streets shall be paved and meet the design standards in the latest published edition of NCDOT's *Subdivision Roads Minimum Construction Standards*.

B. As an alternative, the latest published edition of the NCDOT *Division of Highways Traditional Neighborhood Development Guidelines* may be followed for higher density residential developments within the RM, RH, or PUD zoning districts.

10.2.3.1. Street Classification and General Design Criteria

A. Classification of an existing or proposed street for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Administrator in consultation with the Director of Public Works or their designee.

B. The street classification system set forth in Table 10.1-1 is hereby adopted for streets within the Town's jurisdiction. Streets may be further categorized pursuant to the adopted *Cabarrus-Rowan Metropolitan Planning*

Organization Comprehensive Transportation Plan. In determining the classification of a street, factors to be considered include the following existing or proposed features:

1. Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.

2. Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.

3. Traffic Characteristics, including ADT, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.

C. Utilizing the criteria below, the Director of Public Works or their designee shall determine which of the apply to the street under consideration. Street design detail drawings are located in Appendix C of this Ordinance.

1. **Major Thoroughfare**: Streets that provide for expeditious movement of high volumes of traffic within and through urban areas.

2. **Minor Thoroughfare:** Streets that perform the function of collecting traffic from local access roads/streets and carrying it to the major thoroughfare. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through traffic movements and may also serve abutting property.

3. **Collector:** A road that provides service to small local communities and traffic generators and provides access to the major and minor thoroughfare system.

4. **Local:** A local street serves to provide access to adjacent land, over relatively short distances. Local streets may end in cul-de-sacs where permitted by this Ordinance.

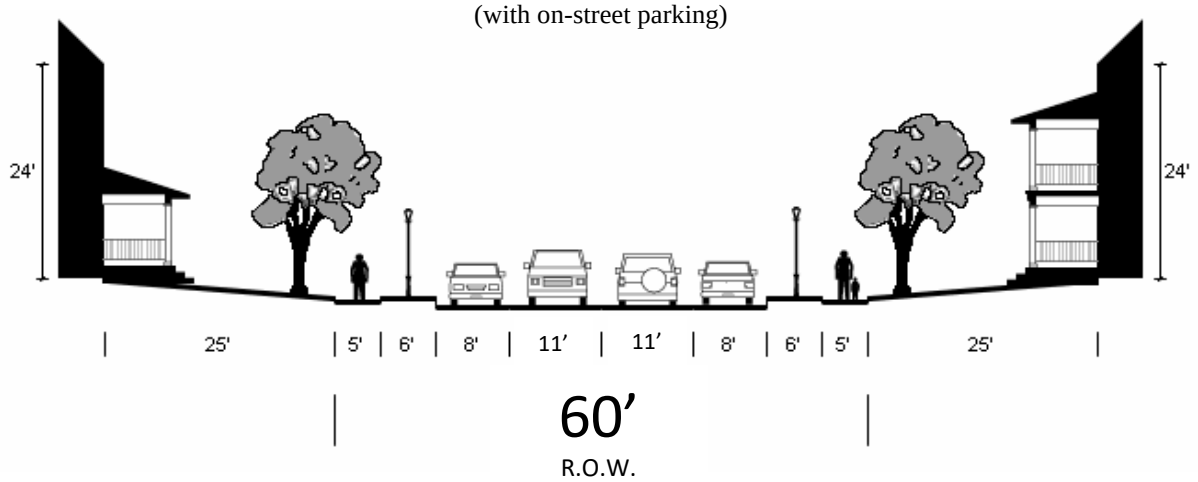
5. **Alley:** An alley provides access to adjacent land, typically to the rear of parcels. Alleys are typically used for utilities, garbage service and garage access in residential areas.

Table 10.2-1: Street Design Minimum Criteria by Street Type

Element	Major Thoroughfare	Minor Thoroughfare	Collector	Local		Cul-de-sac	
				Residential	Non-Resid.	Residential	Non-Resid.
Avg. Daily Traffic	8,000+	5,000-8,000	3,000-5,000	500-1,000	1,000-3,000	0-300	0-500
Right-of-Way Width (face-to-face curb)	90-100ft	60-80ft	60ft	60ft[3]	60ft	50ft	60ft
Pavement Width[1]	64-68ft	28-70ft	28ft	24ft (26ft at fire hydrants)	28ft	28ft	28ft
Design Speed	45-55mph	35-45mph	25-35mph	15-25mph	25-35mph	n/a	n/a
Stopping Sight Distance	650ft	550ft	200ft	200ft	325ft	300ft	325ft
Centerline Radius	1,530ft	765ft	365ft	300ft	575ft	300ft	575ft
Intersection Curve Radius[3]	30ft	30ft	30ft	30ft	30ft	30ft	30ft
Turn Radius	n/a	n/a	n/a	n/a	n/a	n/a	100ft-ROW 60ft-Pavement
Sidewalk Buffer Strip	8	6	6	4	4	4	4

[1] Add a minimum of 8 feet of pavement width for any street with on-street parking.
[2] A 50-foot right-of-way may be used in single-family residential subdivisions with lots that have a minimum of 3 on-site parking spaces and driveways a minimum of 20 feet wide (minimum of 2 spaces and 12 feet wide for single-family attached/townhome units)
[3] Maximum curve radius in the RH, O-I, CC, PUD is 45 feet

Figure 10.1: Example Local Residential Street Section
(with on-street parking)



(no on-street parking)*

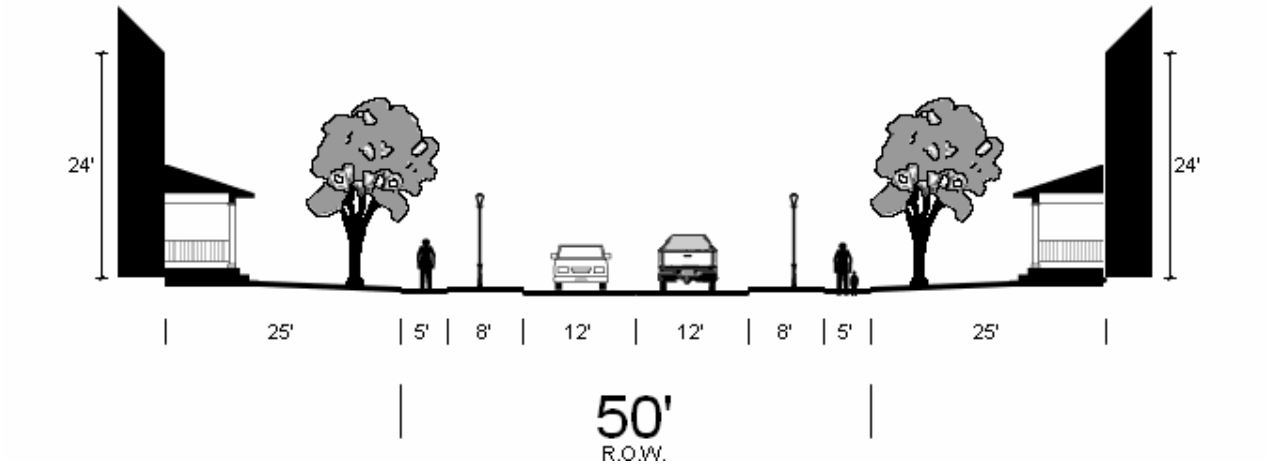
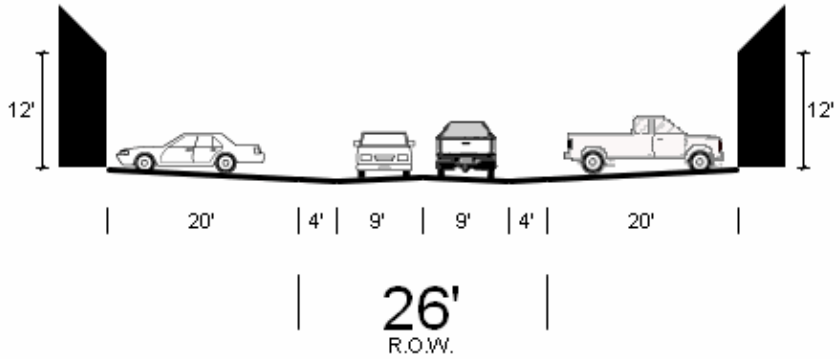
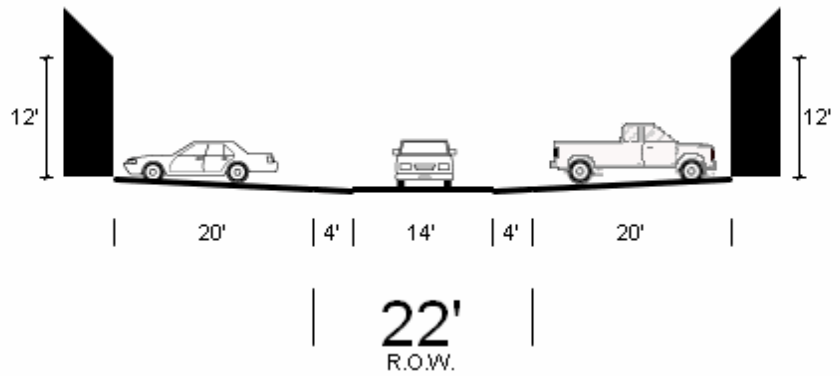


Figure 10.2: Recommended Alley Section
(Two-way)



(One-way)



D. Streets shall be designed to create a hierarchy of streets according to the following standards, provided, however, that the Town Engineer, Director of Public Works, or their designee may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs.

E. Local Streets or Local Roads shall intersect with two (2) streets of equal or higher classification, except where otherwise permitted by this Ordinance.

F. Alleys shall intersect with Residential Local Streets.

G. The Administrator may require a street to be of a collector level design where the anticipated ADT will exceed 3,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the *Comprehensive Transportation Plan* (CTP).

H. Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned developments are prohibited.

I. Pursuant to Appendix D of the North Carolina Fire Code, maximum street grade is 10%, maximum grade within 100 feet of an intersection is 5%. Steeper grades may be approved by the Fire Marshal and Mount Pleasant Fire Chief.

10.2.3.2. Cul-de-Sac and Dead-End Street Design

Cul-de-sacs shall be subject to the same design guidelines as local roads, above, except as modified herein:

1. In no event shall more than 20 equivalent residential units (ERUs) take access from a cul-de-sac. ERUs are determined in Article 14.

2. The preliminary and final site plan shall show a stub connecting the cul-de-sac to adjoining areas or parcels where future roadways are delineated in the Comprehensive Plan or Comprehensive Transportation Plan (CTP), or on a recorded subdivision or site plan (provided reasonable connection can be achieved without the need for a bridge or other feature to negate substantial differences in topography). The stub shall be improved as a pedestrian walkway, trail, or bikeway.

3. Turnarounds for dead-end roads in excess of 150 feet, shall meet the requirements of Appendix D of the North Carolina Fire Code.

4. In no event shall the cul-de-sac exceed the lengths set forth below. Cul-de-sac length shall be measured from the first point of intersection with an existing street or the street providing access for the cul-de-sac.

Table 10.2-2 Cul-de-Sac Street Length

District	Max. Length (feet)
AG, RE, RL	1,000
RM, RH	800
O-I, C-1, C-2, CC, PUD	500
CD, I-1, I-2	1,500

10.2.4. SIDEWALKS

A. Sidewalks or multi-use paths shall be installed along the frontage of any public street from which a subdivision or new street takes access, as shown in the Cross Section Index of the most recently adopted Cabarrus-Rowan Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan (CTP). This requirement may be waived by the Planning Board upon recommendation by the Town Engineer or Public Works Director and the Administrator if there are no sidewalks along that public street within 2,000 feet.

B. Sidewalks shall also be required along existing streets for all new development, except for single-family and two-family residential development for which no new streets are being constructed.

C. Sidewalks shall not be required for new development on existing streets within the AG and RE districts, unless a new street takes access from the existing street with sidewalks and the development has a density off greater than 0.5 dwelling units per acre.

D. Sidewalks shall be installed in accordance the table below:

Table 10.2-3 Sidewalk Requirements

Zoning District	Sidewalk Requirements
AG, RE	• Not required for densities of less than 0.5 DUA • Required on one side of new streets for densities of greater than 0.5 DUA
RL, RM, O-I, I-1, I-2, CD	Required on one side of new streets and along existing street frontage for all new development
RH, C-1, C-2, PUD	Required on both sides of new streets and along existing street frontage for all new development

DUA=Dwelling Units per Acre

E. Sidewalks shall be a minimum of five (5) feet wide and shall be separated from the roadway by the minimum set forth in Table 10.2-1. The requirement for a buffer strip may be waived by the Planning Board upon recommendation by the Town Engineer or Public Works Director and shall be constructed to NCDOT standards. All costs associated with the installation of the required infrastructure, including, but not limited to, the widening of streets, the dedication of additional right-of-way, or the relocation of utility lines to accommodate the additional infrastructure and appurtenant facilities shall be the responsibility of the developer. Sidewalks shall:

- be constructed of not less than three thousand (3,000) PSI concrete;
- be a minimum four (4) inches thick, except that where a sidewalk crosses a driveway, it shall be six (6) inches thick.;
- be constructed on an adequately compacted and properly graded base
- have a lateral slope of one-quarter (1/4) inch per foot toward the street.
- be steel trowelled and light broom finished and cured properly. Tooled joints shall be provided at intervals of not more than five (5) feet and expansion joints at intervals of not more than forty (40) feet.

F. For Conservation Developments, a minimum eight (8) foot wide (10-feet preferred) asphalt multi-use path may be installed on one side of the street in lieu of any required sidewalks. All multi-use paths shall meet the requirements of detail drawing #12 in Appendix C.

10.2.5. STREET CONNECTIVITY REQUIREMENTS

A. The Town finds that an interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance non-vehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.

B. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.

C. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40. (see example in Figure 10.1-1).

D. The phrase "connectivity ratio" means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads.

E. A "link" means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links.

F. A "node" refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:

G. any curve or bend of a street that fails to meet the minimum curve radius as established in the second table of Table 10.2-1; or

H. any location where street names change (as reviewed and approved by the Administrator).

I. For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

J. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.

K. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. Pursuant to Appendix D of the North Carolina Fire Code, a turnaround may be required where the dead end exceeds 150 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.

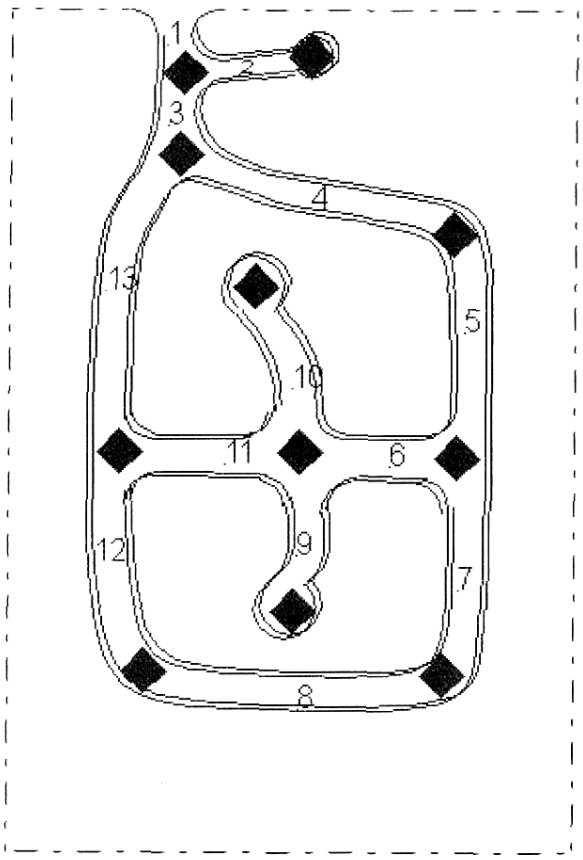
L. New subdivisions that intend to provide one (1) new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines that there is:

1. no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and

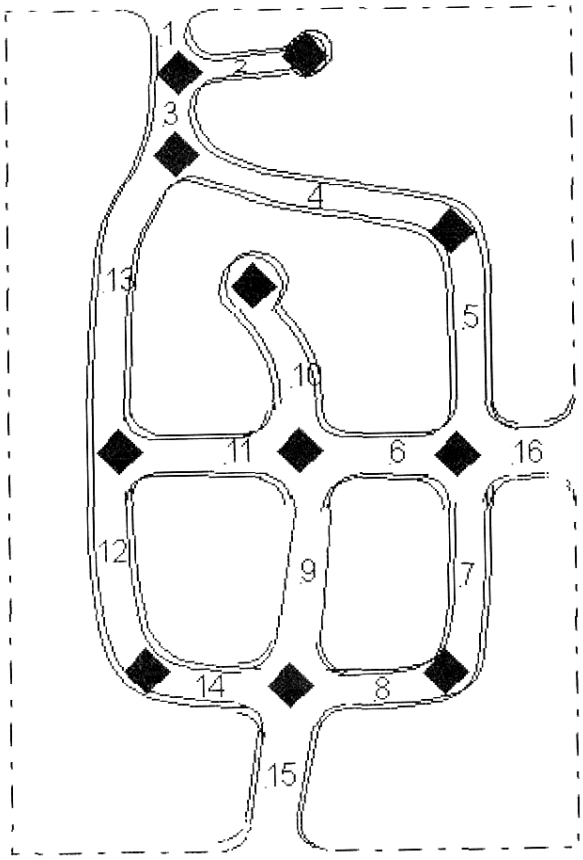
2. interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

Figure 10.2-1 Example of Street Connectivity Ratio as applied

Example 1: Subdivision that does not meet the Ratio (13 links/11 nodes = 1.18 ratio)



Example 2: Same development modified to meet Ratio (16 links/11 nodes = 1.45 ratio)



10.2.6. DRIVEWAY PERMIT REQUIRED

A driveway permit is required prior to the construction of any new access point to a publicly maintained street. Said permits are issued by the NCDOT for a connection to any State Highway (19A NCAL §§ 2B.0601-2B.0605).

10.2.7. INTERSECTIONS AND SIGHT DISTANCE

A. Insofar as practical, streets shall intersect at an angle of ninety (90) degrees for a minimum of fifty (50) feet from the roadway intersection. In no case shall the angle be less than sixty-five (65) degrees. Intersections having more than four (4) corners shall be prohibited.

B. Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other. Intersections which cannot be aligned shall be separated by a minimum length of 200 feet between survey center lines.

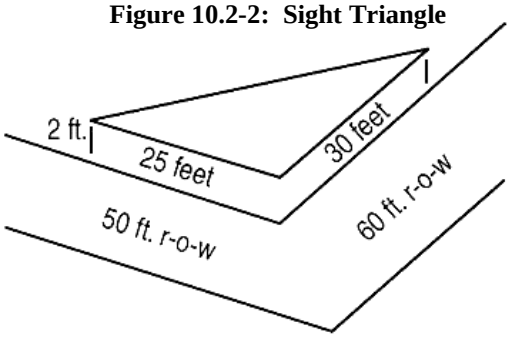
C. Property lines at intersections shall be established so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle.

D. A sight triangle shall be maintained on each corner of property at the intersection of two streets, a street and an alley, a street and a railroad, and also at the point where driveways, private drives, or entrances to common parking areas intersect with a public or private street right-of-way. In the event that a proposed new street connection is located on a site near an adjoining property not under the ownership of the developer, the Town shall have the authority to acquire right-of-way (as set forth in NCGS 40-A) on the adjoining property for such area as necessary to establish a sight triangle. The following are the distances used to establish a sight triangle as measured from an intersecting right-of-way:

Table 10.2-4: Sight Distance

Right-of-Way Width (feet)	Distance (feet)
Driveway	10
50	25
60	30
70	35
80	40
90	45
100	50

Figure 10.2-2: Sight Triangle



E. A sight triangle shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction between a height greater than two (2) feet above the property line grade as established by the town Public Works Director or their designee. The Administrator (or his/her designee) may waive this provision where the natural contour of the ground is such that there can be no cross visibility at the intersection. The following are exempted from this provision:

- Public utility poles.
- Trees trimmed (to the trunk) to a height at least nine (9) feet above the level of the intersection.
- Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross-view.
- A supporting member or appurtenance to a permanent building lawfully existing on the effective date of this ordinance.
- Official warning signs or signals.
- Signs which conform to the Sign Ordinance (Article 12) mounted ten (10) feet or more above the ground with supports that do not encroach on the clear-vision area.
- Property within the CC District.

10.2.8. ACCESS MANAGEMENT STANDARDS

The following standards shall be used to determine the adequacy of lot layouts so that safe and adequate access to each lot is provided. The purpose of regulating the number, spacing and design of vehicular access points is to balance the need for providing access to individual private properties with the need to preserve an adequate level of capacity on the streets providing access. Vehicular access restrictions shall be required to be shown on subdivision plats.

10.2.8.1. Driveway Separation

A. Required spacing between adjacent access locations or a proposed access location and an adjacent street intersection is shown in Table 10.1-2. For existing lots, driveways shall be located at the point of maximum separation if the standards of this section cannot be met.

Table 10.2-5 Driveway Separation Standards

Street Classification	Minimum separation between driveways (in feet)	Minimum separation between driveways and intersecting public street (in feet)
Thoroughfare	400	250
Collector	120	120
Local	40	60

1. Access separation between driveways shall be measured from inside edge to inside edge of driveway.

2. Access separation between a driveway and an intersection shall be measured from the nearest edge of the driveway to the intersecting street right-of-way.

3. A maximum of three (3) access points shall be allowed.

4. Single-family and duplex developments on individual lots of record shall be exempt from these standards. However, driveways associated with these uses shall not be located within any sight triangles.

B. Where lots in a proposed subdivision front on a thoroughfare, options for designing access that meets the standards of this Section shall include:

1. The use of cross access easements in order to maintain private access points at intervals of no less than 400 feet.

2. The use of lower level public streets to provide secondary access in accordance with Section 6.6.5.2

3. Notation shall be provided on an approved final plat to restrict vehicular access for lots along the frontage of thoroughfares, nonresidential collectors or higher level streets.

10.2.8.2. Secondary Access

Pursuant to Appendix D of the North Carolina Fire Code, where there are more than 30 dwelling units, a secondary access point for fire apparatus shall be provided, unless otherwise approved by the Fire Marshal. Where there are more than 100 dwelling units, a second road for ingress and egress to the development, built to the street standards of this Ordinance shall be provided and shall be routed to avoid hazard areas such as floodways, unless otherwise approved by the Fire Marshal.

10.2.8.3. Substandard Access

A. Where access meeting the spacing guidelines of this Section cannot be provided, the Town Engineer, Director of Public Works, or their designee shall consider the following standards in determining whether a substandard access location may be permitted.

B. The Town Engineer, Director of Public Works, or their designee shall first determine whether alternate access is available. Alternate access includes:

1. access to another street that meets the standards of the Ordinance; or

2. access provided jointly with an adjacent property that will meet the standards of this Ordinance.

C. Where alternate access opportunities are determined not to exist, the Town Engineer, Director of Public Works, or their designee may grant a reduction in spacing standards of up to 20%.

D. If after considering alternatives above, the Town Engineer, Director of Traffic of Public Works or their designee determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the modification provisions of Section 6.4.16.

10.2.9. EMERGENCY VEHICLE ACCESS

A. The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire-fighting equipment.

B. For developments which do not have frontage on a public street, access for fire vehicles and emergency apparatus from a public street shall be provided as follows:

1. Except as provided by this Section 10.1.8, a fire lane shall be required to provide access to any portion of any structure which is more than:
   - one hundred and fifty (150) feet from the nearest street right-of-way when the structure is thirty (30) feet or less in height; or
   - fifty (50) feet from the nearest street right-of-way when the structure exceeds thirty (30) feet in height.

2. When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distance from a street right-of-way specified in above, by means of either buffer yard area or adjoining property, the requirements of this Section 10.1.9 may be waived by the Administrator, after consultation with the Fire Chief.

3. The Town shall not be liable for damage to underground utilities beneath fire access lanes caused by fire-fighting equipment.

10.2.10. GRADING

A. All streets shall be graded to their full right-of-way width. Finished grade, cross-section and profile of the roadway shall be designed by a professional engineer or registered land surveyor and approved by the Town Public Works Director or their designee.

B. Longitudinal grades shall have a minimum grade of 0.5% and a maximum grade of 10 percent, unless otherwise approved by the Fire Marshal and Mount Pleasant Fire Chief.

C. Transverse grade or crown shall be one-fourth (1/4) inch to one (1) foot slope. The maximum slope for cuts shall be two (2) to one (1) and for fill embankments, two (2) to one (1). Fill embankments shall be formed of suitable materials placed in successive layers of not more than six (6) inches in depth for the full width of the cross section, including width of slope area. No stumps, trees, brush, rubbish or other unsuitable materials or substances shall be placed in the embankments within any right-of-way or easement. Each successive six-inch layer shall be thoroughly compacted by a sheepsfoot roller, ten-ton, three-wheel power roller, pneumatic-tired roller or other method approved by the town Public Works Director or their designee. Embankments over and around all pipes and culverts shall be of select material, placed and thoroughly tamped and compacted as directed by the Town Public Works Director or their designee or his representative. Any soft spots or rolling areas must be removed and replaced in the manner stated above until satisfactory compaction is achieved.

10.2.9. STREET BASE AND SURFACE STANDARDS

A. The material for base course shall be crusher-run stone with aggregate ranging from one and one-half (1/2) inches to dust. The material shall consist of tough durable aggregate, containing sufficient fines to insure a well and uniformly bonded base after compaction. The aggregate shall be free from an excess of flat, elongated, soft disintegrated pieces, and shall not contain clay, silt, vegetable or other objectionable matter. The base shall not be less than that required by town standards. The mixing and shaping of the base course material shall be done with a power-driven motor grader, equipped with a blade not less than ten (10) feet long, and of a size equal to a 212 Caterpillar. [See standard drawing(s) in Section C.7]

B. The base shall be compacted by rolling with ring or temping roller and with pneumatic tired roller. When completed, the base course shall be smooth, hard, dense, unyielding and well bonded.

C. Materials shall conform to the requirements of the State Highway Specifications, Section 401. Construction methods shall conform to Section 51. [See standard drawing(s) in Section C.7]

D. Plant mix asphalt shall conform in all respects to State Highway Specifications, Section 140 (Type "I-2"), and in addition, at least 50% of the fine aggregate (material passing the No. .10 sieve) used in the mix shall consist of natural sand or approved screenings. The prime coat shall be applied only when the base course is dry. The surface course shall not be less than that required by Town standards.

10.2.10. PRIVATE STREETS

Private streets that develop as part of a subdivision, or integrated commercial, industrial, multifamily residential or institutional development shall be designed and constructed to the street standards set forth this Ordinance. Private streets (with established right-of-way) shall only be allowed in single-family attached residential, multi-family

residential, and PUD developments. This section shall not include private accessways/driveways as regulated in Article 8. A legally responsible organization (i.e. homeowners association, special district, etc.) as acceptable to the Administrator shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or a special district shall be approved as to form by the Administrator.

10.2.11. UNOPENED DEDICATED STREETS

Streets for which right-of-way has been dedicated by subdivision plat or deed to the North Carolina Department of Transportation or the Town of Mount Pleasant recorded with the Cabarrus County Register of Deeds, but which have never been constructed, shall not be constructed or maintained by the Town until the following conditions have been met:

- Right-of-way shall be dedicated, and surveyed if necessary, sufficiently wide for the street and utilities, as determined by the town Public Works Director or their designee.
- Right-of-way shall be cleared and graded to meet Town standards for slope and drainage.
- Roadway shall be improved with a surface of crusher-run stone to a depth of not less than six (6) inches, two (2) inches of HB binder, and one and one-half (1½) inches of I-2 asphalt. Width of roadway shall be not less than eighteen (18) feet.
- The Town Public Works Director or their designee or his authorized representative shall inspect all work.
- The Town Public Works Director or their designee or his authorized representative shall issue a certificate of completion for the required improvements.

10.2.12. STREET NAMES AND SIGNS

10.2.12.1. Street Names

Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the Town and Cabarrus County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to facilitate proper house numbering or to avoid further street name duplication. Street names shall be approved by Cabarrus County E-911 addressing prior to Preliminary Plat approval.

10.2.12.2. Standard Street Signs

In all subdivisions which include public streets, except as provided for in below, standard street signs shall be installed by the Town of Mount Pleasant. The developer shall reimburse the Town for full costs of installation. Installation, maintenance and replacement shall be the responsibility of the Town.

10.2.12.3. Custom Street Signs

In subdivisions with architectural standards, restrictive covenants, and a property owner's association, custom street signs may be installed by the developer with all costs of installation, maintenance and replacement paid by the developer and as set forth below:

A. Such street signs shall comply with the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation and may be installed only after written approval by the Town Public Works Director or their designee. Submission requirements for consideration of custom street signs shall include detailed color drawings, plans and specifications of the proposed street signs and a written statement describing funding for installation, maintenance and replacement.

B. Replacement of lost or damaged regulatory or warning signs, as defined by the Uniform Manual, shall be accomplished immediately by the Town using standard street signs until the developer or property owner's association installs replacement custom street signs. If the developer or property owner's association fails to install

replacement custom street signs for regulatory and warning signs within ninety (90) days, the replacement by the Town shall be considered permanent and full costs shall be paid by the developer or property owner's association. Replacement of lost or damaged guide signs, as defined by the Uniform Manual, shall be accomplished by the developer or property owner's association within 90 days or the Town shall install standard street signs with full costs paid by the developer or property owner's association.

10.2.12.4. Design Standards for Street Signs

Street signs shall be designed to the following standards:

- Blades should be 9 inches high by 30, 36, or 48 inches long, depending on how many letters are in the street name.
- Blades should be a minimum of .08 inches in thickness.
- Street name letters should be a minimum of six (6) inches in height.
- Block range numbers and street suffixes (DR, ST, LN, etc.) should be a minimum of three (3) inches in height.
- The height from the lowest point of the blades should be seven (7) feet off the ground.
- Standard blade colors are a Forest Green opaque background with lettering in High Intensity Reflective White.
- Once a property owners association is established, that association will then become responsible for the maintenance of all road signs privately installed. ("privately installed signs" meaning installed by the developer or property owners association)
- A note will be added to all final plats, indicating the property owner association's maintenance responsibility for all privately installed street signs.
- Standards blades will be ordered through the Cabarrus County Sign Shop. The cost for each sign will be per the adopted fee schedule.

10.2.13.SUBDIVISION EXCEPTIONS

Requests for subdivision exceptions or relief from any provisions of the Article 10 shall be covered under Section 6.4.16 of this Ordinance.

10.3. STORMWATER MANAGEMENT

10.3.1. GENERAL PROVISIONS

A. A drainage system shall be provided for by means of culverts under roadways and other drainage structures or outlet ditches that are necessary to provide adequate drainage of storm water for all streets in the subdivisions and for adjoining property where necessary. All such drainage systems shall be designed in accordance with sizes and specifications established by the North Carolina Department of Transportation for State maintained roads.

B. Storm drainage systems shall be designed by a professional engineer according to specifications of the public utilities department of the Town of Mount Pleasant and approved by the town Public Works Director or their designee. Installation of same shall be in accordance with town specifications and standards.

C. Adequate storm drainage shall be provided throughout by means of pipes or graded channels; storm drain pipe shall be placed at all low points in the street grade to transmit storm water transversely across the street with catch basins being constructed on both sides of the street at the low points. In no case, shall stormwater be transmitted more than 500 feet in the gutter line. No open ditches will be permitted within the limits of the street rights-of-way except for pre-existing stream channels which may be approved by the town Public Works Director or their designee or open channels designed in accordance with *Low Impact Design: A Guidebook for North Carolina.*

D. No fences or structures shall be constructed across an open drainage channel that will reduce or restrict the flow of water. The Administrator may require any water course or stormwater management facility to be located within dedicated a drainage easement officially recorded by the Cabarrus County Recorder of Deeds as a "permanent detention easement" that provides sufficient width for maintenance.

10.3.2. STORMWATER DRAINAGE PLAN

A. The stormwater drainage plan shall be designed so that adjacent properties are not unreasonably burdened with surface waters as a result of the development of the subdivision or site improvements. No surface water shall be channeled or directed into a sanitary sewer. The stormwater drainage plan shall be approved by the Public Works Director or their designee.

B. A stormwater drainage plan submitted for approval under these provisions shall be prepared by a professional engineer in accordance with the standards of this Ordinance and approved by the Public Works Director or their designee. The plan shall include, but shall not be limited to the following information:
- A site plan showing existing and proposed buildings, existing utilities, storm water drainage facilities, soil types, and ground cover.
- Site construction plans, grading plans, existing and proposed topography, existing and flow patterns, and existing and proposed drainage system receiving runoff from the parcel.
- Drainage plan design date.
- Drainage area map and hydrologic engineering calculations including offsite drainage effecting the property.
- Projected area of impervious cover and total land area.
- Proposed land use and development plans.
- Locations of Watershed Overlays boundaries and FEMA flood hazard areas.
- A written description of the methodology used to analyze the pre- and post- development runoff with supporting calculations and documentations.

C. The Town Engineer, Public Works Director, or their designee may waive the requirement for a drainage plan if the land to be subdivided is part of a larger tract which has received prior subdivision approval, and has implemented, an overall storm water drainage plan under the provisions of this section, so long as run-off from

the property to be subdivided will not exceed the capacity of facilities constructed under the previously approved storm water drainage plan.

10.3.3. CURB AND GUTTER

A. Curb and gutter shall be installed along all new streets and existing street frontage from which developments take access in accordance the table below:

Zoning District	Curb and Gutter Requirements
AG, RE	Not Required
RL, RM	• Not required for densities of less than 1 DUA • Required for densities of greater than 1 DUA
RH, O-I, C-1, C-2, I-1, I-2, CD, PUD	Required

DUA=Dwelling Units per Acre

B. The requirement may for curb and gutter may be waived by the Planning and Zoning Board upon recommendation by the Town Engineer or Public Works director that no sufficient downstream stormwater conveyance exists to handle the proposed channeled stormwater runoff and that a diffused, sheet flow drainage system would be of greater benefit.

C. As an alternative to the use of curb and gutter, LID design, meeting the standards of the latest published edition of *Low Impact Development: A Guidebook for North Carolina*, may be utilized.

D. Concrete drive entrances shall be built as shown in Appendix C. Topography and drainage will be the main factors in the decision on whether curb and gutter or valley gutter will be used.

10.3.4. SYSTEM DESIGN STANDARDS

A. If a public storm drainage system is reasonably accessible to the development either by being within or by adjoining its boundaries, the developer shall connect with such storm drainage system and shall do all grading and ditching, and shall provide and install all piping, appurtenances and drainage structures deemed necessary by the Town Engineer, Public Works Director or their designee to properly carry surface water to the storm drainage system. If the Town determines that future development may require the use of the proposed storm drainage system that will require larger storm drainage structures than proposed, the Town will pay the difference of cost between the proposed storm drainage system materials and the materials required for conveying stormwater flow from future development.

B. If a storm drainage system is not reasonably accessible to the subdivision, the developer shall do all grading and ditching, provide and install all piping, appurtenances and structures that are necessary to properly carry the surface water to locations within the boundaries of the subdivision which are acceptable to the Public Works Director or their designee.

C. Stormwater drainage structures and culverts shall be designed in accordance with the current version of NCDOT's *Guidelines For Drainage Studies And Hydraulic Design*.

D. All proposed site plans, except single-family and two-family dwellings (on individual lots), that will exceed 20,000 square feet of new impervious coverage shall be required to construct a complete drainage system sufficient to mitigate the impacts of the design rainfall event identified in the official manual adopted in subsection

(2), below. Residential subdivisions, single-family dwellings on individual sites, and/or duplexes on individual sites are exempted from the on-site detention requirements of this Section, except as required by NCDEQ post-construction stormwater requirements. Post-development runoff rates shall not exceed pre-development runoff rates unless a maximum discharge rate has been adopted for the applicable drainage basin and the discharge does not exceed that rate. If a maximum discharge rate has not been adopted for the applicable drainage basin, post development discharge may not exceed pre-development discharge. Stormwater volumes resulting from the proposed development shall be detained within the development and released at a rate no greater than existed prior to the development.

E. The Town Board hereby finds that hydrologic conditions in Cabarrus County and Mecklenburg County are similar and that it is in the public interest to maintain a uniform regional procedure for computing the stormwater impacts of new development. Accordingly, the design of stormwater management facilities shall be computed in accordance with latest edition of the *Charlotte Mecklenburg Storm Water Design Manual* (hereinafter "Stormwater Manual").

F. Impervious cover which would result from the development shall not increase stormwater run-off from the new development unless measures are taken to control and limit the run-off to the level which existed prior to the installation of the impervious cover. This determination will be based on run-off figures for the 1-year and 10-year frequency storm (a storm which could be expected to occur at least once in one (1) year and ten (10) years).

G. Greater runoff or exemption from the on-site detention requirements may be permitted by the Town Engineer, Public Works Director or their designee if downstream stormwater management facilities are adequate for the conveyance or if the development is adjacent to a receiving body of water such as a lake or river which can accommodate the 100-year frequency storm event.

H. The use of overland drainage and retention as an integral part of the control of stormwater runoff is encouraged where it benefits groundwater recharge and reduces long-term maintenance costs. The town encourages developers to maximize the use of vegetated or natural areas, pervious pavement, discontinuous imperviousness, and other structural and non-structural Best Management Practices (BMPs) when applicable for the purpose of infiltrating and diffusing surface water flow. If the difference between pre-development and post-development peak flows for the 1-year and 10-year storms is less than 10% percent through the use of structural and non-structural BMPs and if the development consists of less than 24% impervious surface, the Public Works Director, in consultation with the Town Engineer and NCDEQ, may waive the requirement for a stormwater detention facility.

I. The Public Works Director or their designee may waive the requirements for a drainage plan if the land to be developed is part of a larger tract which has received prior subdivision or development approval, and has implemented, an overall stormwater drainage plan under the provisions of this section, so long as run-off from the property to be subdivided will not exceed the capacity of facilities constructed under the previously approved stormwater drainage plan.

J. A copy of the North Carolina Department of Environmental Quality (NCDEQ) approved Post-Construction Stormwater Management Plan and Sedimentation and Erosion Control Plan for the site shall be included with the project documentation.

K. The minimum size pipe shall be fifteen (15) inches, regardless of drainage area. The minimum cover for all pipe shall be two (2) feet. Subdrainage shall be provided where ground water table is within two (2) feet of the subgrade. Six-inch corrugated black plastic pipe or corrugated metal pipe with open joints or perforations laid on six (6) inches of clean sand or washed stone, covered with six (6) inches of clean sand or washed stone shall be used to lower water table. Ditches shall be minimum of thirty-six (36) inches deep and two (2) feet in width.

L. All surface drainage pipe shall be concrete conforming to state Highway Commission Standard Specification of Road and Structures. For special conditions, pipe recommended by the manufacturer for the type installation

involved, and approved by town Public Works Director or their designee will be considered. Any concrete pipe laid between the concrete curbs shall be reinforced. All pipe shall be laid with the bell or groove upgrade and joint entirely interlocking.

M. Catch basins shall be built as shown on the standard drawings. Improvised grates will not be acceptable. Catch basins walls shall be built straight with inside joints struck smooth. Precast catch basins may be acceptable with the approval of the town Public Works Director or their designee.

10.3.5. DETENTION FACILITY DESIGN STANDARDS

A. The detention facility must limit the 1-year and 10-year developed discharge rates to pre-developed peak discharge rates. Emergency spillways shall be designed to accommodate 50-year frequency storms or as may be required by the North Carolina Dam Safety Law. In areas specifically designated as sensitive water quality areas, [for example, within watershed protection overlay districts and the River/Stream Overlay District (RSOD) or other applicable Overlay Districts the more stringent design criteria applies.

B. Design and installation of all storm water detention or other impoundment facilities shall comply with applicable federal, state and local laws.

C. In no case, shall a habitable structure be located within the impoundment area of any storm water detention facility or over a storm water drainage line.

D. No utilities (sanitary sewer lines, underground power lines, water lines, etc.) shall be located within any impoundment facility.

E. No structures may be located over storm drain lines not associated with the detention system.

F. Impoundment facilities located within automobile parking areas shall not exceed a maximum water depth of ten (10) inches.

G. All impoundment facilities will be considered permanent.

H. Maintenance of all impoundment or detention facilities will be the responsibility of the property owner. Adequate provisions for such private maintenance shall be included in a declaration of covenants for subdivisions which shall be approved by the Town Board and recorded by the Cabarrus County Register of Deeds. Stormwater management plans shall be developed for site developments not associated with a subdivision development and shall be approved by the Public Works Director and recorded by the Cabarrus County Register of Deeds. Failure to maintain a storm water detention or impoundment facility shall be considered a violation of this ordinance and shall be subject to penalties as set forth in Article 1.6 of this Ordinance.

I. Impoundment or detention facilities which may impact existing storm drainage systems may be required to be protected by a "drainage detention easement" recorded by the Cabarrus County Register of Deeds.

J. Impoundment facilities which may impact existing storm drainage systems may be required to be protected by a “drainage detention easement” recorded by the Cabarrus County Register of Deeds.

K. Detention facilities within areas specifically designated as sensitive water quality areas, (for example, within protected water supply watersheds or stream riparian buffers) shall comply with the regulations and design criteria for those areas.

L. Vegetated and rip-rap protected embankments shall have side slopes no steeper than 3:1 (h:v) within open spaces

and no steeper than 2:2 (h:v) elsewhere, and shall meet requirements of the Dam Safety Act when necessary.

M. Impoundment facilities located within automobile parking areas shall not exceed a maximum water depth of six (6) inches in code-required parking areas, 10 inches in additional parking area, and 15 inches in truck storage and loading areas.

N. The stormwater detention facilities in High Quality Water (HQW) or source water protection areas shall detain the first ½ inch of runoff and release the stored volume in not less than 18 hours and not more than 36 hours.

O. The following hydrologic soil groups shall apply for Cabarrus County, North Carolina:

Series Name	**Hydrologic Group**
Altavista	C
Appling	B
Armenia	D
Badin	C
Cecil	B
Chewacla	C
Coronaca	B
Cullen	C
Enon	C
Georgeville	B
Goldston	C
Herndon	B
Hewassee	B
Iredell	C/D
Kirksey	C
Mecklenburg	C
Misenheimer	C
Pacolet	B
Poindexter	B
Sedgefield	C
Tatum	C
Vance	C
Wehadkee	D

Source: United States Department of Agriculture, Soil Conservation Service, *Soil Survey of Cabarrus County, North Carolina*, Table 16. Page 86 and pages 124-126 of the *Soil Survey of Cabarrus County, North Carolina* shows permeability ratings by depth and type for each soil type.

P. Stormwater detention or impoundment facilities shall be located on the site from which the run-off to be controlled is generated; provided, however, that off-site impoundment facilities are acceptable provided the land area involved within the facility is delineated on an acceptable map and officially recorded by the Cabarrus County Register of Deeds as a permanent "drainage detention easement." Regional detention facilities are allowed if approved by the Public Works Director or their designee and if the development plans provide for the proper operation, inspection, and maintenance of the facilities in perpetuity through a restrictive covenant or other legal, enforceable mechanism.

Q. Stormwater facilities to be located in designated open space areas shall be regulated in accordance with Article 6 of this Ordinance.

10.3.6. LOT GRADING AND LANDSCAPING STANDARDS

A. Developments shall be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities. Plans for drainage facilities shall be approved by the Engineer. All interim and permanent drainage facilities shall be designed and constructed in accordance with the standards established in the Stormwater Standards of this Ordinance.

B. In the design of site grading plans, all impervious surfaces in the proposed development (including off street parking shall be considered.

C. Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.

D. Site grading shall not increase the volume or velocity of runoff onto downstream properties unless specifically approved as part of a project's drainage plan.

E. All disturbed areas within the dedicated right-of-way and easements of any street shall be restored with vegetation. Street trees shall be planted or, where permitted trees already exist, consistent with the Landscaping Standards of Article 7.

10.3.7. INSPECTION AND MAINTENANCE

A. The best maintenance is preventative, through proper design of bank slopes, outlet structures, and other features of the detention structures. However, periodic inspection and maintenance of detention structures is necessary to assure the proper operation of the facility.

B. The Town may accept stormwater improvements or detention facilities for maintenance if such facilities are constructed to the standards set forth in this Section and are located within a street right-of-way that has been accepted for maintenance by the Town or within a public storm-drainage easement conveyed to and accepted by the Town for maintenance. Maintenance and repair of all stormwater structures located on private property are the responsibility of the property owner.

C. If privately-owned stormwater conveyance or detention facilities are not maintained properly, the Town may perform the necessary maintenance and assess the full cost of such maintenance against the property.

10.3.8. PERMEABLE PAVEMENT

Certain provisions of this ordinance (See Parking Standards; Site Design & Standards) permit Permeable Pavement in some situations. Other Permeable Pavement is permitted if the location and design shall comply with the following:

A. Permeable Pavement shall be located only on soils having a permeability rating of Moderate Rapid to Very Rapid (see definition of Permeability in Appendix A of this Ordinance).

B. Permeable Pavement shall not be located in soils with an apparent or perched high water table or a depth to bedrock of less than ten 10 feet, as set forth in Table 16 of the Soil Survey.

C. Permeable Pavement shall not be located on any slope exceeding ten percent (10%) over twenty (20) feet.

D. The Permeable Pavement area shall be vacuum-swept and washed with a high-pressure hose not less than four

(4) times per year.

E. Permeable Pavement Designs may vary from the requirements listed above if the system is used as a Stormwater BMP and is designed to comply with the latest edition of NC DEQ's Stormwater Design Manual and have an approved Stormwater Management Plan.

10.4. WATER AND SEWER STANDARDS

10.4.1. SYSTEM EXTENSION

The water and sewer systems shall be extended in accordance with the Town of Mount Pleasant Code of Ordinances regarding water and sewer extension.

10.4.2. DESIGN STANDARDS

A. Design standards and specifications for public water and/or sewer improvements shall meet WSACC Standard Specifications and NCDEQ standards.

B. Private water and sewer utility systems shall meet all NCDEQ standards.

10.5. FIRE PROTECTION

10.5.1. FIRE HYDRANTS

A. Developers shall install fire hydrants in accordance with Water and Sewer Authority of Cabarrus County (WSACC) specifications and requirements.

B. The Town may contract with a developer to install required fire hydrants~~,~~ but in all cases, the full cost of providing for such hydrants shall be borne by the developer.

C. Any hydrant connected to the public water system constructed pursuant this subsection, shall constitute dedication to the Water and Sewer Authority of Cabarrus County the public entity (i.e. Town of Mount Pleasant) of such hydrant.

D. All newly installed fire hydrants shall be 5-1/4 inch barrel hydrants. All foot valves shall be 5-1/4 inch in diameter. Only three-way hydrants shall be installed with steamer connections. All hydrants shall be delivered with a primer coat. After hydrant installation, the primer shall be touched up and then painted yellow (2 coats).

E. All newly installed fire hydrants shall meet the spacing and flow standards of the Appendices B and C of the North Carolina Fire Code, unless otherwise approved by the Fire Marshal and Mount Pleasant Fire Chief.

F. All newly installed fire hydrants shall be tested by the Mount Pleasant Fire Department. The developer shall notify the Mount Pleasant Fire Department, upon completion of the system and its availability for testing. No construction shall be allowed in the protected area until the water system has been tested and approved unless otherwise allowed by the authority having jurisdiction. In phased construction or development, the minimum loops sizes, or applicable performance specifications required by these regulations, must be completed before construction of the structures can commence.

10.5.2. FIRE PROTECTION FACILITIES

10.5.2.1. Connections

Connections for fire protection systems shall be made in compliance with Article VI Backflow Prevention and Cross-Connection Control Ordinance. Fire protection water facilities installed upon the owner's private property are for the use of the owner, and the Town assumes no responsibility for such facilities. No water service, other than fire protection, will be taken from water mains intended to provide fire protection only. Metering may be required of systems that are run periodically for testing with the water going to waste. Notification of testing shall be given a minimum of 48 hours prior to testing. Violation of this notification may require the installation of approved metering devices and appurtenances as specified in Section 8-3, subsection (a). The Town reserves the right to make necessary inspections to ensure compliance with these regulations. No pumps may be directly connected to the public system.

10.5.2.2. Cold Water Meters – Fire Service Type Size 6", 8" AND 12"

All meters shall fully comply with the AWWA specification C-703-79. Fire service meters shall consist of a combination of main line meter of the proportional type, having an unobstructed waterway of essentially the full pipe size for measuring high rates of flow, and a by-pass meter of appropriate size for measuring low rates of flow. The meter shall have an automatic valve mechanism for diverting low rates of flow through the by-pass meter. Meters must be approved by the National Fire Protection Association and listed by the Underwriters Laboratories. Loss inhead not to exceed for (4) psi.

10.5.2.3. Casing

Main casing shall be either of copper alloy containing not less than 75% copper or of cast iron protected by a corrosion

resistant coating or other anti-corrosion treatment. Main-case connections shall be flanged. Flanges shall be of the round type, faced and drilled, and shall conform to ANSI B16.1, Class 125. Companion flanges are not required.

10.5.2.4. Registers

Registers shall be straight reading type and shall read in cubic feet. Registers will be provided with a center-sweep test hand. Registers will be perma-sealed.

10.5.2.5. Automatic Valves.

The automatic valve shall be of a type suitable for the purpose. It shall close by force. The weight of the valve and any supplemental force imposed on it shall offer sufficient resistance to the incoming water to diver all small flows through the by-pass meter until such time as the rate of flow through the meter is great enough to ensure efficient operation of the main measuring section. Test plugs must be comparable to meter size.

10.5.2.6. Test Outlet

A minimum 2-inch outlet shall be provided on the downstream side of the meter.

10.5.2.7. Piping Sizes

A. 3/4" - 2" piping shall be brass.

B. 3" - 10" piping shall be ductile iron (cement lined).

10.5.2.8. Fire Service Requirements

A. Fire flow shall meet the requirements of Appendix B of the North Carolina Fire Code.

B. The minimum size of fire service water mains in residential developments shall be 6 inches. All 6-inch mains must be looped. Dead end mains shall be 8 inches or greater. Exceptions: Mains installed may meet minimum performance specifications for the expected demand upon the system.

C. Mains in residential subdivisions may be designed to provide 50% of the required flow in gpm if the homes are provided with an approved sprinkler system in compliance with NFiPA 13D. In any case, the flow shall not be designed to provide less than 500 gpm at 20 psi. Single family dwellings shall be provided with supply lines which will support the sprinkler system. Minimum service lines shall be 1 inch.

D. The minimum size of fire service water mains in commercial and multi-family dwelling areas shall be 8 inches. All 8-inch mains shall be looped. Dead end mains shall be 12 inches. The minimum size of fire service water mains in industrial areas shall be 12 inches. All 12-inch mains shall be looped. Dead end mains shall provide the minimum fire flow as required in this subsection. Notwithstanding the foregoing, mains installed may meet minimum performance specifications for the expected demand upon the system in lieu of the minimum size requirement.

E. Individual large structures with life safety hazards or extra hazardous operations shall, where required, by provided with on-site hydrants and water mains designed to provide the required fire flow as determined by the ISO formula and the Fire Prevention Bureau.

10.6. ELECTRIC UTILITIES

10.6.1. GENERAL PROVISIONS

A. All electrical utilities shall be buried underground within new developments and along new streets.

B. Electric utilities shall be installed in accordance with the standards of the electric utility provider.

10.6.2. CITY OF CONCORD ELECTRICAL SERVICES

In areas where electric utility is provided by the City of Concord, City of Concord standards shall be met.

ARTICLE 11
DESIGN STANDARDS

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11.1. PURPOSE & APPLICABILITY

11.1.1. PURPOSE

The purpose of this Section is to ensure architectural and design compatibility and the establishment and preservation of architectural character throughout the Mount Pleasant. Enumerated in the sections below are general standards all buildings, multi-family residential buildings, standards for non-residential buildings, standards for buildings in the Center City zoning district.

11.1.2. APPLICABILITY

A. The standards shall apply to all new non-residential and multi-family residential construction and expansions of greater than 25% of the gross floor area of the building within the building type categories shown in Subsection A above.

B. Non-residential building design standards shall not apply to existing residential structures that have a change-of-use to a non-residential use as permitted by this Ordinance.

C. If a nonconforming non-residential building is being expanded by greater than 50%, then the existing portion of the building shall comply with the following standards:

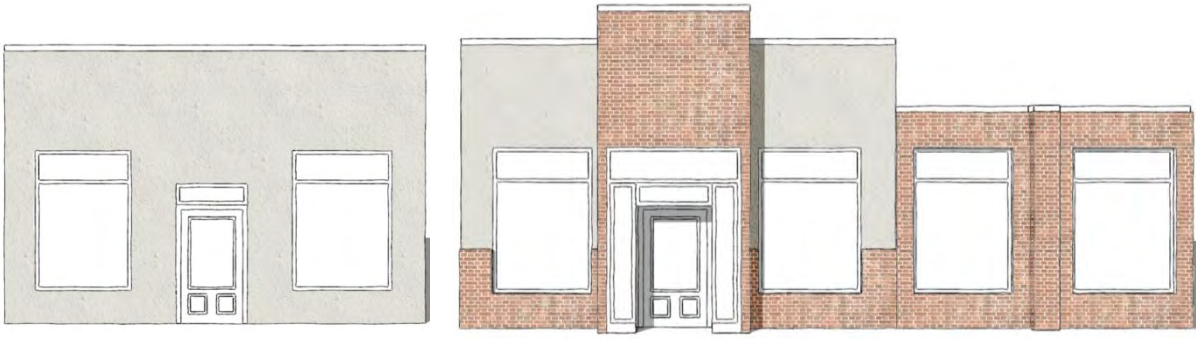
1. The primary building material, as permitted, shall be continued over to 50% of the front façade of the existing building.

2. A minimum of one (1) vertical articulation element listed in Section 11.3.5 shall be incorporated into the front façade.

3. A minimum of one (1) horizontal articulation element listed in Section 11.3.6 shall be incorporated into the front façade.

4. All unscreened mechanical, utility equipment, loading areas, and solid waste receptacles shall be screened per Section 11.3.13.

FIGURE 11.1: EXAMPLE OF BUILDING EXPANSION DESIGN COMPLIANCE



Existing Stucco Building ***Building with greater than 25% addition***

11.1.3. FLEXIBILITY IN ADMINISTRATION

11.1.3.1. Alternative Design Proposals

Because these standards cannot cover every possible scenario that may arise, alternative design proposals may be considered by the Planning & Zoning Board, sitting as the Design Review Board. Such alternative designs may be approved in accordance with the following standards:

A. The proposed project represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations;

B. The proposed project will be compatible with adjoining property;

C. The proposed project is consistent with the intent of this Ordinance and substantially meets the requirements herein; and

D. The proposed project is consistent with adopted plans and policies of the Town.

11.1.3.2. Appeal Of Decision

An aggrieved party may appeal a decision of the Planning & Zoning Board acting as the Design Review Board in writing within 30 days of a decision. All appeals shall be heard by the Town Board of Commissioners acting as Board of Adjustment in accordance with Article 3.7.

11.2. MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

11.2.1. APPLICABILITY

The provisions of this Section apply to multi-family residential developments [five (5) or more dwellings units] or single-family attached residential developments as permitted by Table 4.6-1 of this Ordinance. Single-family detached homes and duplexes on individual lots are exempt from the standards of this Section. For purposes of computing the number of dwelling units to determine applicability of the standards of this Section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed multi-family residential dwellings on any adjacent property under common ownership shall be counted.

11.2.2. WALL MATERIALS

A. Exterior wall materials shall be wood, fiber cement board, brick, stone, vinyl, or similar materials.

B. A minimum of two (2) materials shall be mixed on all facades, and a minimum of 50% of all facades shall be brick, stone, or a material similar in appearance and durability. Brick, stone or similar heavy materials shall be located below lighter materials such as wood or vinyl.

Mostly brick and stone with vinyl accents

All vinyl siding

11.2.3. ROOFS

A. Roof materials shall be asphalt shingles, wood shakes, standing seam metal, slate, tile, or similar materials.

B. Pitched roofs for one-story buildings shall have a slope of between 4:12 and 8:12. Pitched roofs for one-and-a-half (1 ½) or multiple story buildings shall have a slope of between 6:12 and 12:12.

C. Flat roofs shall have a parapet wall with a decorative cap or cornice.

D. Architectural elements such as height variations, gables, dormers, cupolas, towers, and other similar elements shall be incorporated into the roof design at a minimum of every 25 linear feet on all facades.

E. Roofs shall be in scale with the building and shall have an overhang of six (6) inches or more to facilitate proper water run-off.

Proportional roof with variation and overhang

Shallow roof with no variation or side overhang

Flat roof with decorative parapet and variation

Flat roof with no decorative parapet or variation

11.2.4. GARAGES

A. Garages located on the primary/front façade shall have separated doors for each parking bay.

B. Garages are encouraged to be located on alleys or parking courtyards to the rear or interior of the building or building block.

Alley-loaded garages

Front-loaded garages without door separation

11.2.5. FAÇADE ARTICULATION

A. Façade articulation in the form of gables, projections, recesses, and/or porches or balconies of a minimum of three (3) feet in depth shall be located a minimum of every 25 feet along the all facades.

B. Exterior stairs and open circulation corridors shall not be located on the front façade.

Façade articulation with recesses and projections

No façade articulation

Interior stairs and circulation corridors

Exterior stairs and circulation corridors

11.2.6. WINDOWS

A. A minimum of 25% of the primary façade and 20% of all secondary/corner side facades shall be composed of window area.

B. Windows shall follow a regular rhythm and be aligned on and between floors.

Adequate windows with regular rhythm and alignment

Few windows with no regular rhythm and alignment

11.2.7. ACCESS STANDARDS

A. Developments with 40 or more dwelling units should have direct primary access on a major or minor thoroughfare as shown on the *Comprehensive Transportation Plan*. Developments for one hundred 100 dwelling units are encouraged to have two (2) direct entrances onto at least one Major and/or Minor Thoroughfare as shown on the *Comprehensive Transportation Plan*.

B. For developments of forty (40) or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments. Median design shall be in conformity with the standards in Appendix C of this Ordinance.

C. No driveway shall be located closer than fifteen (15) feet to any wall of a residential building.

11.2.8. OFF-STREET PARKING STANDARDS

In addition to the requirements of Article 8, no parking space shall be located in the required setbacks, except for the rear setbacks, and no off-street parking space shall be located closer than ten (10) feet to any residential building wall.

11.2.9. OPEN SPACE

Open space shall be provided in accordance with Section 6.5.

11.2.10. PEDESTRIAN FACILITIES

A. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article 10 of this Ordinance.

B. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets which provide access to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the Town of Mount Pleasant's Public Works Director, Town Engineer, or their designee. Design standards for pedestrian upfits to state-maintained roads shall be subject to review and approval by the Town of Mount Pleasant's Public Works Director, Town Engineer, or their designee and the NC Department of Transportation.

C. A shelter shall be constructed the location(s) (including at the perimeter of a development site) where a publicschool bus(es) pick-up/drop-off of children as established by the Cabarrus County School system. The shelter shall be a constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

11.2.11. DIMENSIONAL AND DENSITY STANDARDS

A. Dimensions and density shall conform to the standards as set forth and described in Section 4.7 and shown on Table 4.7-1 for the appropriate zoning district. Multi-family or single-family attached developments that are allowed (by right or with a Special Use Permit) in non-residential districts shall use the dimensional and density standards of Table 4.7-1 as set forth for the RH district. Where a Watershed Overlay District (Section 4.16) exists, the more restrictive requirements shall apply.

B. The minimum spacing between buildings is 20 feet, plus one (1) foot for each one (1) foot of building height in excess of thirty (30) feet.

C. For developments of 40 or more dwelling units, buildings shall be set back 50 feet from all property lines, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located to the rear of the building.

Table 11.2-1 Multi-family or Single-family Attached Dwelling Projects Dimensional Standards

Lot Size	Not applicable – see "Density".
Density	see Table 4.7-1 (Article 4)*
Lot Width and Depth	see Table 4.7-1 (Article 4)*
Front Setback or Street Side Setback	Developments of less than 40 dwelling units: see Table 4.7-1 (Article 4)* Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	see Table 6.5-1 (Article 6)
Maximum Building Length	150 feet

* Note: Multi-family or Single-family attached developments that are allowed (by right or with a Special Use Permit) in non-residential districts shall use the dimensional and density standards of Table 4.7-1 as set forth for the RH district.

11.2.12. SOLID WASTE AND RECYCLING FACILITIES

Multi-family residential developments or single-family attached residential developments shall be required to provide a container(s) for the collection of solid waste recyclable materials. Such containers shall be subject to approval by the Town's Public Works Director. Such facilities shall be screened in accordance with the requirements of Section 11.7.

11.2.13. UTILITIES AND LIGHTING

A. All utility lines shall be located underground.

B. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi-family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

11.2.14. UNIT OWNERSHIP

Developments in which property is proposed to be conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act. Common areas, parking, landscaping, open space, and driveway facilities shall be under common ownership.

11.3. NON-RESIDENTIAL DESIGN STANDARDS

11.3.1. APPLICABILITY

The Non-residential Design Standards are intended to be used for all non-residential developments located in the C-1, C-2, O-I, CD, I-1, I-2 and PUD zoning districts. All applications for non-residential development shall be reviewed in accordance with the major or minor site plan review process, as applicable.

11.3.2. ARCHITECTURAL COMPATIBILITY AND COHESIVENESS

A. Buildings shall be designed so that each side of the building is architecturally compatible with each other side of the building, unless otherwise exempted by a specific provision of this Section.

B. Where more than one building is being constructed as part of a larger common development plan, each building in that development, including pad sites and out parcels, buildings shall be designed in a manner that fosters a cohesive architectural aesthetic throughout the development. Architectural compatibility within a development may include the use of the following methods:

1. Similar building materials
2. Similarly colored building materials
3. Proportional quantities of building materials on building facades
4. Similar roof forms
5. Similar architectural detailing

C. Additions to existing buildings shall match the materials of the building. If the existing building is constructed of non-conforming materials and the addition is greater than 25% of the gross floor area, then the addition shall incorporate a permitted primary material into the design of the addition and the front façade.

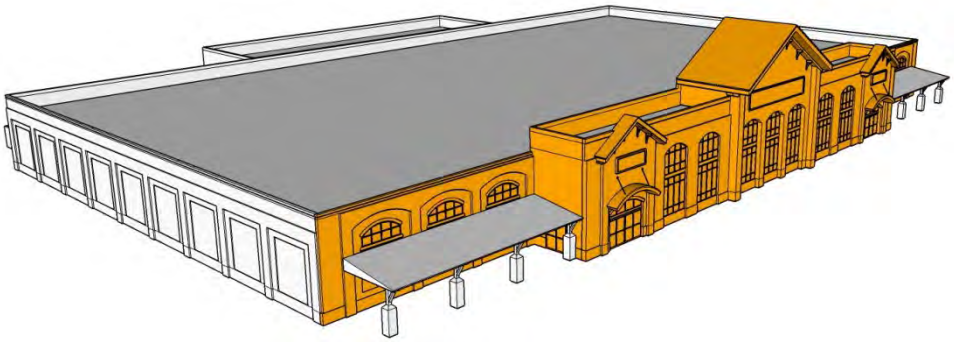
11.3.3. BUILDING WALL TYPES

Different design standards apply to different types of building walls. For the purposes of this Section, building walls shall be divided into the following categories:

11.3.3.1. Primary Building Façade / Primary Building Wall

A primary building façade/wall is any building wall plane which is oriented toward a public street or internal access drive, or which contains the primary building entrance (single-tenant structures) or entrances (multi-tenant structures). Buildings on corners have more than one Primary Building Façade/Primary Building Wall. Primary Building Walls are always active building walls.

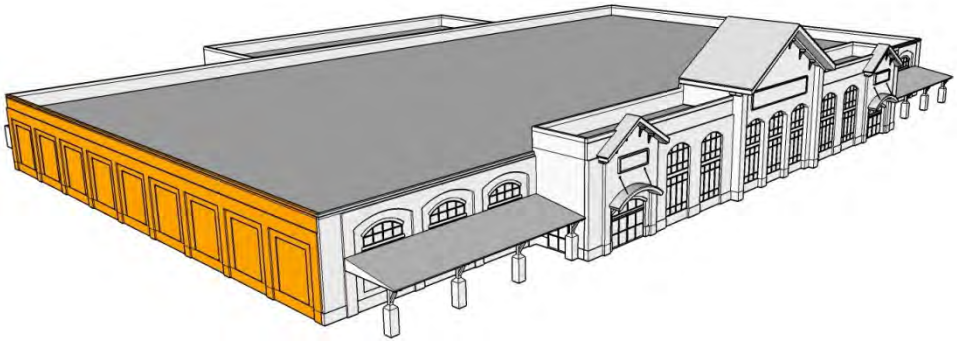
FIGURE 11.6: PRIMARY BUILDING WALL



11.3.3.2. Secondary Building Wall

All building wall planes that are not defined as a Primary Façade / Primary Building Wall or as a Utility / Service Building Wall are Secondary Building Walls. Secondary building walls may be active or inactive depending on location and access to the building.

FIGURE 11.7: SECONDARY BUILDING WALL



11.3.3.3. Active Building Wall

An active building wall is any building wall plane, or portion of a wall plane, whether along a primary or secondary building wall, which:

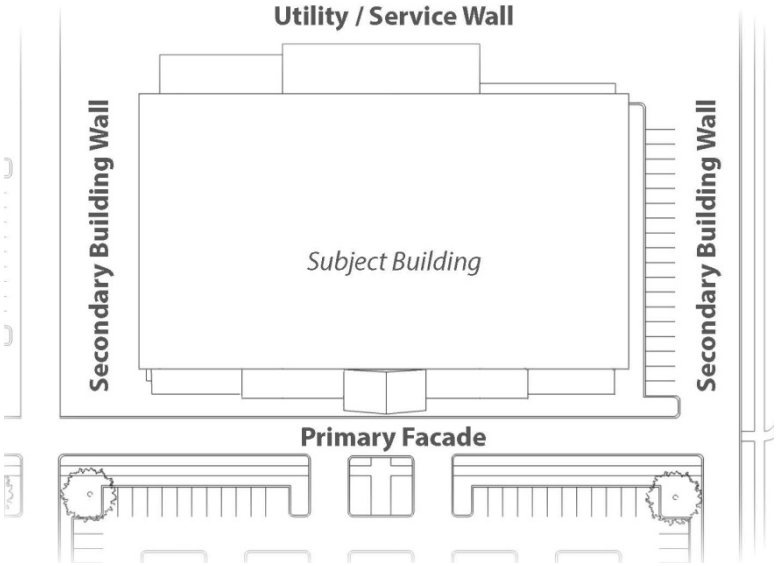
A. Contains a customer entrance;

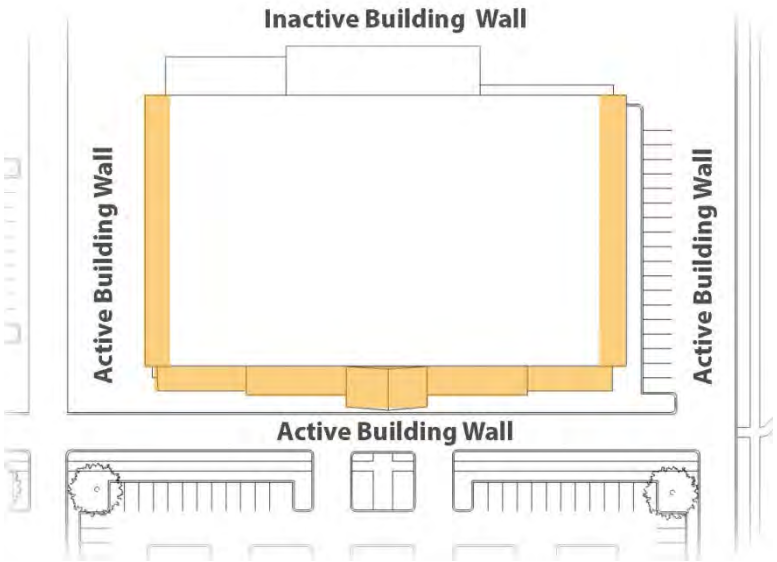
B. Is oriented toward a public street or internal access drive;

C. Is adjacent to a pedestrian walkway; or

D. Is adjacent to a customer parking area

FIGURE 11.8: BUILDING WALL TYPES

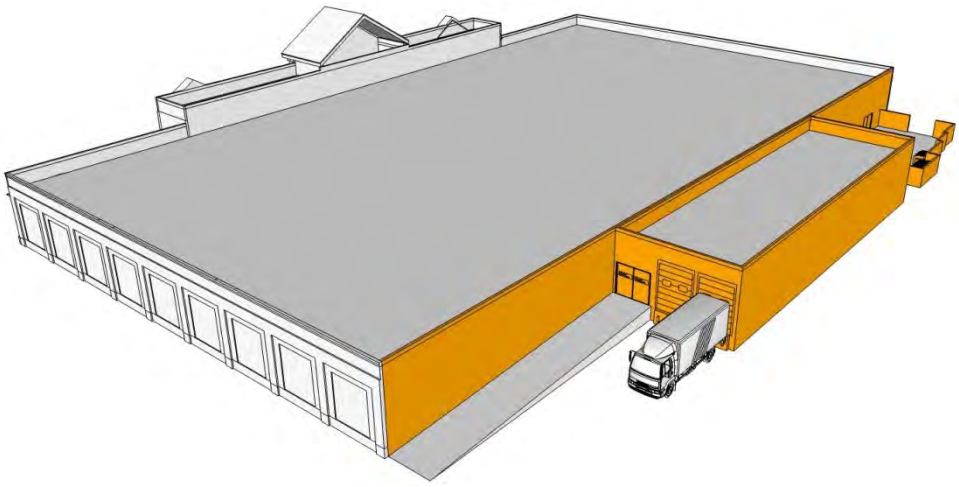




11.3.3.4. Utility/Service Building Walls

A utility/service building wall is the wall plane, or portion thereof, that contains utility and service areas. Utility/service building walls shall not front on the primary street. Any utility/service building walls visible from a major thoroughfare (Highway 73, Highway 49, Main Street, Mount Pleasant Road) shall meet the requirements for a secondary building wall or be screened by a Type D buffer yard per Section 7.4.

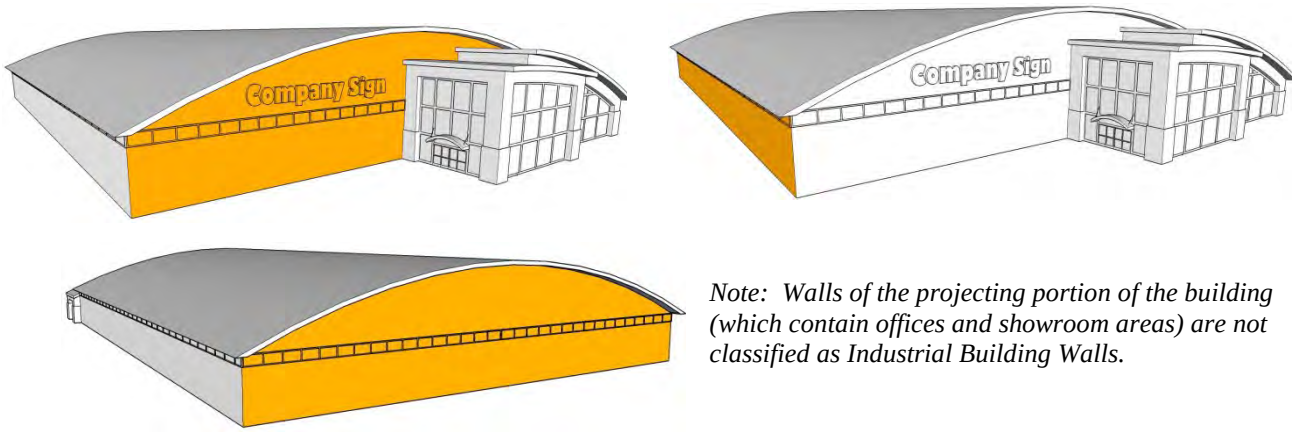
FIGURE 11.9: UTILITY/SERVICE WALL



11.3.3.5. Industrial Building Walls

An Industrial Building Wall includes each wall plane of an industrial, warehousing, or similarly used building, located within the CD, I-1, or I-2 zoning district, which does not contain space used for offices, customer service, retail areas, product display areas or similar nonindustrial spaces. Any industrial building walls located within 250 feet of a major thoroughfare (Highway 73, Highway 49, Main Street, Mount Pleasant Road) shall meet the requirements for a secondary building wall or be screened by a Type D buffer yard per Section 7.4.

FIGURE 11.10: INDUSTRIAL BUILDING WALLS



Note: Walls of the projecting portion of the building (which contain offices and showroom areas) are not classified as Industrial Building Walls.

11.3.4. BUILDING MODULATION

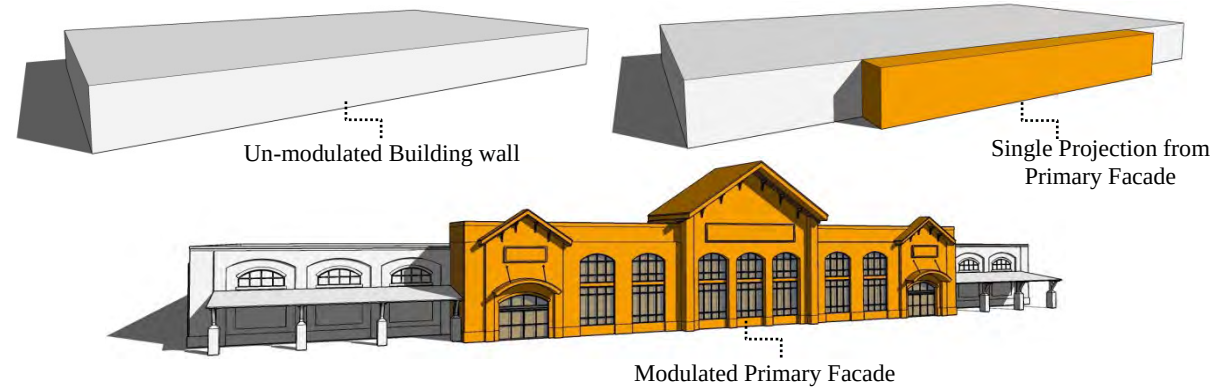
Building modulation is the varying of the footprint of a building by projecting or recessing portions of the façade from the base plane of the building wall. The use of a modulated façade helps to define the most important portion(s) of a building (such as customer entrances), reduces monotony along building walls and helps to distinguish adjacent buildings from each other by encouraging distinctive designs. The following building modulation standards apply to all non-residential buildings of greater than 50 linear feet on the primary façade:

A. Primary building walls shall be modulated through the use of projections or recessions of the building wall from the base wall plane.

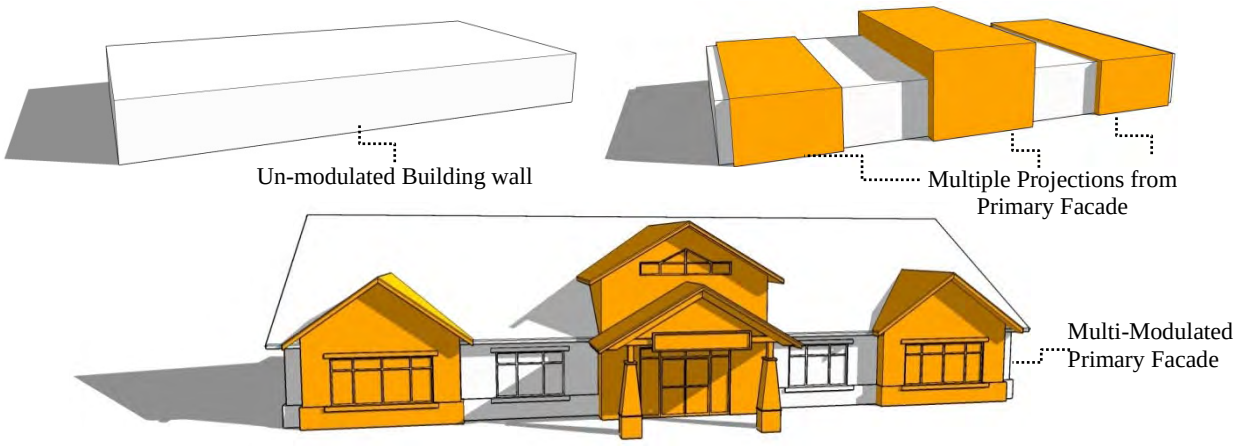
B. Projections or recessions used to meet this requirement shall project or recede from the base wall plane by a minimum of one (1) foot for buildings under 100 feet wide a minimum of three (3) feet for buildings over 100 feet wide.

C. The combined length of the modulating feature(s) shall be a minimum of 35% of the width of the base wall plane.

FIGURE 11.10: BUILDING MODULATION



The illustrations above demonstrate compliance with the building modulation standards through the use of a single projection from the base wall plane.



The illustrations above demonstrate compliance with the building modulation standards through the use of multiple projections from the base wall plane.

11.3.5. VERTICAL ARTICULATION

Vertical articulation is used to give emphasis to the height of a building and to provide relief along the vertical wall plane. Appropriate vertical articulation techniques vary based on the size and height of a building, as well as its architectural style. Vertical articulation shall be provided on each vertical building wall plane as required below. Utility/Service and Industrial building wall types shall be exempt from these standards.

A. The primary and secondary building walls of non-residential Buildings shall be vertically articulated by using a minimum of three (3) of the techniques listed below:

1. Using visually "heavy" building materials, such as stone, on lower surfaces when a "lighter" material is used on higher surfaces. Using larger or more coarsely faced building materials on lower surfaces and smaller or more finely textured materials on higher surfaces

2. Using different colors of materials along the vertical wall plane, with darker colors used on lower surfaces and lighter colors used on higher surfaces

3. Projecting the base of the building outward from the façade to create an architecturally distinct ledge along the base

4. Recessing upper stories on multi-story building

5. On multi-story buildings, using features that project perpendicularly to the building wall to divide the base of the building from upper stories

6. Using a pitched roof form over the entire structure

7. Including minor pitched roof forms on buildings with parapet walls

8. Using stepped parapet walls

9. Providing towers or similar features that extend vertically above the top of the building wall

10. Varying the height of different portions of a building

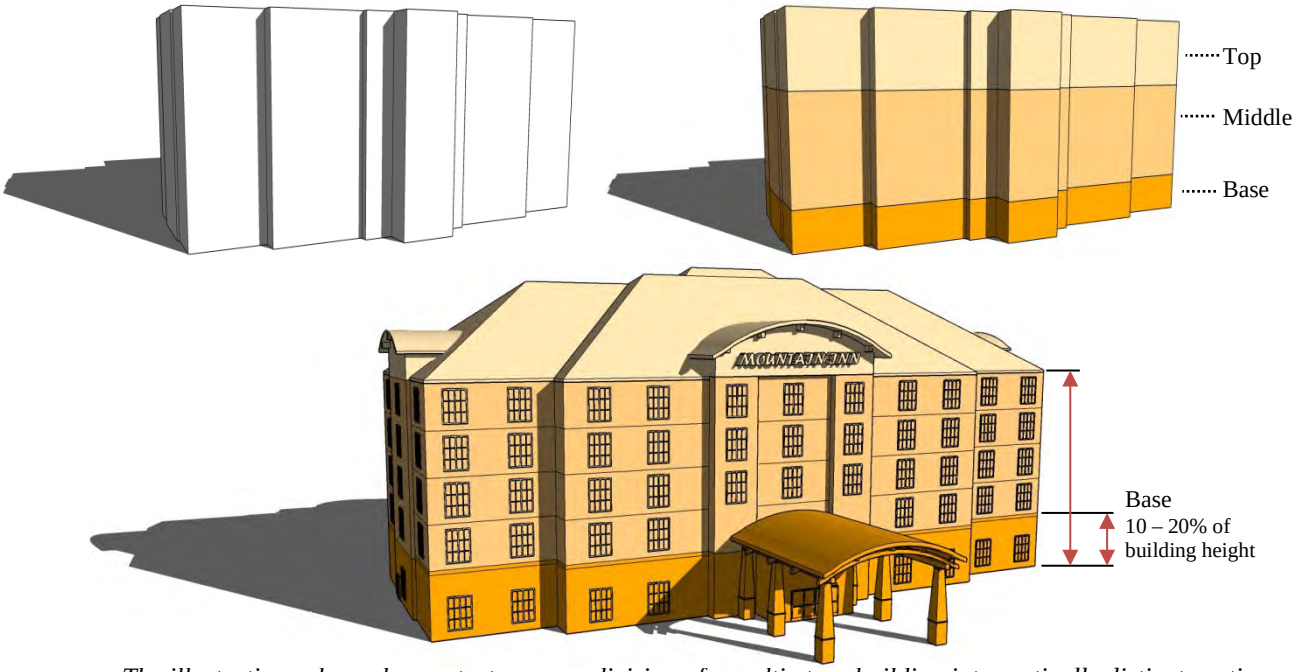
11. Using tall windows, particularly when coupled with an arched frame at the top

12. Using distinct masonry patterns or inlays that extend vertically along the building wall

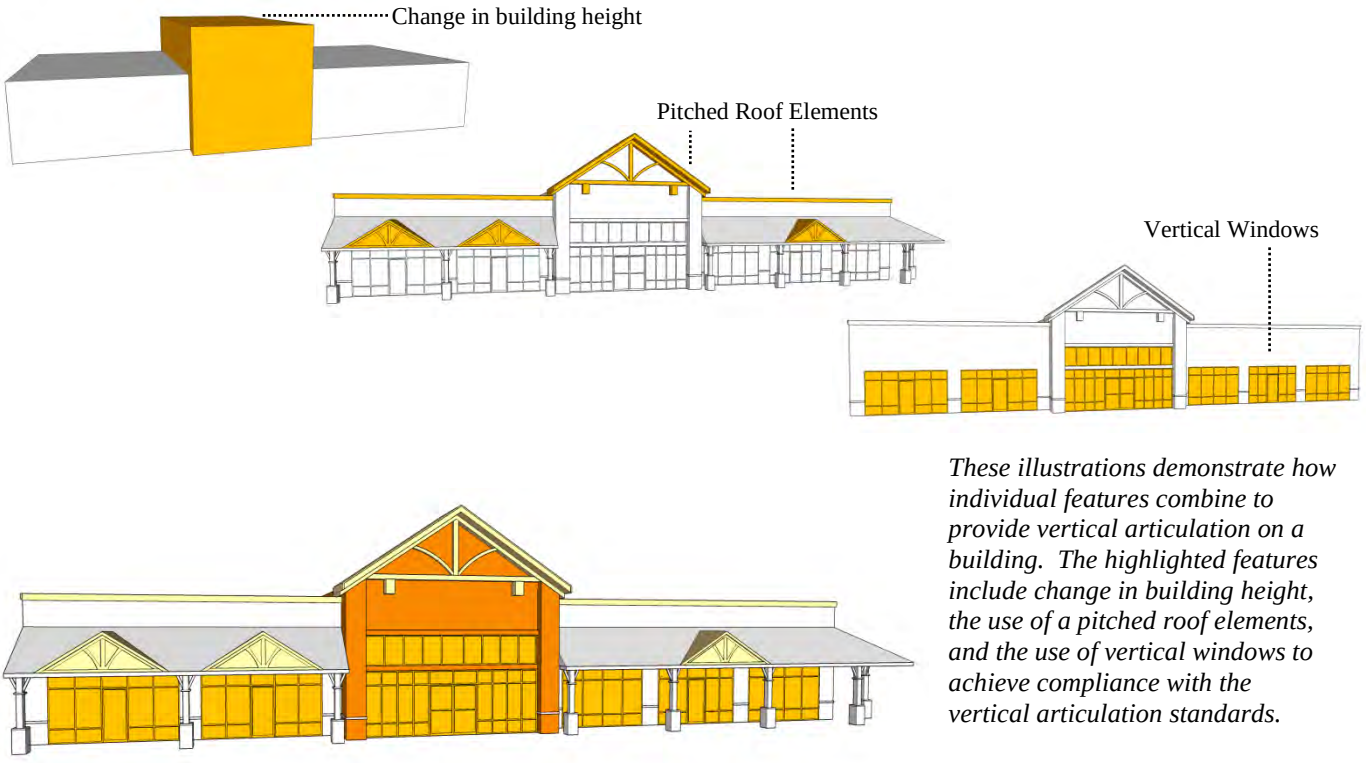
13. Using pilasters or engaged columns that extend vertically along the building wall

B. Buildings that are three (3) or more stories or more than 35 feet above grade shall be designed with a visually distinct base. The base shall extend a minimum of 10% and maximum of 20% of the height of the vertical wall plane from grade.

FIGURE 11.11: VERTICAL ARTICULATION



The illustrations above demonstrate proper division of a multi-story building into vertically distinct portions of the vertical wall plane, including base, body, and top sections.



These illustrations demonstrate how individual features combine to provide vertical articulation on a building. The highlighted features include change in building height, the use of a pitched roof elements, and the use of vertical windows to achieve compliance with the vertical articulation standards.

11.3.6. HORIZONTAL ARTICULATION

Horizontal articulation is used to provide visual interest along the horizontal wall plane and to define the human scale of a building. Appropriate horizontal articulation techniques vary based on the architectural style of a building, as well as its intended use. Utility/Service and Industrial building wall types shall be exempt from these standards.

A. Ground floor primary and secondary building walls shall be articulated in a manner that provides visual interest and emphasizes the human scale by using one (1) or more of the below referenced techniques, or by an equally effective method that achieves the stated goal:

- Awnings
- Trellises
- Arcades
- Recessed openings
- Arbors/Pergolas
- Porticos
- Decorative masonry patterns or inlays
- Decorative metalwork

Awnings

Trellises

Recessed openings and Decorative metalwork

Portico and Pergola

Arcade and Decorative Masonry Patterns

B. A minimum of 75% of the width of the horizontal wall plane of the primary façade(s) shall contain articulating features (see Figure 11.12). More than one feature type may be used to meet this requirement.

C. A minimum of 50% of the width of the horizontal wall plane of secondary building walls shall contain articulating features (see Figure 11.12). More than one feature type may be used to meet this requirement.

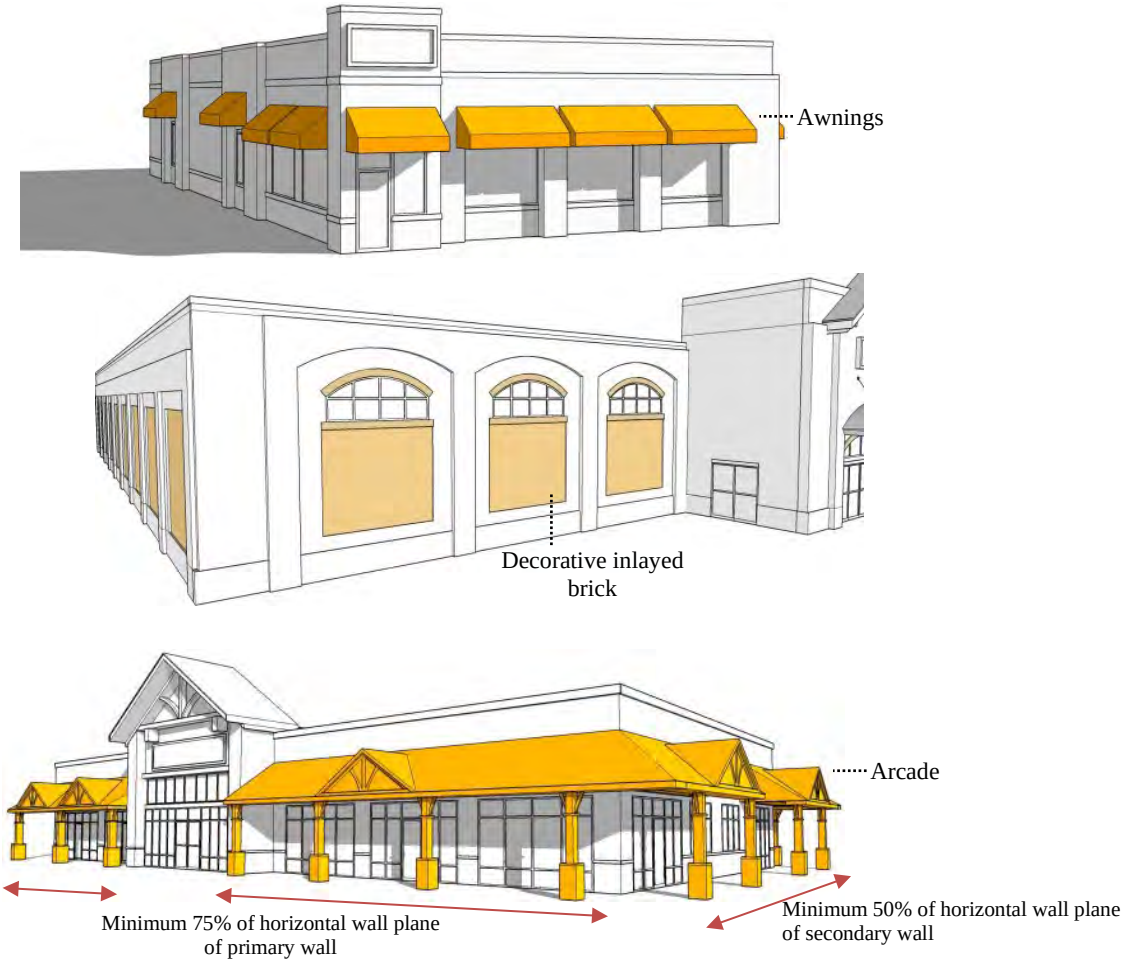
D. Features used to satisfy these requirements shall not be separated by a gap wider than 10 feet between the outer edges of each individual feature.

E. Features used to satisfy this requirement shall be appropriate to the context of the wall on which they are placed. An example of an inappropriate use of an architectural feature would be to place an awning in a location that does not cover a pedestrian walkway or window.

Awnings over windows

Awnings not over windows

FIGURE 11.12: HORIZONTAL ARTICULATION



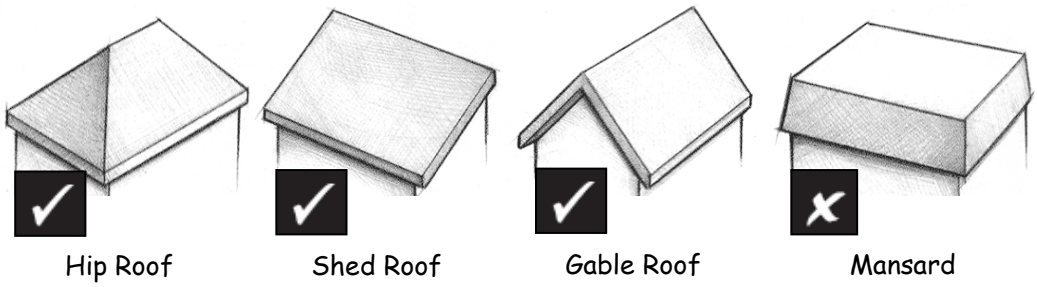
These illustrations demonstrate how individual features provide horizontal articulation on buildings. The highlighted features include awnings (top), decorative inlayed brick (middle), and arcade (bottom). The bottom diagram also illustrates a building that has at least 75% of the primary façade and 50% of the secondary façade with horizontal articulating features.

11.3.7. ROOF FORM

A roof is an integral structural component of the building and should be varied to reinforce the rhythm and scale of the facades. The standards of this section shall apply to roofs of non-residential structures. Industrial building wall types shall be exempt from these standards, except that all roof-mounted mechanical equipment shall be screened in accordance with Section 11.3.13.

A. Pitched roofs shall be simple hip, shed or gable forms. Mansard roofs are prohibited.

FIGURE 11.13: PITCHED ROOF TYPES



B. Pitched roof forms shall utilize eaves which overhang the building wall a minimum of 12 inches.

C. A pitched primary roof form shall have a minimum pitch of 6 inches of vertical rise to each 12 inches of horizontal run (6:12) and a maximum pitch of 12 inches of vertical rise to each 12 inches of horizontal run (12:12). Secondary roof forms shall have a minimum pitch of 4 inches of vertical rise to each 12 inches of horizontal run (4:12).

D. Roof pitches of less than 2:12 and flat roofs shall incorporate a parapet wall along the primary and secondary building walls. An articulated cornice or cap shall be provided along those portions of a parapet wall that are located above a section of a building that projects from the base wall plane. Cornices or caps shall continue around all sides of a parapet wall on which they are required, and may only terminate at an interior building corner or continue at least eight (8) feet around an exterior building corner.

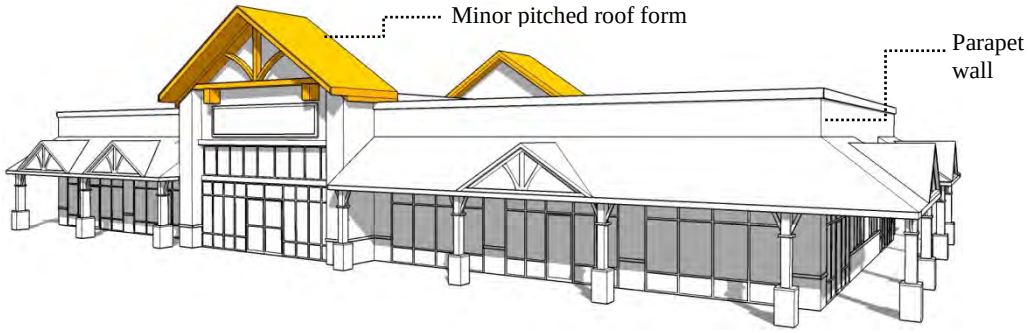
E. Parapet walls on primary facades shall contain at least one (1) change in height of at least one (1) foot a minimum of every 25 feet, through the use of a stepped wall or the inclusion of a minor pitched roof form. Height changes shall align with the modulation of the building wall. Parapet walls may not exceed 10 feet in height at any point along the wall.

Continuous parapet with height changes

Non-continuous false front parapet without height changes

FIGURE 11.14: ROOF FORM

The illustrations above demonstrate proper use of a pitched roof on a modulated building wall. As the illustration shows, the pitched roof form is enhanced with minor pitched roof elements and changes in height that correspond to changes in in the base wall plane.



The illustration above demonstrates the proper inclusion of minor pitched roof forms on a building with a parapet wall.

11.3.8. MATERIALS AND COLOR

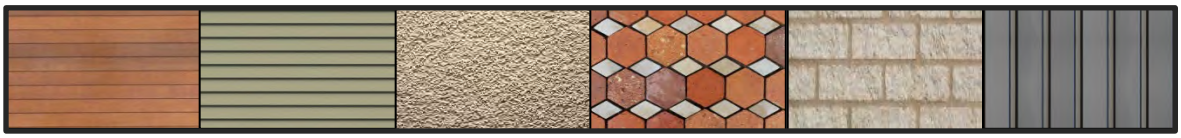
Exterior materials and colors shall meet the standards outlined below.

11.3.8.1. Primary & Secondary Walls

A. Brick, stone or other material similar in appearance and durability shall be used as cladding over a minimum of 75% of the surface area of each primary building wall and 50% of each secondary building wall. Materials that are fabricated to have the same appearance as a primary building material shall be permitted, unless otherwise noted. All other materials not expressly permitted are prohibited.

B. The following accent materials may be used as cladding on up to 25% of the surface area of any primary building wall and 50% of the surface area of any secondary building walls:

- Wood clapboard or fiber cement board horizontal or vertical siding
- Vinyl siding horizontal or vertical siding
- Stucco or Exterior insulation and finishing systems (EIFS)
- Ceramic Tile / Terracotta
- Split-faced concrete block
- Architectural grade metal (shall not exceed 10% of any primary or secondary façade)



Brick facade

Painted concrete block and metal facades

C. Windows and other glazed areas shall be excluded from the calculation of the surface area of a building wall for the purpose of the material proportion standards.

D. Primary and secondary facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. The use of high-intensity, fluorescent, or neon colors is not permitted.

Muted neutral colors

High intensity colors

E. Brick and stone cladding materials may not be painted or otherwise altered in color from their natural appearance.

F. Exposed wooden structural members shall be stained a natural wood color.

11.3.8.2. Utility / Service Walls

In addition to the materials permitted on primary and secondary walls, the following materials may be used on Utility/Service Walls, provided that the materials are either integrally colored or painted to match the color of the materials used to clad the greatest proportion of the surface area of the primary and secondary building walls:

- Stucco or Exterior insulation and finishing systems (EIFS)
- Split-faced concrete block

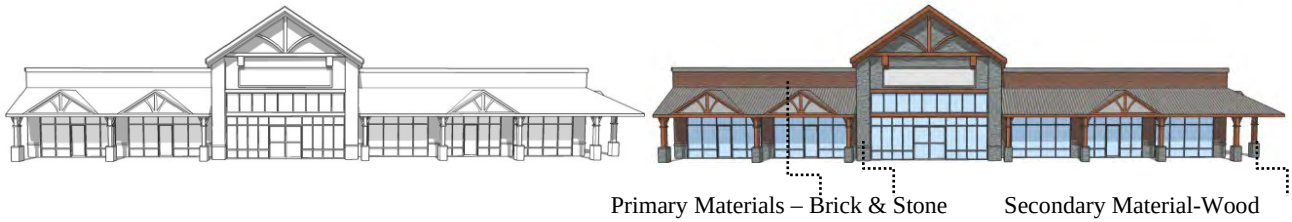
11.3.8.3. Industrial Building Walls

In addition to the materials permitted on primary and secondary walls for non-residential buildings, the following materials may be used on Industrial Building Walls, provided that the materials are either integrally colored or painted to match the color of the materials used to clad the greatest proportion of the surface area of the primary and secondary building walls of office, customer service, and retail portions. However, building walls located within 250 feet of major thoroughfare (Highway 73, Highway 49, Main Street, and Mount Pleasant Road) shall meet the minimum material requirements for a secondary building wall, unless a Type D buffer is installed along the thoroughfare frontage.

- Stucco or Exterior insulation and finishing systems (EIFS)
- Split-faced concrete block
- Architectural grade metal

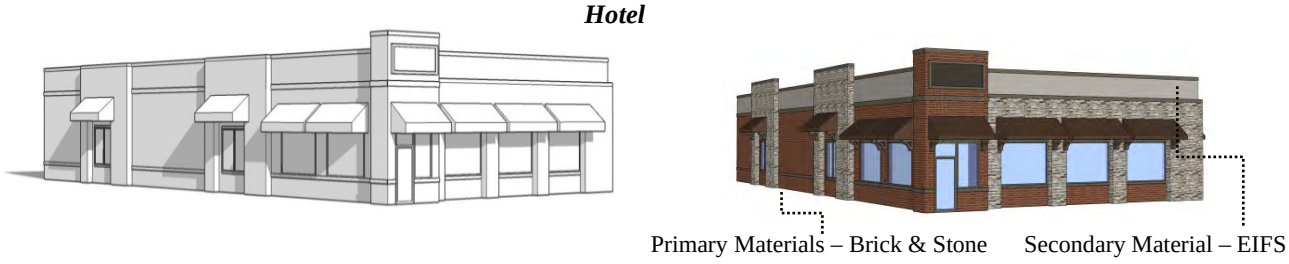
FIGURE 11.15: MATERIALS EXAMPLES

Office Building

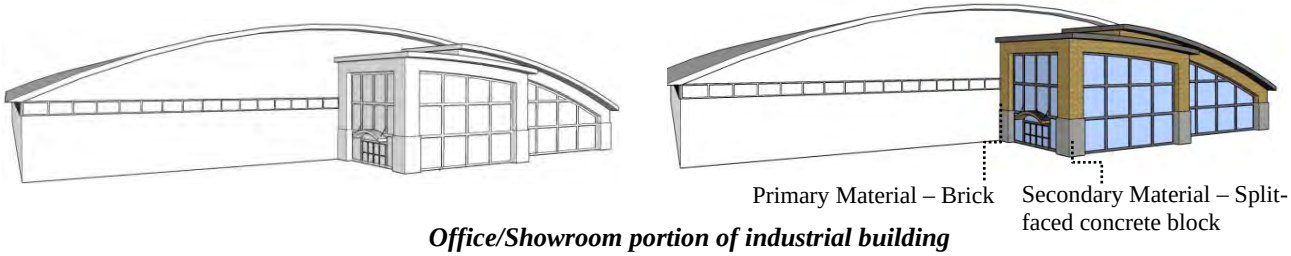


Multi-tenant Retail Building

Hotel



Fast-food restaurant



Office/Showroom portion of industrial building

The illustrations above demonstrate the application of permitted primary and accent cladding materials to the exterior of different building types.

11.3.9. WINDOWS AND GLAZING

The use of glazed (glass) surface areas on a building wall enhances the aesthetic character of the building by adding a transparent contrast to the other cladding materials used on the wall. Transparent surfaces also increase the "activity" of a building wall by making interior spaces visible to the outside, particularly in the vicinity of customer entrances and along building walls that are adjacent to pedestrian walkways. Methods of achieving transparency can include the use of glass doors, windows and curtain walls. The glazing standards of this Section shall be met by all non-residential uses, except that Industrial and Utility/Service building walls and uses listed under the "Institutional and Civic" uses category in Table 4.6-1 are exempt from the minimum glazing standards.

A. At least 30% of the length of the first-floor primary building wall shall contain glazed area. For buildings located on a corner, the first-floor secondary street façade shall be at least 15% windows.

B. Multi-story buildings shall be designed with a minimum glazed area of 25% of the surface area of each building wall above the first story. Each upper story building wall shall contain a roughly proportional amount of glazed area as each other story above the ground floor. Windows shall be aligned vertically and horizontally between floors follow the same window rhythm.

C. Glazing shall not extend over more than 75% of a primary secondary building wall.

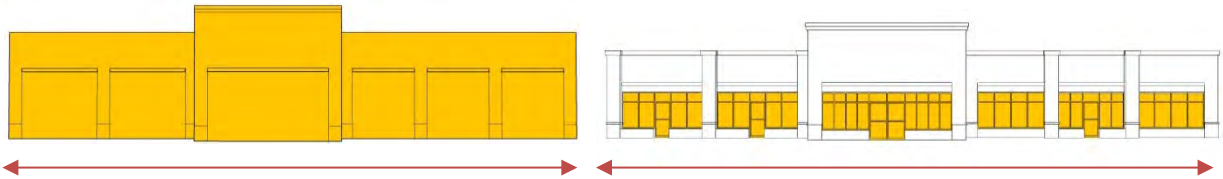
D. Windows shall be inset from the surrounding wall cladding material by a minimum of two (2) inches with the bottom sill a minimum of 12 inches and maximum of 48 inches above grade.

E. Glazed areas shall not be separated by a distance of greater than 20 feet on any portion of a building wall on which glazing is required.

F. Glass that obscures interior visibility may not be used to satisfy the minimum glazing requirement, except false windows may only be used to satisfy the minimum glazing requirement if they mimic true windows, are lit during nighttime business hours, and are not covered with pictures, words or other advertising materials.

G. Windows shall be proportioned so that they emphasize the vertical rather than horizontal dimension of the opening. This may be achieved by either proportioning the window opening so that its height is greater than its width, or, when a horizontal window opening is used, using internal framing that divides the window into vertically proportioned elements. Transom and accent windows, occupying no more than 5% of the building wall on which they are located, may be horizontally oriented.

FIGURE 11.16: WINDOWS AND GLAZING



Primary building wall

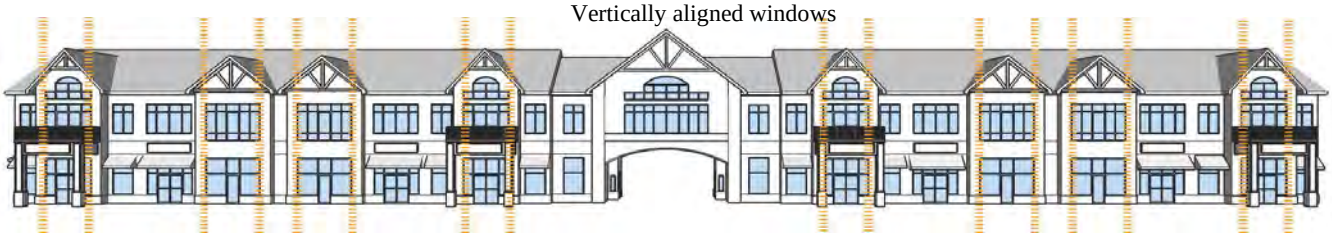
Primary building wall with glazing between 30% and 75%

The illustration above highlights those areas of the building that are counted toward the minimum glazing standards.

Vertically proportioned windows

The illustration above highlights the effective use of vertically proportioned windows. The arched tops emphasize the height of the window and articulate the vertical dimension of the building wall.

Vertically aligned windows



The illustration above demonstrates the vertical alignment of upper and lower story windows on a multi-story building. This repetitive vertical alignment helps to articulate the vertical wall planes.

Adequate window area

Windows covered for interior display

11.3.10. BUILDING ENTRANCES

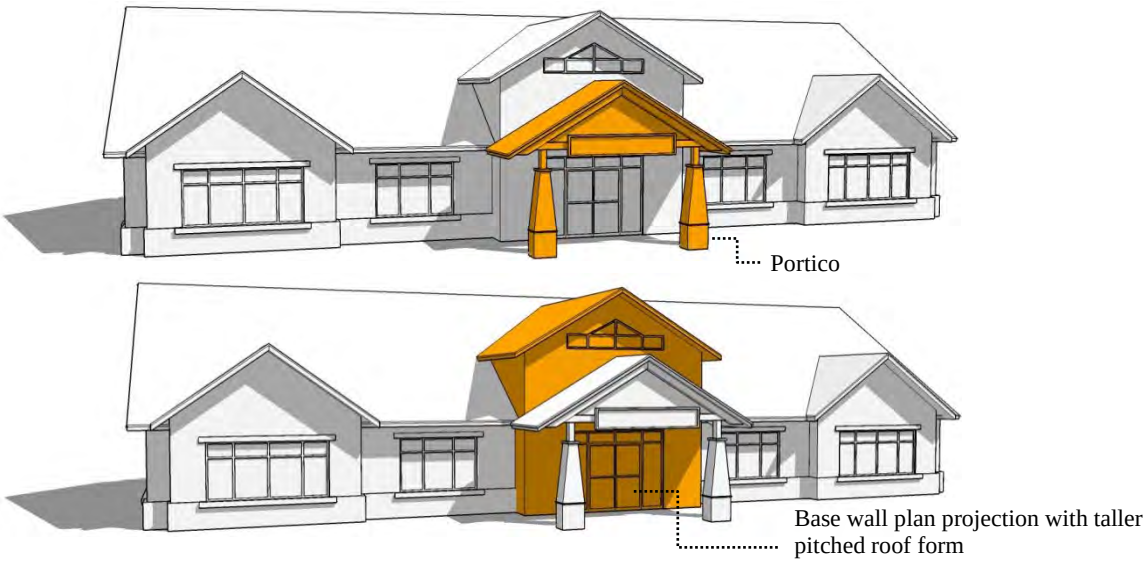
11.3.10.1. The primary entrance(s) to each building or tenant space shall be oriented toward the adjacent public street, or, when located in the interior of a larger development, toward an internal access drive.

11.3.10.2. Buildings with a gross floor area of more than 50,000 square feet shall provide a minimum of two (2) customer entrances on the primary façade which are separated by a minimum distance of 100 linear feet from their outer edges. Industrial building walls are exempt from this requirement.

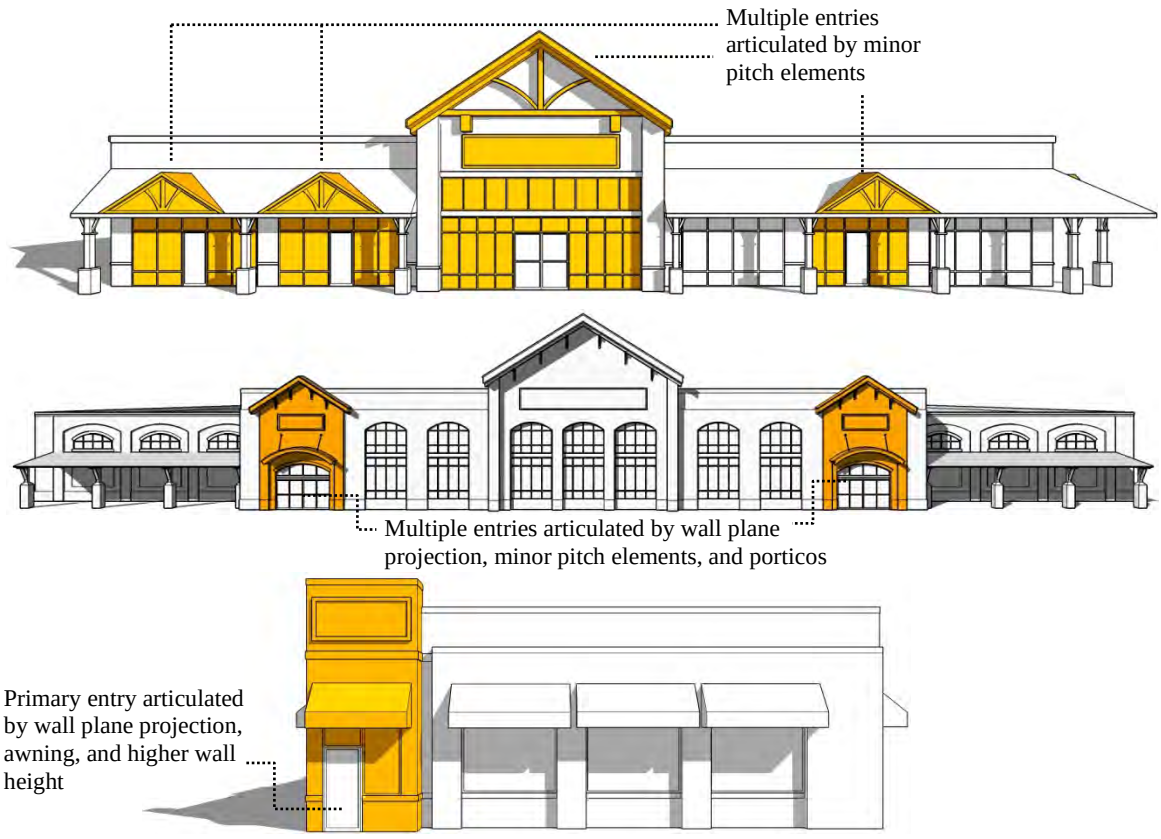
11.3.10.3. Primary customer entrances shall be clearly defined by distinct architectural features. Each primary entrance shall be defined by a minimum of two (2) of the following features:

- Awnings or porticos
- Recesses/projections of the building wall
- Arcades
- Raised corniced parapets over the entry
- Pitched roof forms
- Arched architectural features
- Display windows
- The use of cladding materials around the entrance that are visually distinct from other materials on the building wall.
- Masonry, tile, metal or glass inlays around the entrance.
- Columns or similar vertical features

FIGURE 11.17: BUILDING ENTRANCES



The illustrations above highlight the elements that emphasize the primary entrance into the building. These elements include a portico, projection from the base wall plane, and projecting gable roof forms.



The illustrations above demonstrate the emphasis of building entries for the following building types: multi-tenant retail building; large scale, single-tenant retail building; and restaurant.

11.3.11. AWNINGS

A. Awning material shall be canvas or architectural grade (non-corrugated) metal with a matte, non-reflective finish.

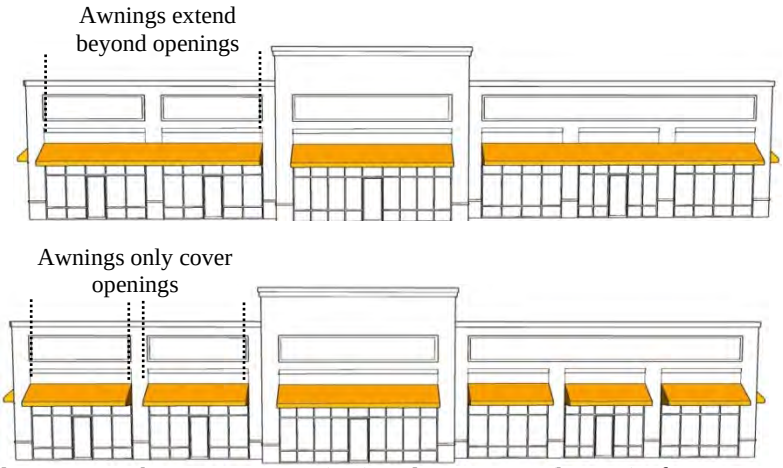
B. Awnings shall not be backlit or outlined with neon, LED or other lighting.

C. Awnings shall be placed at the top of window or doorway openings, and shall not extend beyond such openings.

D. No awning shall extend more than the width of the sidewalk or 10 feet, whichever is less and shall maintain a clear height of at least eight (8) feet above grade.

E. Awnings shall be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case, shall any awning extend beyond the street curb or interfere with street trees or public utilities.

FIGURE 11.18: AWNINGS



The illustrations above demonstrate the improper use (top) and proper use (bottom) of awnings. The awnings on the bottom illustration only cover the window and door openings.

Canvas awnings over window openings

Backlit vinyl awning covering length of building

11.3.12. ORIENTATION & DESIGN OF CERTAIN FEATURES

A. Buildings shall be oriented in a manner that drive-through windows, menu/ordering areas and automobile service bay doors do not face the primary fronting street or major thoroughfare (Highway 73, Highway 49, Main Street, Mount Pleasant Road) when viewed at a point in the street that is directly perpendicular to the center of the primary façade.

No drive-through window or ordering station on front facade

Drive-through ordering station on front facade

Service bays on secondary building wall

Service bays on primary building wall

B. All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps and canopies located in side yards shall be on the side of the principal structure located away from the street intersection. Fuel station canopies shall be supported by brick or stone columns matching the primary material of the principal building. The canopy shall not be back-lit.

Side Yard Canopy with Brick Columns

Front Yard Back-lit Canopy

C. Building walls that contain utility and service areas shall be oriented so that they are not visible from adjacent public streets or internal access drives (except dedicated service drives).

11.3.13. MECHANICAL AND UTILITY EQUIPMENT

A. All building mounted mechanical and utility equipment shall be located on the utility/service façade.

B. Ground level building mounted mechanical and utility equipment shall be screened by walls that are composed of the same cladding material that is used on the building wall adjacent to their mounting location.

C. Mechanical and utility equipment which extends along the vertical wall plane above a height of six (6) feet from grade shall be painted to match the color of the primary material on that building wall.

D. All rooftop mounted mechanical equipment shall be screened or located in a manner that it is not visible from any point along an active building wall.

Screened ground-level equipment

Unscreened ground-level equipment

Screened roof-top equipment

Unscreened roof-top equipment

11.3.14. ACCESSORY BUILDING DESIGN

A. The exterior materials of non-residential accessory buildings shall substantially match the primary and/or secondary materials of the principal structure and surrounding buildings.

B. Accessory structures shall be located in the rear yard and shall not exceed 15 feet or the height of the principal structure, whichever is less.

Materials match principal structure

Materials do not match principal structure

11.4. CENTER CITY (CC) DISTRICT DESIGN STANDARDS

11.4.3. APPLICABILITY

The standards of Section apply to all new buildings in the Center City (CC) zoning district. The standards are intended to maintain Downtown Mount Pleasant's historic character and ensure that infill development is compatible. Accessory structures, or additions, shall be designed and constructed using the same general form and materials of the principal building. Provided that the principal building is architecturally consistent with the character of the Center City (CC) District the accessory structure, or addition, shall be consistent with the principal buildings which characterize the CC District. For the purposes of this Section, building wall types are defined as follows:

11.4.3.1. Primary/Front Façade

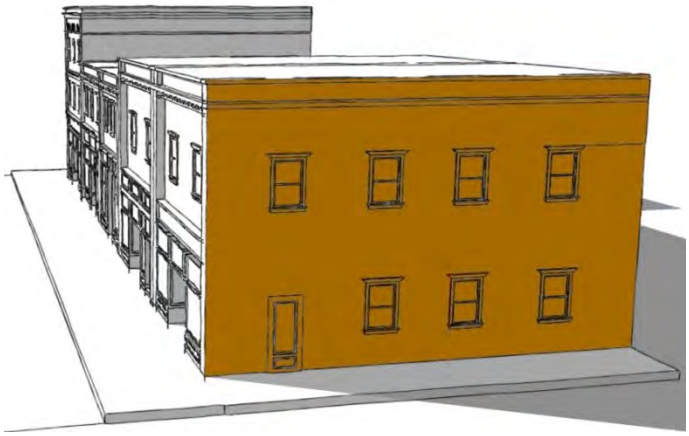
Any building wall plane which is oriented toward a street right-of-way and contains the primary building entrance is the primary or front façade.

FIGURE 11.19: PRIMARY/FRONT FACADE

11.4.3.2. Secondary/Corner Side Facade

Building wall planes that do not contain the primary entrance to the building (but may contain a secondary entrance) and face a secondary street right-of-way on a corner lot.

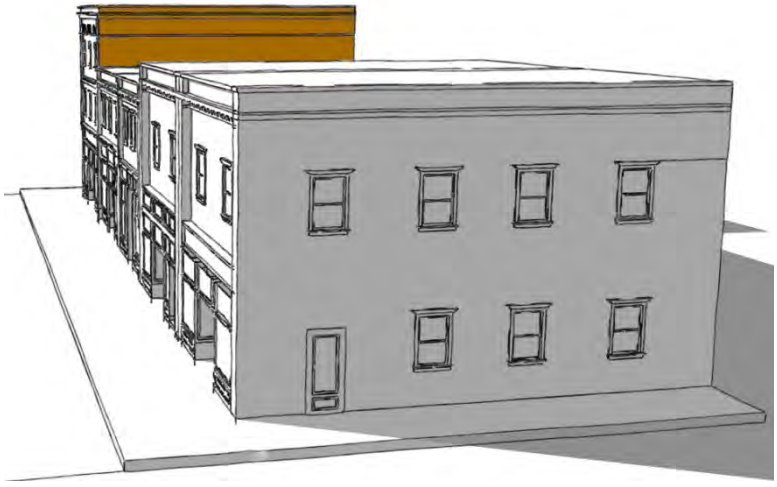
FIGURE 11.20: SECONDARY /CORNER SIDE FACADE



11.4.3.3. Side Interior Façade

Side interior facades are building wall planes that do not face a street right-of-way and are generally perpendicular to the primary/front façade. In a downtown setting, these facades often directly abut the side interior façade of an adjacent structure and do not contain windows or doorways.

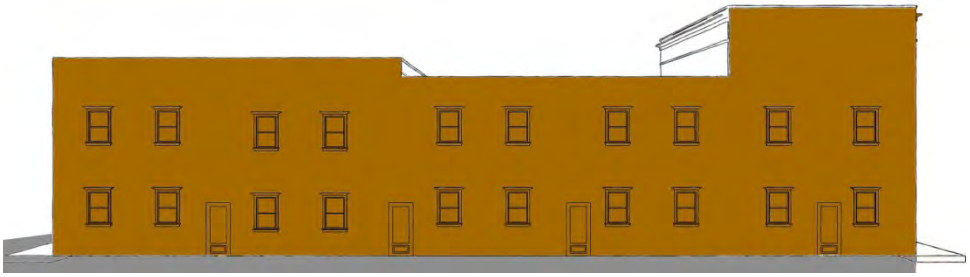
FIGURE 11.21: SIDE INTERIOR FACADE



11.4.3.4. Rear Façade

Building wall planes that face the rear yard and generally parallel to the primary/front façade. In a downtown setting, these facades often face rear alley ways.

FIGURE 11.22: REAR FAÇADE



11.4.4. GUIDELINES FOR NATIONAL REGISTER HISTORIC DISTRICTS: SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The CC district is located within a National Register Historic District. In general, the Secretary of Interior's Standards for Rehabilitation are ***recommended*** when repairing, adding on, or rehabilitating existing buildings in the downtown, especially if the owner of the building wishes to utilize rehabilitation tax credits:

11.4.4.1. Standards for Rehabilitation

A. A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.

E. Distinctive features, finishes, and constructive techniques or examples of craftsmanship that characterize a property shall be preserved.

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

I. New additions, exterior alterations, or related new construction shall not destroy historical materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

11.4.4.2. Maintenance of Historic Features

Property owners should take care to properly maintain and repair historic buildings in a way that will preserve the important architectural features and elements of the building that are consistent with the established architectural pattern of Downtown Mount Pleasant. Some basic guidelines to keep in mind are as follows:

A. Preserve historic entrances by preventing enclosure or relocation. If an entrance requires modification to meet ADA requirements, modification shall occur in a manner that has minimal impact on the location and configuration of the original entrance and meets the NC Building Code standards for rehabilitation.

B. Preserve existing display and transom windows openings. Property owners can achieve restoration of covered or altered window openings by carefully removing cladding or infill material.

C. Transom windows should be retained to add light to the building interior. Repair glass and framing using original style materials. Do not paint or fill in transom windows.

D. Remove any inappropriate cladding that covers historic materials.

E. To prevent deterioration and rusting, property owners should paint, or seal in a proper manner, any wood or metal features, including doors, trim bulkheads and cornices.

F. Property owners should properly maintain and repoint any damaged joints in brick, stone or other material to protect from water infiltration and deterioration.

G. Replace broken glass in display windows, transoms and doors.

H. Use interior storm windows or approved awnings to reduce heat gain and improve energy efficiency.

I. If new framing is required for insulated glass, install it so that the framing matches the exterior profile and material of the existing historic storefront.

J. In order to match the design and material of intact features, the following methods should be employed:

- Look for physical evidence (shadow lines) of missing features.
- Look for evidence of missing features in historic photographs.
- Look for features on similar buildings nearby to replicate.

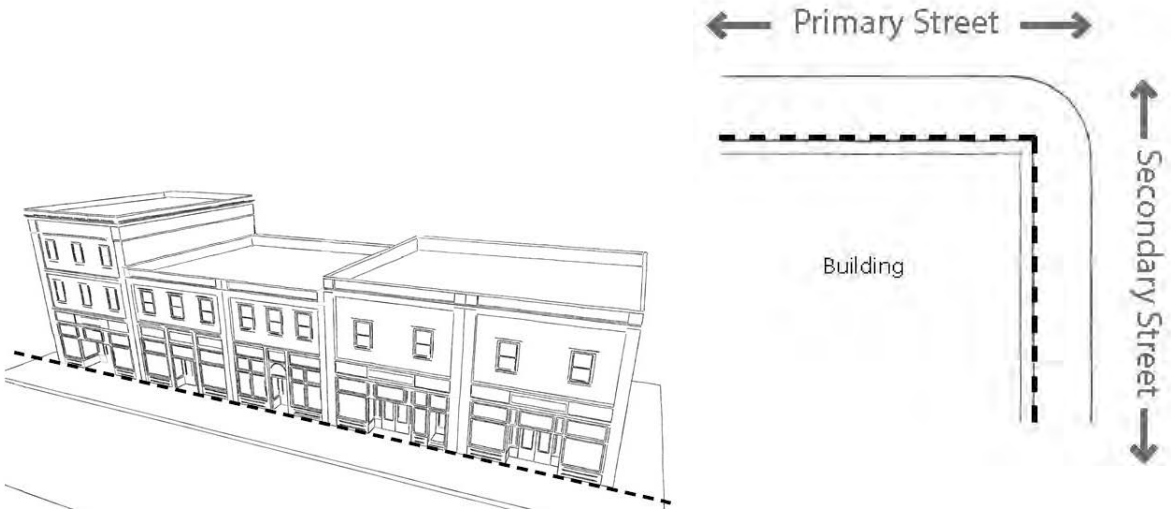
11.4.5. BUILDING ORIENTATION

Building orientation refers to how the structure is placed on a property, with particular focus on the primary façade of the structure.

A. Structures shall be oriented so that their primary façade faces, and is parallel with, the principal street on which they are located.

B. On corner lots both facades shall be oriented so that they face, and are parallel with, the adjoining streets.

FIGURE 11.23: BUILDING ORIENTATION



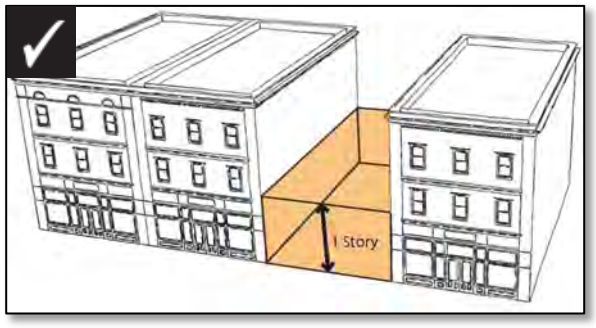
The illustrations above demonstrate the proper orientation of buildings parallel to the primary and secondary streets.

11.4.6. BUILDING HEIGHT

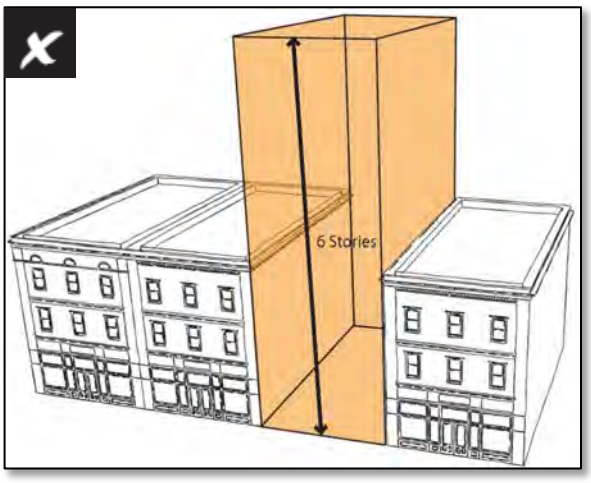
A. The minimum clear interior height of the first story of building, as measured from the finished floor to the bottom of the second story floor plate shall be 12 feet.

B. New buildings shall not be constructed that are more than two (2) stories or 24 feet taller or less than two (2) stories or 24 feet shorter than the average of the other buildings within the same block on the same side of the street within 250 feet.

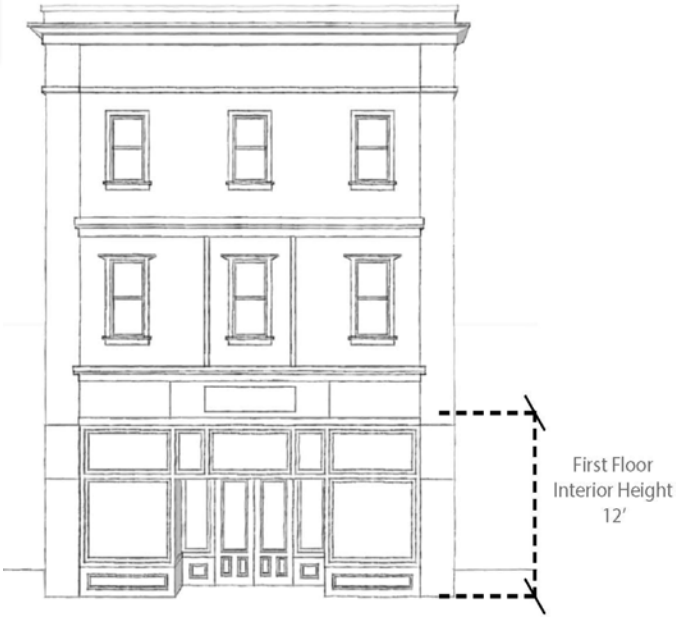
FIGURE 11.24: BUILDING HEIGHT



Not more than 2 stories shorter than adjacent buildings



More than 2 stories taller than adjacent buildings



The illustrations above demonstrate minimum height of the first floor and building heights that are in the correct and incorrect range compared to the scale of the other buildings on the street. Maximum overall building heights for the CC district are set forth in Table 4.7-1.

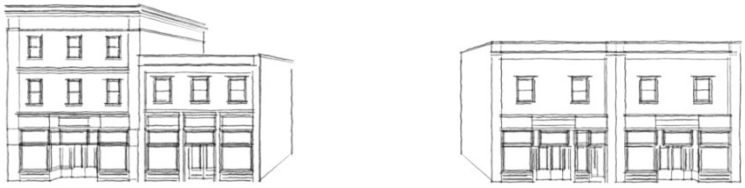
11.4.7. BUILDING MASSING AND SCALE

A building's mass defines its relationship to other structures and the street, as well as contributes to an area's identity. Neighboring buildings of similar size and massing work together to create a pleasing streetscape and provide consistency between adjacent buildings with different designs. A building's scale refers to its perceived size in relation to a person (i.e., human scale) or neighboring structures (i.e., architectural scale). Adjacent buildings sharing human-scaled architectural elements (e.g., windows, doors, porches, vestibules, stoops, awnings at entrance level, other ground-level pedestrian amenities) help establish an inviting, pedestrian-oriented streetscape. The following standards regarding massing and scale shall be met:

A. New construction on lots that are significantly wider than adjacent existing lots shall utilize a design that divides and proportions the building to replicate the massing and scale of adjacent buildings.

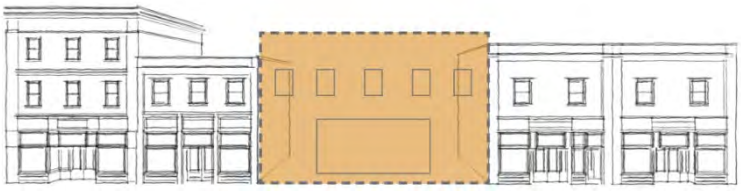
B. Where other buildings within 250 feet on the same side of the street and within the same block occupy the full width of the lot at the front build-to line, the new construction shall occupy the full width of the lot at the build-to line between the side lot lines unless sufficient width exists to provide driveway or pedestrian access to a rear parking area. Such pedestrian access shall be a minimum of six (6) feet wide.

FIGURE 11.25: MASSING AND SCALE



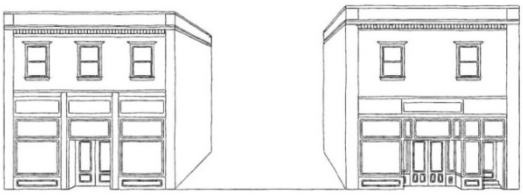
Infill Lot

Acceptable



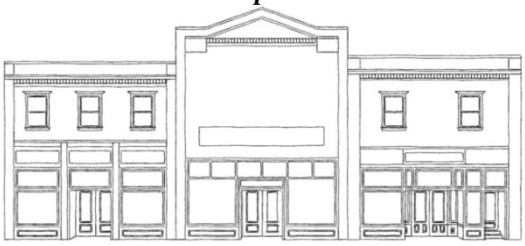
Not Acceptable

The illustrations above demonstrate acceptable and unacceptable building massing in an infill situation.



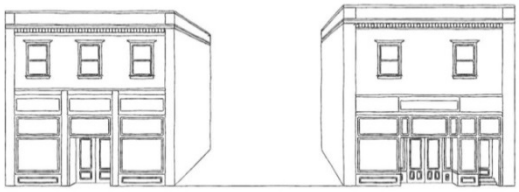
Infill Lot

Acceptable



Not Acceptable-
Taller gabled parapet and lack of second floor windows

The illustrations above demonstrate acceptable and unacceptable architectural scaling in an infill situation.



Infill Lot

Acceptable

Not Acceptable

The illustrations above demonstrate acceptable and unacceptable building width in an infill situation.

11.4.8. BUILDING FAÇADE ARTICULATION

The use of architectural features and detailing on a building facade helps to define the scale and massing of a building. Elements should proportion a structure into a discernible base, middle and top, with an emphasis on accentuating the human scale along the facade of the ground story to create an inviting environment for pedestrians. The following building façade articulation requirements shall apply to all new construction:

A. Architectural features and ornamentation shall be required on all facades of a building facing a public street to provide articulation and define the scale of the building.

B. No primary or secondary/side corner façade shall have a length of wall greater than 10 feet without doors, windows, or horizontal articulation feature are prohibited.

C. Buildings shall be vertically articulated by using a minimum of three (3) of the techniques listed below and depicted in the following Figure:

1. Using different colors of materials along the vertical wall plane, with darker colors used on lower surfaces and lighter colors used on higher surfaces

2. Providing a mid-level cornice

3. Recessing upper stories on multi-story buildings

4. Using stepped parapet walls

5. Providing towers or similar features that extend vertically above the top of the building wall

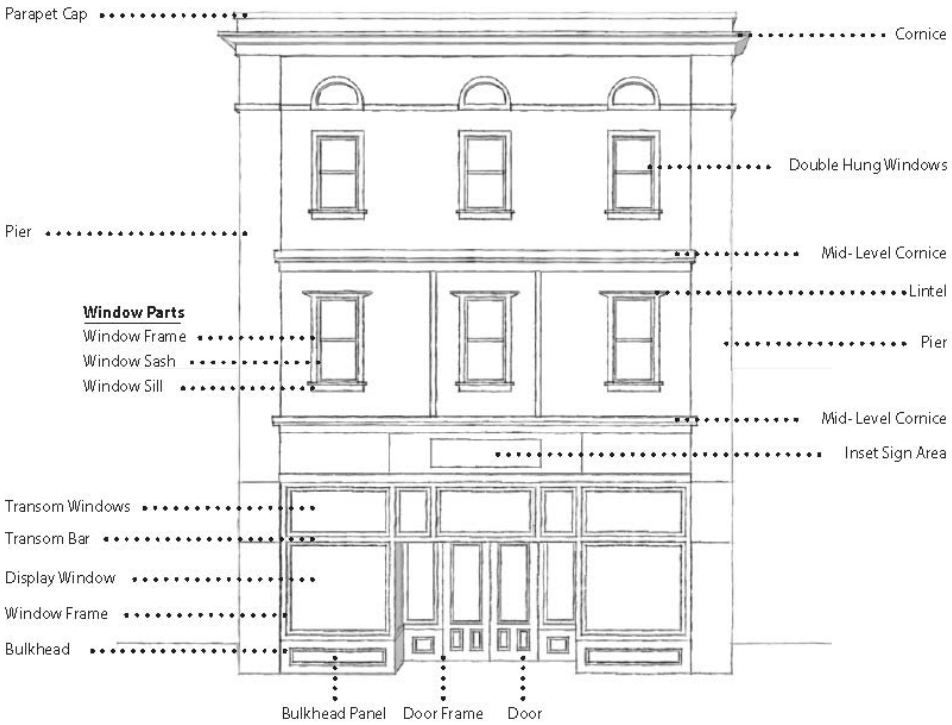
6. Varying the height of different portions of a building

7. Using distinct masonry patterns or inlays that extend vertically along the building wall

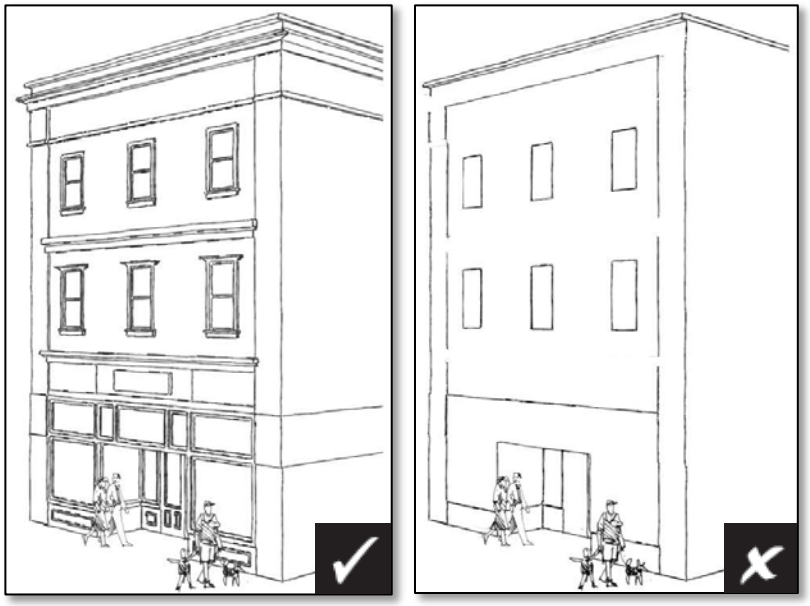
8. Using piers or engaged columns that extend vertically along the building wall

9. Building walls shall be horizontally articulated in a manner that provides visual interest and emphasizes the human scale by using two (2) or more of the below referenced techniques, or by an equally effective method that achieves the stated goal:
   - Awnings
   - Trellises
   - Arcades
   - Transom Windows
   - Decorative masonry patterns
   - Decorative metalwork
   - Decorative inlays of brick, masonry, wood, stone or tile

FIGURE 11.26: FAÇADE ARTICULATION



The diagram above illustrates the different features of a downtown building façade that may be incorporated in to new construction as appropriate.



Articulated facade ***Unarticulated facade***

11.4.9. ROOF FORM

A. The predominant roof form of all other buildings within 250 feet on the same side of the street and within the same block shall be the roof form used for new construction. For flat roofs, parapets walls are required on any façade facing a public street.

B. Parapets walls shall extend a minimum of two (2) feet above the top of the building wall, but shall not extend more than five (5) feet above the main building wall.

C. Parapet wall height for adjoining buildings with the same number of stories shall vary by a minimum of two (2) feet and a maximum of five (5) feet. Stepped or vertically articulated parapet walls may exceed these height limitations within the middle 30% of the building facade, but in no case shall the highest point of a stepped parapet exceed eight (8) feet in height above the main building wall.

D. Exposed gutters and downspouts are prohibited on the primary façade of a building.

E. Gutters, downspouts and scuppers shall be placed so that they are concealed from view from the primary façade or secondary facades that front on a public sidewalk.

FIGURE 11.27: ROOF FORM

The diagrams above illustrate the maximum parapet height (left) and the relationship of adjoining parapet walls and how they come together to form a varied roof line along the block of buildings.

11.4.10. MATERIALS AND COLOR

11.4.10.1. Primary Materials

A. A minimum of 75% of primary and secondary facades shall be clad in architectural quality, individually set, naturally colored brick, granite, limestone, marble or similar slab or block stone are allowed for use on the primary surfaces of exposed building facades.

B. Brick shall be applied in a manner that emphasizes the storefront, window openings, projecting lentils, or corbeling adjacent to and/or as a part of the cornice features, building piers, and other ornamental features.

C. Brick shall be applied in a manner that adds interest to the façade by utilizing masonry techniques that vary the patterns of brick through the use of a variety of brick course patterns and designs.

D. Special attention shall be given to corners to ensure the brick course work is wrapped in a continuous manner along all sides of the building.

E. No more than two (2) styles of brick may be utilized on a facade.

F. Where there are multiple exposed facades facing public streets, the same course patterns, brick styles and other characteristics shall be applied equally to each facade.

G. Rear facades may be designed without any architectural detailing, but shall use the primary building materials.

11.4.10.2. Secondary Materials

Treated wood, stacked stone, exterior quality tile, stucco or EIFS, cast or preformed concrete and architectural grade metal may be utilized on building surfaces where the primary cladding materials are not applied, provided that such materials (excluding glazed areas) do not exceed 25% of the surface area of the façade.

Brick façade with formed concrete accents

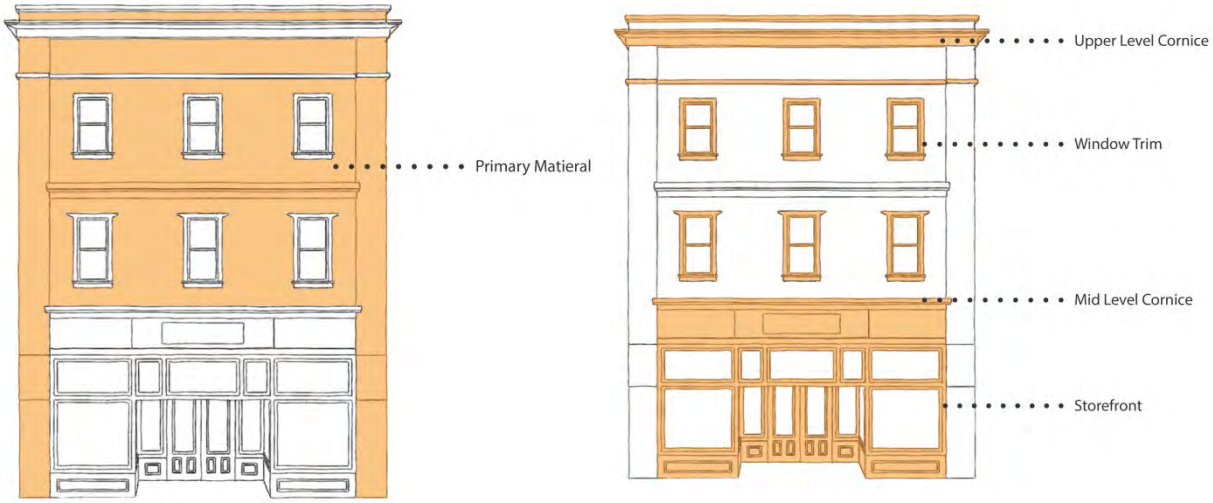
Stucco/EIFS facade

11.4.10.3. Lintels
If exposed lintels are used in construction, they shall be made of stone or brick, and shall project a minimum of three (3) inches from the surface of the building.

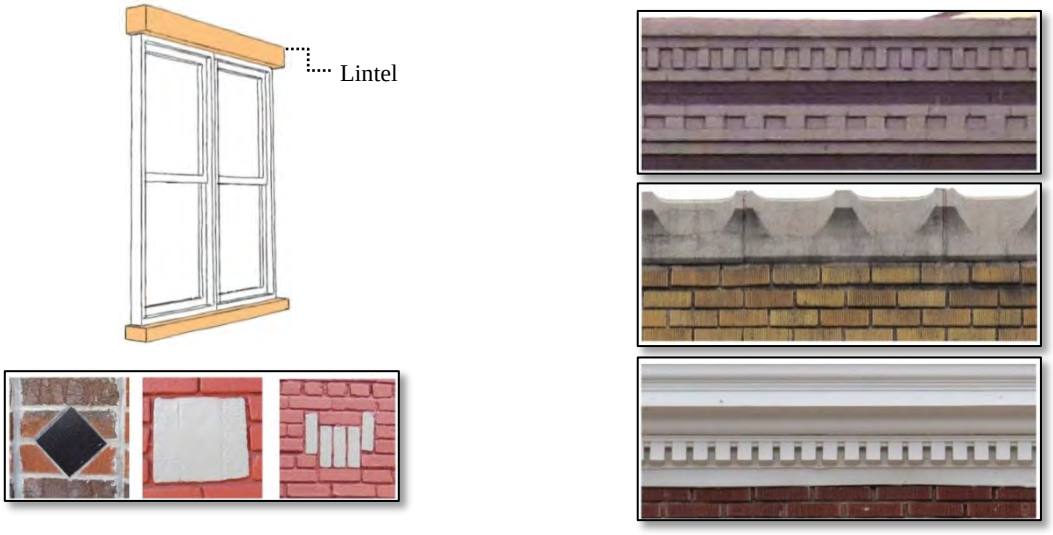
11.4.10.4. Cornices
Upper story and mid-level cornices may be included on the primary building façade. Cornices shall be constructed of brick, architectural grade metal or cast concrete.

11.4.10.5. Inlays
The primary building surface may include decorative inlays that do not total more than 10% of the primary façade surface area. If used, inlay materials shall include, tile, natural stone, decorative glass, or similar materials.

FIGURE 11.28: EXTERIOR MATERIALS



The illustrations above depict appropriate primary (left) and secondary (right) material locations on an example building.



The figures above show examples of lintels (top left), inlays (bottom left), and cornices (right). The example cornices are (top to bottom) brick, cast concrete, and metal.

11.4.10.6. Color

A. Brick and stone shall be unpainted and naturally colored. Brick may only be painted to maintain the historic integrity of existing buildings.

B. Where existing brick buildings have been painted, the primary surfaces of the buildings may only be repainted with low reflectance, earth tone, muted, subtle, and neutral colors. The use of, fluorescent, or neon colors is not permitted except for murals as set forth in the subsection below.

C. The following regulations shall apply to the painting of murals upon exterior walls of any building within the CC district. The issuance of a Zoning Permit shall be required prior to the painting of a mural to ensure compliance with these regulations.

1. In that the buildings located within the CC zoning district are primarily located within a National Register Historic District, previously unpainted exterior walls within the CC district shall not be painted with a mural, unless those walls are not part of the original contributing structure.

2. No mural shall be painted on the primary wall/front facade of a building that fronts Main Street or Franklin Street within the CC zoning district.

3. All murals must be maintained in good repair by the owner of the building on which they are painted. Good repair includes no chipped paint, no graffiti defacement, and no excessive fading.

4. No mural shall contain material that is obscene in accordance with NCGS 14-190.1.

D. Secondary materials may be painted.

Brick façade with bright accents

High-intensity colors on whole facade

FIGURE 11.29: BUILDING COLOR

The figure above shows the appropriate use of primary and accent colors on primary and secondary surfaces of the building façade.

11.4.11. STOREFRONT DESIGN

The storefront is the public face of a building and the most prominent feature at the pedestrian scale. A storefront designed to be open and inviting will help to welcome patrons inside, while a storefront that is hardened presents the opposite message. Most storefronts have an abundance of glass, which is a contributing factor in good storefront design since the openness of the glass invites browsing and allows pedestrians to see interior activity. Good storefront design also allows for pedestrians to be able to view the interior of the building from the main portion of the sidewalk. Therefore, excessively recessed storefronts are discouraged since they require a passerby to leave the main sidewalk to see clearly into the storefront. The following storefront design standards requirements shall apply to all new construction and reconstruction of storefronts:

A. Buildings shall be designed so that the majority (greater than 50%) of the width of the storefront wall is located immediately adjacent to the public sidewalk. Storefronts shall run the length of the first-floor facade between the exterior building piers.

B. No more than 20% of the storefront wall may be recessed beyond eight (8) feet from the public sidewalk.

C. Storefront design shall be proportional to that of other buildings within the same block on the same side of the street without being an exact replication of those buildings.

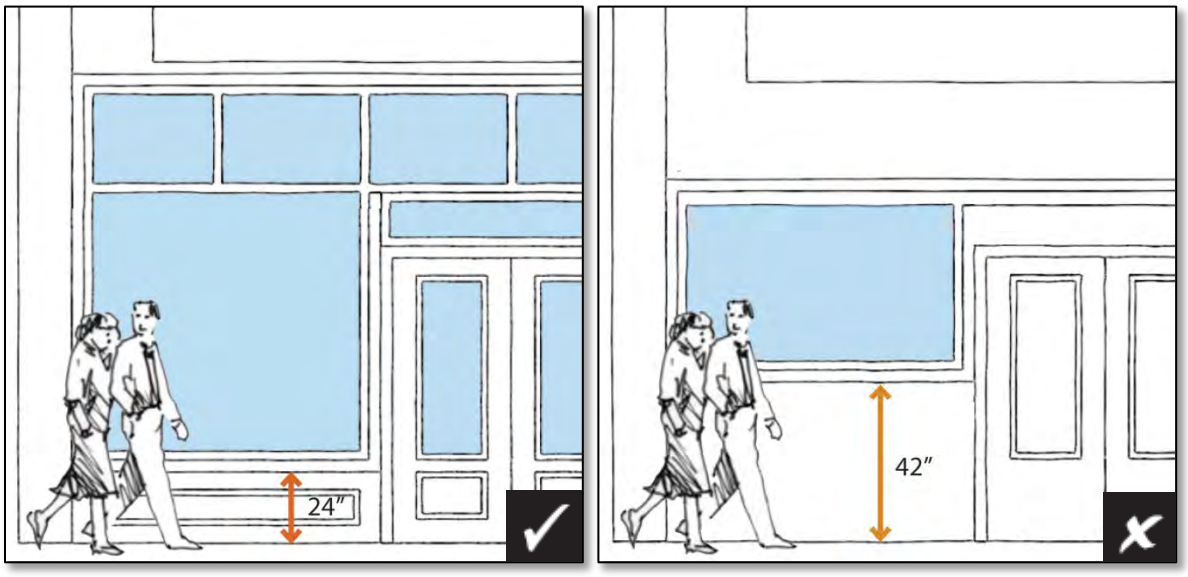
D. Bulkheads should be neither too high, blocking the view of pedestrians, nor too low, so that a completely glass walled storefront is created. Bulkheads shall be constructed along all storefront areas, excluding customer entrances. Bulkheads shall be a minimum of 24 inches and maximum of 36 inches in height. Bulkheads may be constructed of brick, wood, or a combination of those two materials. Bulkheads shall include architectural detailing such as inlays, trim, changes in color or changes in material.

E. A minimum of 70% and maximum of 90% of the surface area of the storefront shall consist of transparent glass between a height of two (2) feet and 10 feet above the grade of the adjacent sidewalk. Glass block does not count toward this requirement.

F. Mirrorized or highly reflective glass is prohibited.

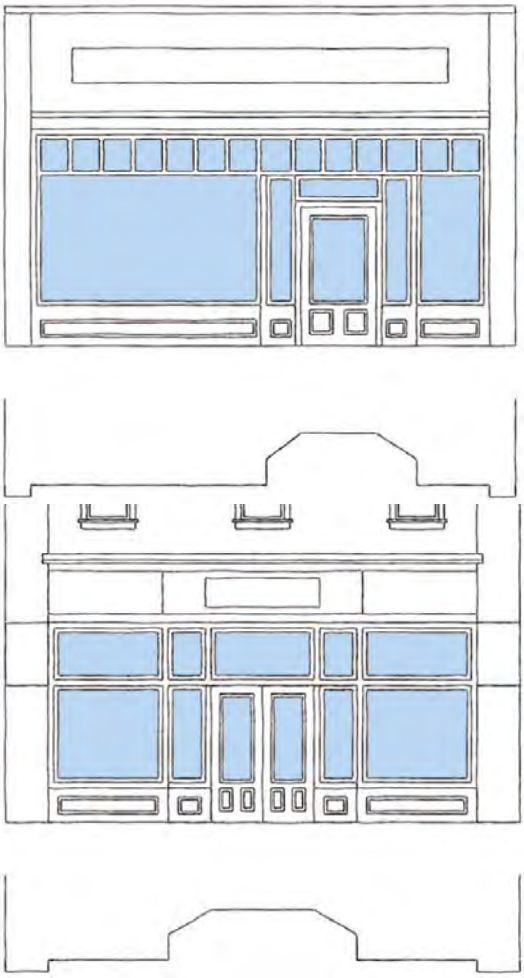
G. Permanent bars, gates, shutters, fencing or other barrier materials are prohibited on the exterior of a primary facade. Security gates may be used after business hours.

FIGURE 11.30: STOREFRONT DESIGN



Properly Sized Bulkhead ***Improperly Sized Bulkhead***

The diagram above illustrates the proper glazing ratio for a storefront design.



These illustrations are examples of acceptable storefront designs that demonstrate diversity of design while still meeting the standards of this section.

11.4.12. UPPER STORY WINDOWS

A. Upper story windows shall have a minimum height to width ratio of two to one (2:1) and a maximum height to width ratio of three to one (3:1).

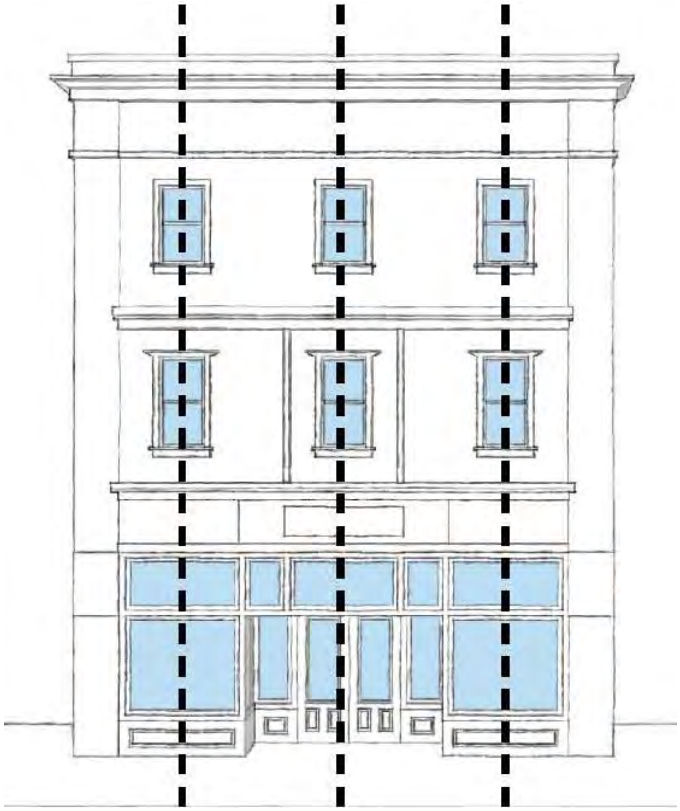
B. Windows shall have the appearance of operable double hung windows.

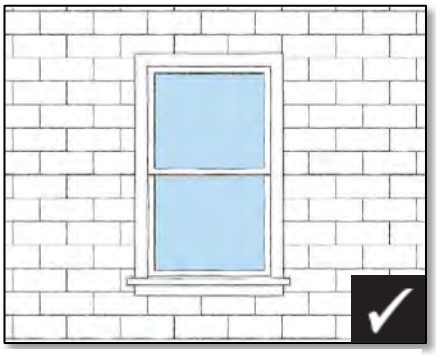
C. Upper story windows should align horizontally with windows on the same story and be centered on windows below.

D. Mirrorized or highly reflective glass is prohibited.

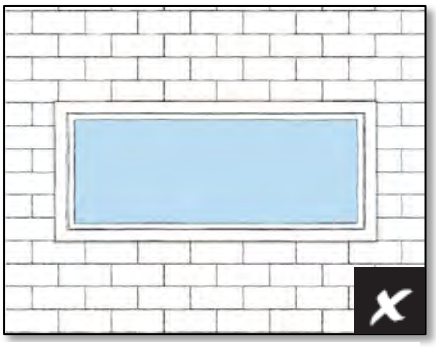
E. A minimum of 30% of the linear width of each upper floor shall contain glazed area.

FIGURE 11.31: UPPER STORY WINDOWS



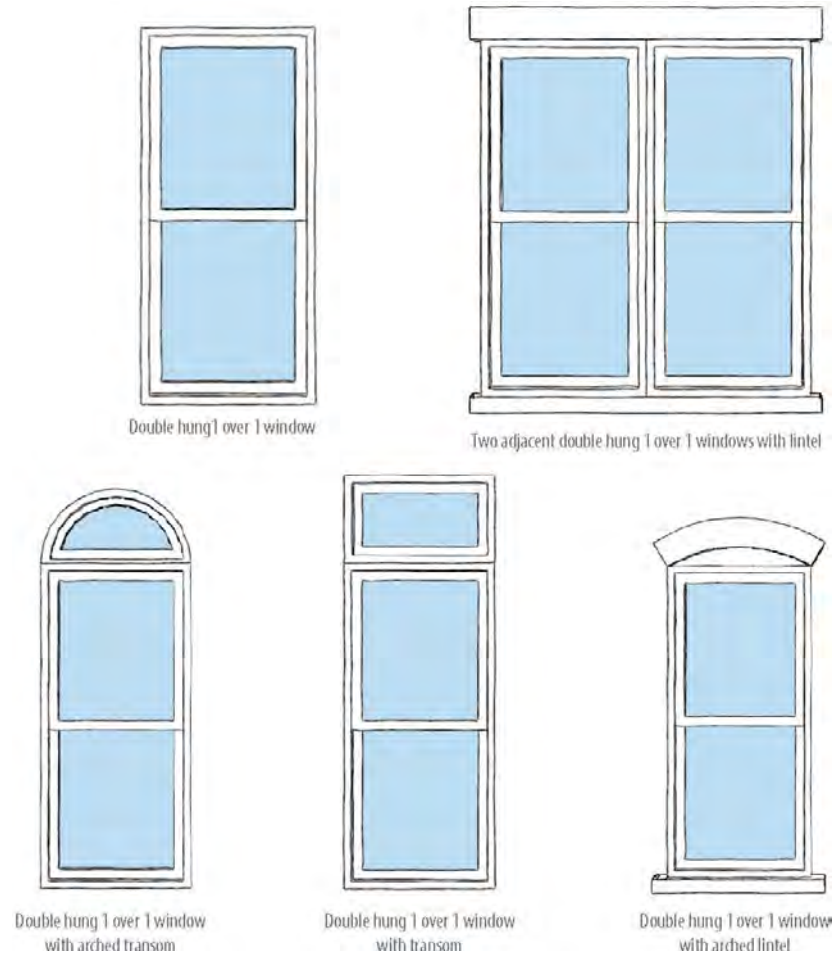


Acceptable Upper Story Window

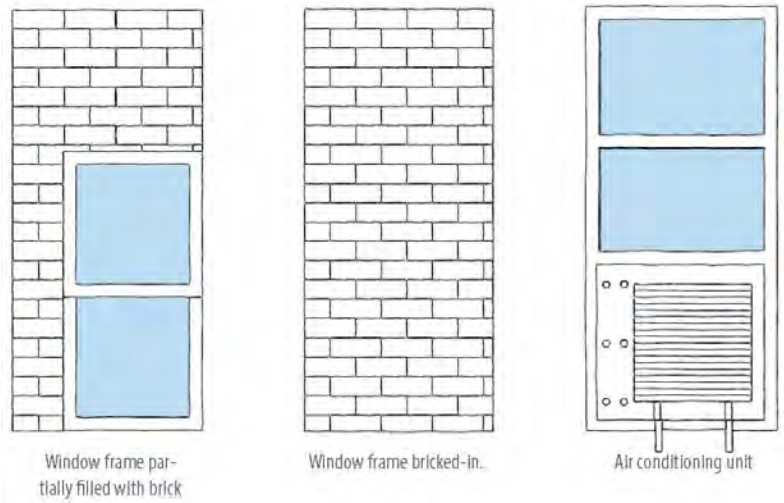


Unacceptable Upper Story

The diagrams above illustrate proper alignment of upper story windows with first floor windows (left) and a properly designed upper story window (right).



ACCEPTABLE: *The illustrations above show examples of acceptable upper story windows.*



NOT ACCEPTABLE: *The illustrations above show examples of unacceptable upper story windows.*

11.4.13. ENTRANCES

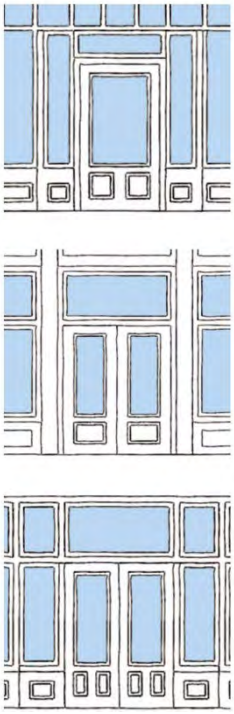
From a pedestrian point of view, doors and entranceways are one of the most obvious and recognizable building features. The door and entranceway is a gateway to building interior and therefore it is important that the entrance be perceived as a cohesive element of the storefront façade and not as a separate entity.

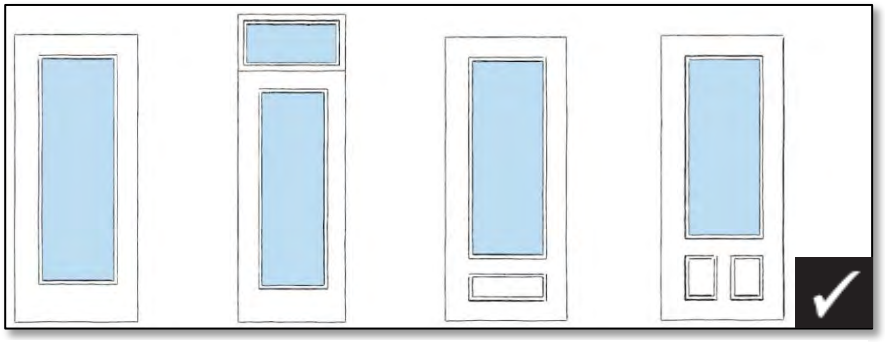
A. Primary entrances of first floor uses shall face the primary street frontage, while secondary entrances may face parking areas or secondary street frontages.

B. On primary and secondary street frontages, the surface area of primary and secondary entrances to first floor uses shall have a minimum glazed area of 70%.

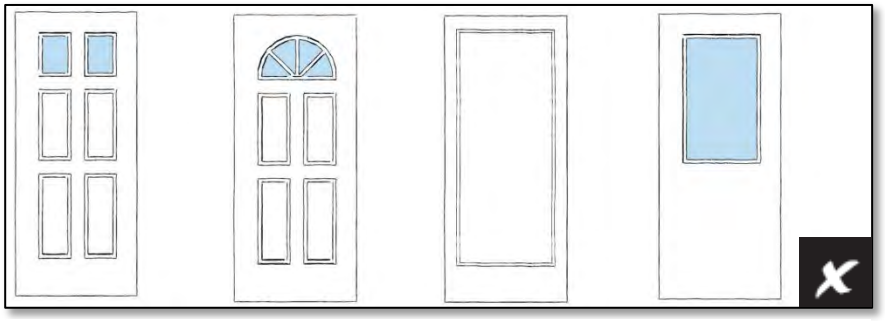
C. Mirrorized or highly reflective glass is prohibited.

FIGURE 11.32: ENTRANCES





Acceptable Entrance Doors



Unacceptable Entrance Doors

The diagrams above illustrate well designed building entrances (left) and a properly designed entrance doors (right).

11.4.14. AWNINGS AND CANOPIES

Awnings and canopies can serve several functions such as stimulating visual interest, protecting pedestrians from weather, and shielding items from sun damage in storefront displays. Awnings are recommended to provide visual interest and protect pedestrians from inclement weather. Awning shall meet the following standards:

A. Awnings shall not extend in width past the storefront area into the building piers. Awning shape shall relate to the window or door opening. Barrel-shaped awnings should be used to complement arched openings while rectangular awnings should be used on rectangular openings.

B. When there are multiple storefronts, awnings/canopies should correspond in size, color, and material. Buildings with multiple storefronts shall use separate awnings for each storefront.

C. Awnings and canopies shall not block architectural features, including transom windows, and shall be attached to the vertical wall and lead to the public entrance.

D. Awnings and canopies may extend up to 80% of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation (NCDOT), or the Town. In no case shall an awning or canopy extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of street lights or street signs.

E. Awnings and canopies shall be at least eight (8) feet above the grade of the sidewalk.

F. Acceptable materials include woven cloth, canvas or architectural metal. Awnings shall be a shade of black or any other accent color that is low reflectance muted, and subtle colors. The use of fluorescent or neon colors is not permitted. Backlighting of awnings is not permitted.

Rectangular awning

Barrel awning

FIGURE 11.33: AWNINGS

The diagram above illustrates the minimum awning depth and clearance.

Acceptable placement ***Unacceptable placement beyond storefront***

11.4.15. LIGHTING

A. Building-mounted lighting may be used to draw attention to window displays, signs, store information and a building's architectural details.

B. Building-mounted lighting shall provide particular focus on the architectural integration of lighting into the overall design of the structure.

C. Lighting shall be directed onto the display or building element not onto the street or adjacent properties.

D. Lighting fixtures shall complement the architectural elements within the existing façade.

E. Framing window displays or other architectural features of the building with neon or tube lighting is not permitted.

F. Lighting shall be in full compliance with all other outdoor lighting provisions, as set forth in Section 11.8.

Neon-framed windows

11.4.16. USES

In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, the first floor (street level) of any new multi-story building shall devote the first floor area to retail, commercial and service uses, as listed in Table 4.6-1. Such buildings shall include said uses along not less than 50% of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.

11.5. SUPPLEMENTAL STANDARDS FOR CAMPUS DEVELOPMENT (CD) DISTRICT

11.5.1. APPLICABILITY

In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the CD District are regulated in accordance with specific standards as listed below.

11.5.2. USE REGULATIONS

A. Retail establishments and commercial service uses (including restaurants; social, recreational, and cultural facilities, and day care facilities) as permitted in Table 4.6-1 shall be subject to the following requirements:

1. No retail or commercial service use or establishment may exceed (or occupy) more than 70,000 square feet of gross leasable floor area.

2. No more than 30% of any property or group of properties may be used for retail or commercial service uses or establishments,

3. No more than 10% of any property or group of properties may be used for retail or commercial service uses or establishments until such time that 20% of said property (or properties) is used for non-retail or non-commercial service uses.

4. Automobile and truck repair and related manufacturing establishments shall be limited exclusively to such activities related to professional auto racing.

5. Utilities substations other than individual transformers shall be screened as set forth in Article 7 Landscaping and Buffering.

B. Structures and uses required for operation of a public utility or performance of a governmental function are permitted, provided no uses involving extensive storage, or with storage as the principal purpose shall be permitted.

11.5.3. DIMENSIONAL REQUIREMENTS

11.5.3.1. Minimum Size

The minimum parcel size for submitting a site plan or subdivision for review in the CD district shall be 20 acres of contiguous property except that the site may include more than one owner and more than one recorded lot provided that the total property equals or exceeds 20 acres and the site plan incorporates the entire project site. Rezonings to the CD district for property less than 20 acres may be requested provided that any proposed site plan will equal 20 acres or more.

11.5.3.2. Exception

Parcels which are less than 20 acres but are at least one (1) acre shall be permitted as a special use provided that any property less than 20 acres shall have been a lot of record at the time of the adoption of this ordinance. In reviewing such requests, the Planning & Zoning Board shall consider the project's relationship to adjacent CD-zoned properties, developed or undeveloped.

11.5.4. SITE DESIGN STANDARDS

A. Sites in CD Districts may be divided by streets, alleys, rights-of-way, or easements, but shall be so located and arranged as to permit a unified design for the overall development

B. Common, accessible open space shall be required for all CD district sites, whether subdivided, or not. The open space shall be pedestrian oriented and include such amenities as park benches, walking trails and gazebos. Parking or vehicular access within these areas shall be prohibited. The open space must comprise at least 20% of the gross project area which may include buffer requirements. No additional open space shall be required for individual building sites within a Campus Development project other than the required buffers and setbacks.

C. Five (5) foot sidewalks shall be included on both sides of all new interior access streets and parking area designs. Sidewalks may be constructed at the time of development or may be phased in over a period of several years as portions of a project are developed.

D. All CD projects shall have access to at least one major or minor thoroughfare or connection to an existing approved site having such access where Site Plan and/or Subdivision approval has been previously granted.

E. All new interior streets shall be built in conformance with Article 10. Where practical, all such roads shall be designed to ultimately connect to adjacent, undeveloped property that is also zoned CD to allow for a connected, continuous street system when the adjacent property develops.

F. All building sites and/or buildings within any Campus Development project shall be accessed on interior streets, not on thoroughfares or collectors. Exception to this provision is offered where a lot of record exists at the time of this amendment.

G. In general, the plan shall provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian, and landscaped common areas providing for maximum comfort and convenience of visitors and employees with a minimum of conflicts with vehicles. More specifically, the following pedestrian design requirements shall apply to all development in the CD District:

1. Individual building sites within CD developments shall include provisions for pedestrian-scale amenities such as benches, picnic tables, courtyards, plazas, water attractions and trash receptacles. These enhancements are essential to creating an efficient and functional environment as well as promoting a "sense of place." Such area(s) may include covered malls for general pedestrian use, exterior walkways, outdoor seating areas, and the like where the facilities are available for common use by employees and visitors. Required open space, buffer areas and setback yards as well as improved deck, patio and roof areas may be used to meet this requirement.

2. All buildings or building clusters within the development shall be connected with linkages other than roads (sidewalks, bikeways and walking paths). Unless topographic or other physical constraints exist, these linkages shall be provided between adjacent sites whether developed or undeveloped. Pedestrian access may be provided at any suitable locations within the district, but shall, where practicable, be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.

3. Loading and maintenance areas shall be so located and arranged as to prevent interference with pedestrian movement within the site. All loading shall be from the rear or side of the building, but not facing a public street.

4. All on-site utilities (electrical, telephone, etc) shall be located underground.

5. Paving materials in pedestrian areas (including crosswalks and sidewalks) shall only include brick, concrete (aggregate exposed finish), concrete pavers, brick pavers and similar materials.

11.5.5. LANDSCAPING BUFFERING AND SCREENING REQUIREMENTS

Developments in the CD district shall comply with the provisions of Article 7 and the following:

A. All CD projects must provide for the installation of a median-type entranceway all entrances on major or minor thoroughfares. The median shall be grassed and suitably landscaped and conform to the design standards of Article 10 and Appendix D.

B. Developments shall utilize existing topography such as hills, ridges and berms to screen parking and maintenance areas to the maximum extent possible.

11.5.6. ARCHITECTURAL STYLE AND APPEARANCE REQUIREMENTS

In addition to the applicable non-residential building design standards of Section 11.3, the design standards of this section shall apply.

A. Building designs in the CD District shall promote a diversity in style while striving to define a distinct character and maintain a high quality development standard. New buildings shall be built sensitive to the scale, form and proportion of other buildings in the same project. A human scale shall be achieved at entrances to all buildings through the creative use of windows, doors, canopies and columns. In the application of provisions of this Section, the Administrator may require the submittal of photographs and/or architectural renderings.

B. Buildings shall include similar architectural styles but should not be identical throughout the development. All sides of an individual building shall be treated in an architecturally similar manner. More specifically, at least two of the following three "unifying elements" must be presented in each building (including accessory buildings and those buildings located on outparcels) and to the greatest extent practical, in other architectural features of the development (walls, fences, signs, etc.):

1. Building Materials. If selected, the dominant material (and its color) must be stated in writing with the Site Plan submittal. Such materials shall apply to at least 30% of each ground mounted signs as well.

2. Colors. If selected, the dominant color or pattern of colors must be stated in writing with the Site Plan submittal. A maximum of three colors may be designated as the unifying element but the maximum number of colors throughout the development are not limited.

3. Architectural Features. If selected, the dominant architectural feature(s) must be stated in writing with the Site Plan submittal. These features include but are not limited to: roof treatment (style, color and material), façade treatments or building form (overhangs, canopies, arcades, protected walkways, entrance treatments).

11.5.7. NONCONFORMING USE PROVISIONS

Existing bona fide farms or agri-businesses in the CD zoning district may be operated on property so designated by Cabarrus County as of the time of the effective date of this ordinance. Such farms or agri-businesses may continue in their current state and with their existing level of activity. Such farms or agri-businesses shall be permitted to expand to the maximum extent permitted under the requirements of this district on the same property or adjacent property (also having the bona fide farm designations). New or expanded agri-business operations on property not having a bona fide farm designation shall not be permitted. Agri-business operations include agricultural products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or

technical support services; and similar activities. Bona-fide farms which cease to qualify as such may return to active farming and may continue as farms as if they had never ceased operating. However, once a bona fide farm ceases to qualify as such, and the property is developed for other non-farm uses permitted in the CD District, it may not be re-established as a bona fide farm.

Table 11.5-1 Design Standards for Campus Development Projects

Minimum District Size	20 acres minimum
Lot Width and Depth	see Section 4.7
Front Setback or Street Side Setback	see Section 4.7
Interior Side Setback	see Section 4.7
Rear Setback	see Section 4.7
Separation between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	20% of total area

11.6. SUPPLEMENTAL STANDARDS FOR LIGHT INDUSTRIAL (I-1) DISTRICT.

11.6.1. APPLICABILITY

In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the I-1 District are regulated in accordance with specific standards as listed below.

11.6.2. CRITERIA.

The following design elements shall be promoted in order to minimize the impacts of industrial development on the surrounding community and to enhance the appearance for industrial development in an I-1 zone:

A. Loading and unloading areas shall not be not visible from any public street. Screening of such areas shall be required in accordance with Article 7. If such areas face a parcel which is zoned or developed residentially, the rear setback shall be increased by 50%.

B. All noises, noxious odors, vibrations, emissions of smoke, dust, or gases shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial areas in conformance with the Industrial Performance Standards of this Ordinance.

11.6.3. RETAIL OPERATIONS IN I-1 ZONE

This section shall allow for the retail sale of items or products manufactured by the primary use subject to the limitation that retail operations may not exceed 20% of the gross floor area of the site. Standards of off-street parking shall apply to the retail use and the industrial use as set forth in Article 8.

11.6.4. BUILDING DESIGN

In addition to these standards, new buildings and additions of greater than 20% in the I-1 district shall meet the Non-residential design standards of Section 11.3, except as exempted within that Section.

11.7. OUTDOOR STORAGE, SOLID WASTE, AND SCREENING

11.7.1. RESIDENTIAL DISTRICTS

A. In the RE, RL, RM, and RH districts, open storage of junk, salvage or equipment including but not limited to scrap metal, used boxes, or crates, used appliances, salvaged furniture or glassware, salvaged automobiles or parts shall be prohibited. The provisions of this Section shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in Section 13.1 of this Ordinance, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein.

B. Open storage of materials for non-residential uses within a residential zoning district shall conform to the standards of Section 11.7.2 Non-residential Zoning Districts.

11.7.2. NONRESIDENTIAL ZONING DISTRICTS

11.7.2.1. General Provisions

In the AG, CC, C-1, C-2, CD, I-1 and I-2 districts, outdoor storage areas shall comply with the following, except as allowed under Sections 11.7.2.2-11.7.2.4.

A. Outdoor storage areas shall be prohibited within 50 feet of any public street right-of-way and within 500 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts.

B. Outdoor storage areas shall be screened shall by a Type C bufferyard in accordance with the Article 7 of this Ordinance. This provision shall not apply to Junk/Salvage Yards (see Section 5.13).

C. Except for integral units (see Definitions, Appendix A), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 4.7-1 for the zoning district within which the item is located.

D. No open storage area shall be maintained in the required front yard area, except that allowed by Sections 11.7.2.3 and 11.7.2.4.

E. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient materials to screen outdoor storage areas or operations.

F. The provisions of this Section 11.7.2 shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in Section 13.1 of this Ordinance, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein this Ordinance.

G. The provisions of this Section 11.7.2 shall not apply to open storage associated with agricultural uses as permitted in Table 4.6-1 of this Ordinance.

11.7.2.2. Solid Waste Storage Areas

A. Solid waste dumpsters or other large containers for solid waste storage shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), should be of solid opaque construction, six foot high with latching gates providing access. The applicant shall indicate on the site plan the choice of materials and color so that the Administrator can determine that they are consistent and compatible with those of the principal building(s) on the site. No solid waste storage area shall be located in any front building yard setback as described in Table 4.7-1 or any street yard or buffer yard as set forth in Article 7.

B. Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.

C. Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff.

D. The provisions of this Section 11.7.2.2 shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

11.7.2.3. Outdoor Storage of Vehicles.

A. For outdoor display of vehicles for sale, see Section 5.8.1 of this Ordinance.

B. For outdoor storage of vehicles in need of major repair, such vehicles shall be located within an area screened from view from a public right-of-way or an adjacent property line. Storage of vehicles in need of minor repair are exempt from the requirements of this section. Minor repair shall include vehicles scheduled for immediate repair and shall be stored on-site for no more than five working days (unless evidence can be provided to the Administrator to indicate circumstances, such as part availability, prevent repair in within the five (5) day period).

11.9. OUTDOOR LIGHTING STANDARDS

11.9.1. PURPOSE

This Section sets forth criteria for the following:

- The provision of lighting in public places where safety and security are concerns.
- The control of glare from non-vehicular light sources that shine into driver's and pedestrian's eyes and thereby impair safe travel.
- The protection of residential areas from nuisance glare and stray light from poorly aimed, placed, shielded or applied light sources.

11.9.2. APPLICABILITY

Outdoor lighting shall be required for safety and personal security in areas of public assembly and travel; including, but not limited to, single family and multifamily dwelling unit developments, commercial, industrial, public recreational, and institutional uses. The glare control requirements contained herein apply to all lighting installations, including residential.

11.9.3. LUMINAIRE DESIGN

A. Luminaires shall be of a type and design appropriate to the lighting application.

B. For area lighting, such as parking lots, full cut-off luminaires shall be used, and lights shall be installed so that they are pointed directly down toward the area to be illuminated.

C. Fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shields, visors, or hoods when necessary to redirect offending light distribution.

11.9.4. CONTROL OF NUISANCE LIGHTING AND GLARE

A. All outdoor lighting, whether or not required by this Ordinance; on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted, and maintained so as not to present a disabling glare hazard to drivers or pedestrians, or a nuisance glare concern to neighboring properties.

B. Directional fixtures such as flood lights, spotlights, and sign lights shall be installed or aimed so that they do not create direct light into the window of a neighboring residence, directly into a roadway, or skyward.

C. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, such control shall be achieved primarily through the use of sharp cut off fixtures, the appropriate application of mounting height, wattage, aiming angle, fixture placement and fixture design, etc. and the additions of shields and baffles as necessary.

D. The amount light trespass onto a residentially used property from an adjoining property shall not exceed 0.1 vertical foot-candles at the property line.

E. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed down rather than by fixtures mounted at the bottom of the sign and aimed up.

F. The lighting of structures with pole mounted floodlights is prohibited, unless required for legitimate safety or security purposes.

11.9.5. INSTALLATION STANDARDS

A. Pole mounted area lighting fixtures shall be a maximum of 30 feet in height, as measured from the base of the pole. This standard does not apply to area lighting for sports fields.

B. Pole mounted area lights shall be wired with underground electric feeds.

C. Lighting standards in parking areas shall be placed a minimum of five (5) feet outside of the paved area, or five (5) feet behind tire stops locations; or on reinforced concrete pedestals at least 30 inches high above the pavement, or by other acceptable protective means.

11.9.6. FIXTURE PLACEMENT FOR NEW DEVELOPMENT

The following are the minimum requirements for placement of lighting fixtures for new development:

A. All entrance roads entering the proposed development and intersecting any public road.

B. All street intersections within the proposed development.

C. All proposed roads within the development which have a minimum 300-foot horizontal curve. In such case, the fixture shall be placed at the apex of the horizontal curve.

D. At all cul-de-sac bulb radii.

E. All terminal ends of center median islands having concrete structure curbing, trees, and/or other fixed objects not having a breakaway design for speeds of 25 m.p.h. or greater.

F. All defined pedestrian crossings shown on the plans located within the development or along existing roads abutting the development when said crossing are located in areas other than lighted intersections.

G. Any existing or proposed signalized intersection abutting a proposed development that does not have street lighting.

H. Fixtures shall be installed at such other locations along proposed streets as to ensure adequate lighting.

ARTICLE 11
DESIGN STANDARDS

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11.1. PURPOSE & APPLICABILITY

11.1.1. PURPOSE

The purpose of this Section is to ensure architectural and design compatibility and the establishment and preservation of architectural character throughout the Mount Pleasant. Enumerated in the sections below are general standards all buildings, multi-family residential buildings, standards for non-residential buildings, standards for buildings in the Center City zoning district.

11.1.2. APPLICABILITY

A. The standards shall apply to all new non-residential and multi-family residential construction and expansions of greater than 25% of the gross floor area of the building within the building type categories shown in Subsection A above.

B. Non-residential building design standards shall not apply to existing residential structures that have a change-of-use to a non-residential use as permitted by this Ordinance.

C. If a nonconforming non-residential building is being expanded by greater than 50%, then the existing portion of the building shall comply with the following standards:

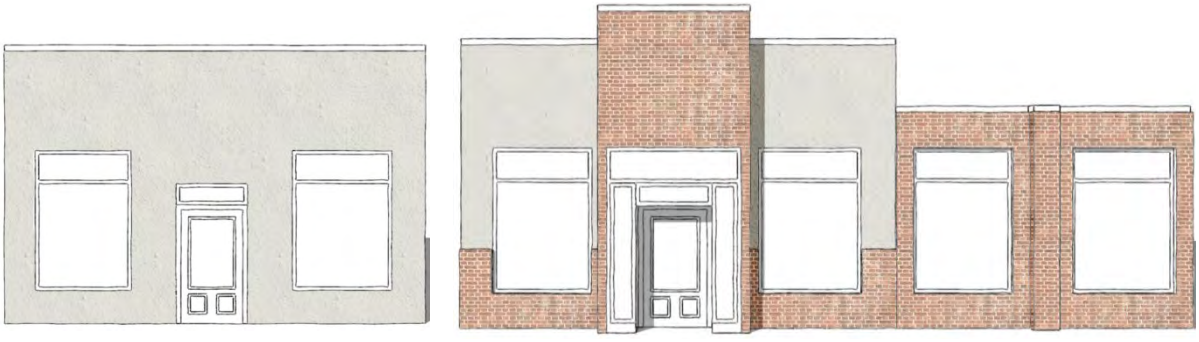
1. The primary building material, as permitted, shall be continued over to 50% of the front façade of the existing building.

2. A minimum of one (1) vertical articulation element listed in Section 11.3.5 shall be incorporated into the front façade.

3. A minimum of one (1) horizontal articulation element listed in Section 11.3.6 shall be incorporated into the front façade.

4. All unscreened mechanical, utility equipment, loading areas, and solid waste receptacles shall be screened per Section 11.3.13.

FIGURE 11.1: EXAMPLE OF BUILDING EXPANSION DESIGN COMPLIANCE



Existing Stucco Building ***Building with greater than 25% addition***

11.1.3. FLEXIBILITY IN ADMINISTRATION

11.1.3.1. Alternative Design Proposals

Because these standards cannot cover every possible scenario that may arise, alternative design proposals may be considered by the Planning & Zoning Board, sitting as the Design Review Board. Such alternative designs may be approved in accordance with the following standards:

A. The proposed project represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations;

B. The proposed project will be compatible with adjoining property;

C. The proposed project is consistent with the intent of this Ordinance and substantially meets the requirements herein; and

D. The proposed project is consistent with adopted plans and policies of the Town.

11.1.3.2. Appeal Of Decision

An aggrieved party may appeal a decision of the Planning & Zoning Board acting as the Design Review Board in writing within 30 days of a decision. All appeals shall be heard by the Town Board of Commissioners acting as Board of Adjustment in accordance with Article 3.7.

11.2. MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

11.2.1. APPLICABILITY

The provisions of this Section apply to multi-family residential developments [five (5) or more dwellings units] or single-family attached residential developments as permitted by Table 4.6-1 of this Ordinance. Single-family detached homes and duplexes on individual lots are exempt from the standards of this Section. For purposes of computing the number of dwelling units to determine applicability of the standards of this Section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed multi-family residential dwellings on any adjacent property under common ownership shall be counted.

11.2.2. WALL MATERIALS

A. Exterior wall materials shall be wood, fiber cement board, brick, stone, vinyl, or similar materials.

B. A minimum of two (2) materials shall be mixed on all facades, and a minimum of 50% of all facades shall be brick, stone, or a material similar in appearance and durability. Brick, stone or similar heavy materials shall be located below lighter materials such as wood or vinyl.

Mostly brick and stone with vinyl accents

All vinyl siding

11.2.3. ROOFS

A. Roof materials shall be asphalt shingles, wood shakes, standing seam metal, slate, tile, or similar materials.

B. Pitched roofs for one-story buildings shall have a slope of between 4:12 and 8:12. Pitched roofs for one-and-a-half (1 ½) or multiple story buildings shall have a slope of between 6:12 and 12:12.

C. Flat roofs shall have a parapet wall with a decorative cap or cornice.

D. Architectural elements such as height variations, gables, dormers, cupolas, towers, and other similar elements shall be incorporated into the roof design at a minimum of every 25 linear feet on all facades.

E. Roofs shall be in scale with the building and shall have an overhang of six (6) inches or more to facilitate proper water run-off.

Proportional roof with variation and overhang

Shallow roof with no variation or side overhang

Flat roof with decorative parapet and variation

Flat roof with no decorative parapet or variation

11.2.4. GARAGES

A. Garages located on the primary/front façade shall have separated doors for each parking bay.

B. Garages are encouraged to be located on alleys or parking courtyards to the rear or interior of the building or building block.

Alley-loaded garages

Front-loaded garages without door separation

11.2.5. FAÇADE ARTICULATION

A. Façade articulation in the form of gables, projections, recesses, and/or porches or balconies of a minimum of three (3) feet in depth shall be located a minimum of every 25 feet along the all facades.

B. Exterior stairs and open circulation corridors shall not be located on the front façade.

Façade articulation with recesses and projections

No façade articulation

Interior stairs and circulation corridors

Exterior stairs and circulation corridors

11.2.6. WINDOWS

A. A minimum of 25% of the primary façade and 20% of all secondary/corner side facades shall be composed of window area.

B. Windows shall follow a regular rhythm and be aligned on and between floors.

Adequate windows with regular rhythm and alignment

Few windows with no regular rhythm and alignment

11.2.7. ACCESS STANDARDS

A. Developments with 40 or more dwelling units should have direct primary access on a major or minor thoroughfare as shown on the *Comprehensive Transportation Plan*. Developments for one hundred 100 dwelling units are encouraged to have two (2) direct entrances onto at least one Major and/or Minor Thoroughfare as shown on the *Comprehensive Transportation Plan*.

B. For developments of forty (40) or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments. Median design shall be in conformity with the standards in Appendix C of this Ordinance.

C. No driveway shall be located closer than fifteen (15) feet to any wall of a residential building.

11.2.8. OFF-STREET PARKING STANDARDS

In addition to the requirements of Article 8, no parking space shall be located in the required setbacks, except for the rear setbacks, and no off-street parking space shall be located closer than ten (10) feet to any residential building wall.

11.2.9. OPEN SPACE

Open space shall be provided in accordance with Section 6.5.

11.2.10. PEDESTRIAN FACILITIES

A. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article 10 of this Ordinance.

B. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets which provide access to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the Town of Mount Pleasant's Public Works Director, Town Engineer, or their designee. Design standards for pedestrian upfits to state-maintained roads shall be subject to review and approval by the Town of Mount Pleasant's Public Works Director, Town Engineer, or their designee and the NC Department of Transportation.

C. A shelter shall be constructed the location(s) (including at the perimeter of a development site) where a publicschool bus(es) pick-up/drop-off of children as established by the Cabarrus County School system. The shelter shall be a constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

11.2.11. DIMENSIONAL AND DENSITY STANDARDS

A. Dimensions and density shall conform to the standards as set forth and described in Section 4.7 and shown on Table 4.7-1 for the appropriate zoning district. Multi-family or single-family attached developments that are allowed (by right or with a Special Use Permit) in non-residential districts shall use the dimensional and density standards of Table 4.7-1 as set forth for the RH district. Where a Watershed Overlay District (Section 4.16) exists, the more restrictive requirements shall apply.

B. The minimum spacing between buildings is 20 feet, plus one (1) foot for each one (1) foot of building height in excess of thirty (30) feet.

C. For developments of 40 or more dwelling units, buildings shall be set back 50 feet from all property lines, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located to the rear of the building.

Table 11.2-1 Multi-family or Single-family Attached Dwelling Projects Dimensional Standards

Lot Size	Not applicable – see "Density".
Density	see Table 4.7-1 (Article 4)*
Lot Width and Depth	see Table 4.7-1 (Article 4)*
Front Setback or Street Side Setback	Developments of less than 40 dwelling units: see Table 4.7-1 (Article 4)* Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	see Table 6.5-1 (Article 6)
Maximum Building Length	150 feet

* Note: Multi-family or Single-family attached developments that are allowed (by right or with a Special Use Permit) in non-residential districts shall use the dimensional and density standards of Table 4.7-1 as set forth for the RH district.

11.2.12. SOLID WASTE AND RECYCLING FACILITIES

Multi-family residential developments or single-family attached residential developments shall be required to provide a container(s) for the collection of solid waste recyclable materials. Such containers shall be subject to approval by the Town's Public Works Director. Such facilities shall be screened in accordance with the requirements of Section 11.7.

11.2.13. UTILITIES AND LIGHTING

A. All utility lines shall be located underground.

B. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi-family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

11.2.14. UNIT OWNERSHIP

Developments in which property is proposed to be conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act. Common areas, parking, landscaping, open space, and driveway facilities shall be under common ownership.

11.3. NON-RESIDENTIAL DESIGN STANDARDS

11.3.1. APPLICABILITY

The Non-residential Design Standards are intended to be used for all non-residential developments located in the C-1, C-2, O-I, CD, I-1, I-2 and PUD zoning districts. All applications for non-residential development shall be reviewed in accordance with the major or minor site plan review process, as applicable.

11.3.2. ARCHITECTURAL COMPATIBILITY AND COHESIVENESS

A. Buildings shall be designed so that each side of the building is architecturally compatible with each other side of the building, unless otherwise exempted by a specific provision of this Section.

B. Where more than one building is being constructed as part of a larger common development plan, each building in that development, including pad sites and out parcels, buildings shall be designed in a manner that fosters a cohesive architectural aesthetic throughout the development. Architectural compatibility within a development may include the use of the following methods:

1. Similar building materials
2. Similarly colored building materials
3. Proportional quantities of building materials on building facades
4. Similar roof forms
5. Similar architectural detailing

C. Additions to existing buildings shall match the materials of the building. If the existing building is constructed of non-conforming materials and the addition is greater than 25% of the gross floor area, then the addition shall incorporate a permitted primary material into the design of the addition and the front façade.

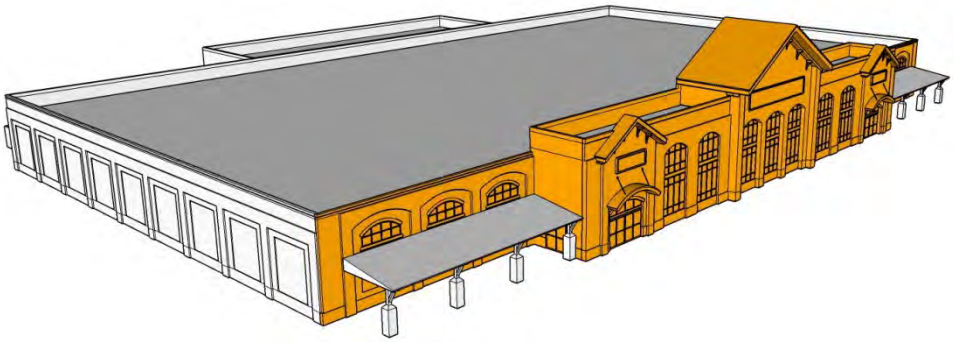
11.3.3. BUILDING WALL TYPES

Different design standards apply to different types of building walls. For the purposes of this Section, building walls shall be divided into the following categories:

11.3.3.1. Primary Building Façade / Primary Building Wall

A primary building façade/wall is any building wall plane which is oriented toward a public street or internal access drive, or which contains the primary building entrance (single-tenant structures) or entrances (multi-tenant structures). Buildings on corners have more than one Primary Building Façade/Primary Building Wall. Primary Building Walls are always active building walls.

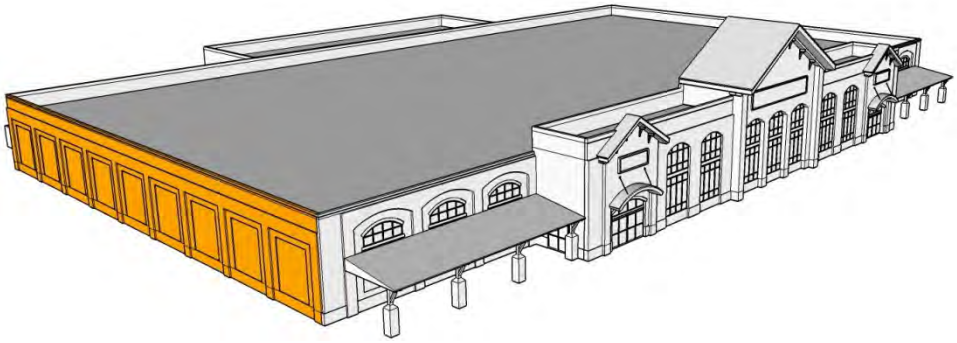
FIGURE 11.6: PRIMARY BUILDING WALL



11.3.3.2. Secondary Building Wall

All building wall planes that are not defined as a Primary Façade / Primary Building Wall or as a Utility / Service Building Wall are Secondary Building Walls. Secondary building walls may be active or inactive depending on location and access to the building.

FIGURE 11.7: SECONDARY BUILDING WALL



11.3.3.3. Active Building Wall

An active building wall is any building wall plane, or portion of a wall plane, whether along a primary or secondary building wall, which:

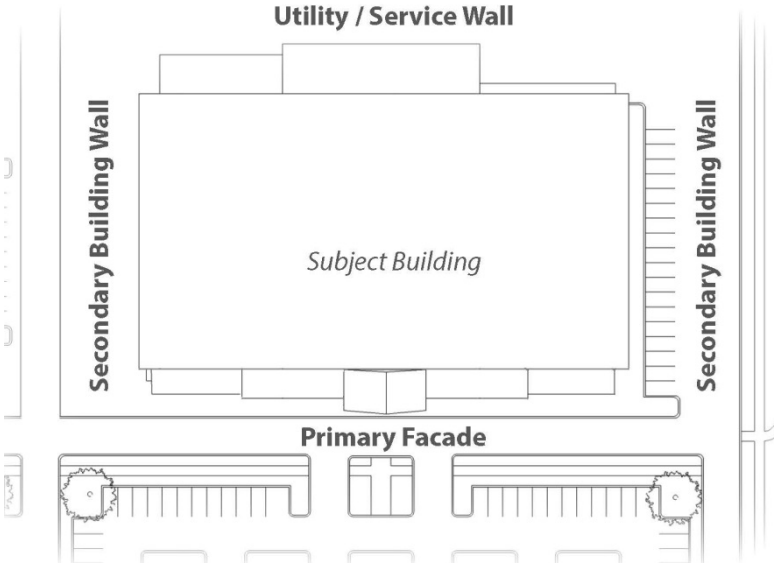
A. Contains a customer entrance;

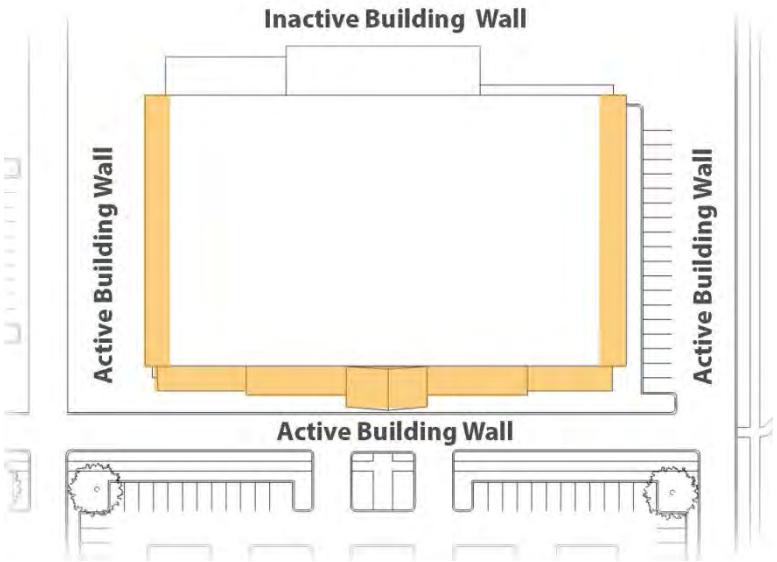
B. Is oriented toward a public street or internal access drive;

C. Is adjacent to a pedestrian walkway; or

D. Is adjacent to a customer parking area

FIGURE 11.8: BUILDING WALL TYPES

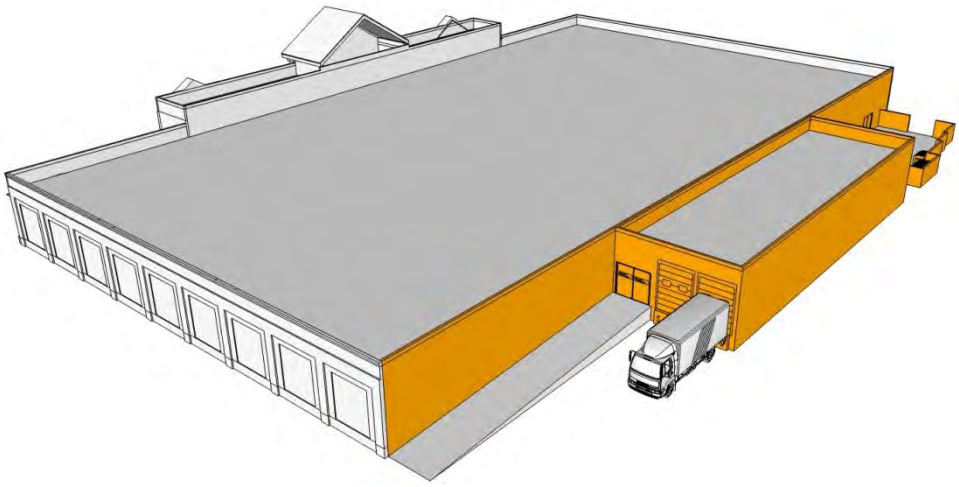




11.3.3.4. Utility/Service Building Walls

A utility/service building wall is the wall plane, or portion thereof, that contains utility and service areas. Utility/service building walls shall not front on the primary street. Any utility/service building walls visible from a major thoroughfare (Highway 73, Highway 49, Main Street, Mount Pleasant Road) shall meet the requirements for a secondary building wall or be screened by a Type D buffer yard per Section 7.4.

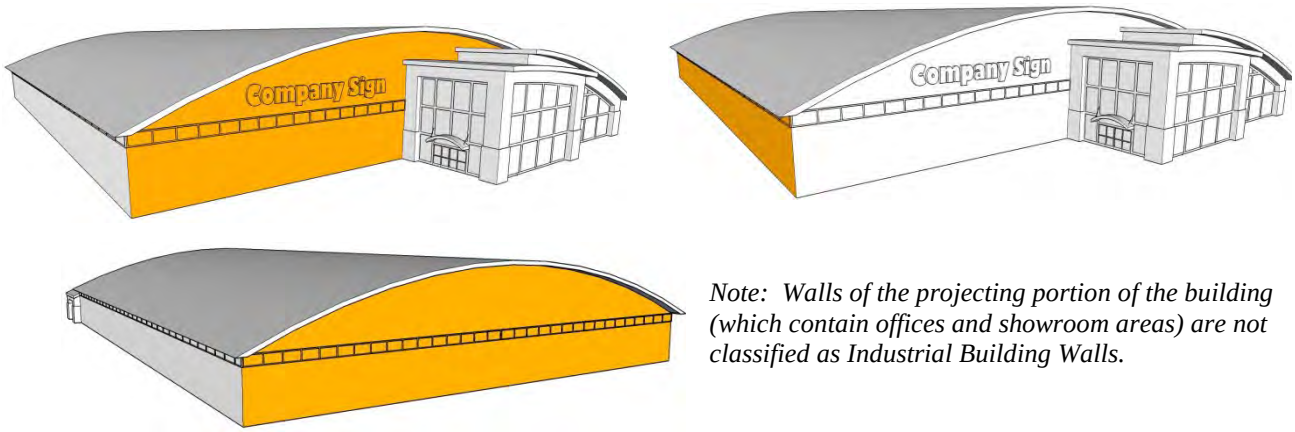
FIGURE 11.9: UTILITY/SERVICE WALL



11.3.3.5. Industrial Building Walls

An Industrial Building Wall includes each wall plane of an industrial, warehousing, or similarly used building, located within the CD, I-1, or I-2 zoning district, which does not contain space used for offices, customer service, retail areas, product display areas or similar nonindustrial spaces. Any industrial building walls located within 250 feet of a major thoroughfare (Highway 73, Highway 49, Main Street, Mount Pleasant Road) shall meet the requirements for a secondary building wall or be screened by a Type D buffer yard per Section 7.4.

FIGURE 11.10: INDUSTRIAL BUILDING WALLS



Note: Walls of the projecting portion of the building (which contain offices and showroom areas) are not classified as Industrial Building Walls.

11.3.4. BUILDING MODULATION

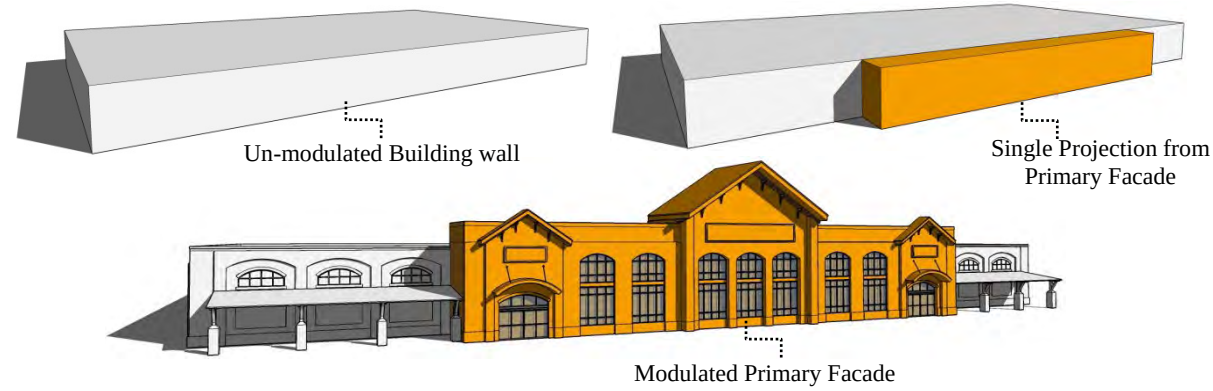
Building modulation is the varying of the footprint of a building by projecting or recessing portions of the façade from the base plane of the building wall. The use of a modulated façade helps to define the most important portion(s) of a building (such as customer entrances), reduces monotony along building walls and helps to distinguish adjacent buildings from each other by encouraging distinctive designs. The following building modulation standards apply to all non-residential buildings of greater than 50 linear feet on the primary façade:

A. Primary building walls shall be modulated through the use of projections or recessions of the building wall from the base wall plane.

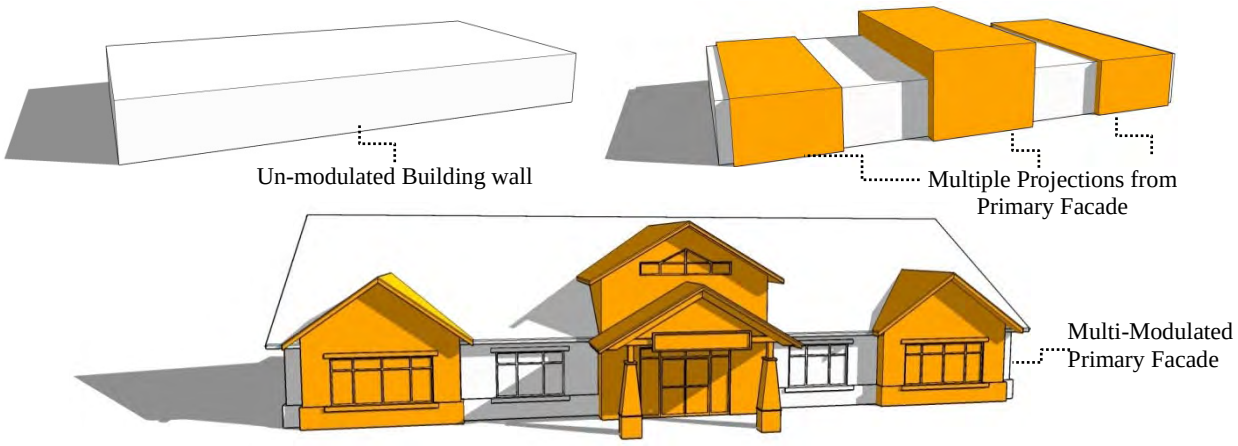
B. Projections or recessions used to meet this requirement shall project or recede from the base wall plane by a minimum of one (1) foot for buildings under 100 feet wide a minimum of three (3) feet for buildings over 100 feet wide.

C. The combined length of the modulating feature(s) shall be a minimum of 35% of the width of the base wall plane.

FIGURE 11.10: BUILDING MODULATION



The illustrations above demonstrate compliance with the building modulation standards through the use of a single projection from the base wall plane.



The illustrations above demonstrate compliance with the building modulation standards through the use of multiple projections from the base wall plane.

11.3.5. VERTICAL ARTICULATION

Vertical articulation is used to give emphasis to the height of a building and to provide relief along the vertical wall plane. Appropriate vertical articulation techniques vary based on the size and height of a building, as well as its architectural style. Vertical articulation shall be provided on each vertical building wall plane as required below. Utility/Service and Industrial building wall types shall be exempt from these standards.

A. The primary and secondary building walls of non-residential Buildings shall be vertically articulated by using a minimum of three (3) of the techniques listed below:

1. Using visually "heavy" building materials, such as stone, on lower surfaces when a "lighter" material is used on higher surfaces. Using larger or more coarsely faced building materials on lower surfaces and smaller or more finely textured materials on higher surfaces

2. Using different colors of materials along the vertical wall plane, with darker colors used on lower surfaces and lighter colors used on higher surfaces

3. Projecting the base of the building outward from the façade to create an architecturally distinct ledge along the base

4. Recessing upper stories on multi-story building

5. On multi-story buildings, using features that project perpendicularly to the building wall to divide the base of the building from upper stories

6. Using a pitched roof form over the entire structure

7. Including minor pitched roof forms on buildings with parapet walls

8. Using stepped parapet walls

9. Providing towers or similar features that extend vertically above the top of the building wall

10. Varying the height of different portions of a building

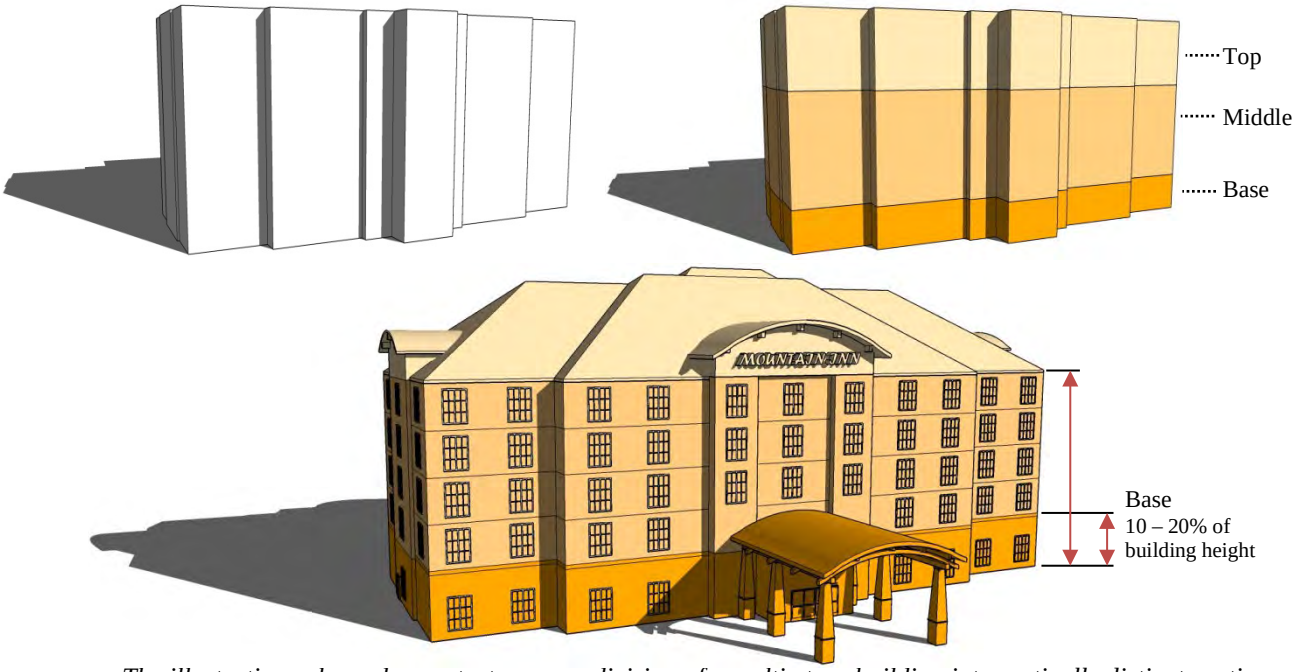
11. Using tall windows, particularly when coupled with an arched frame at the top

12. Using distinct masonry patterns or inlays that extend vertically along the building wall

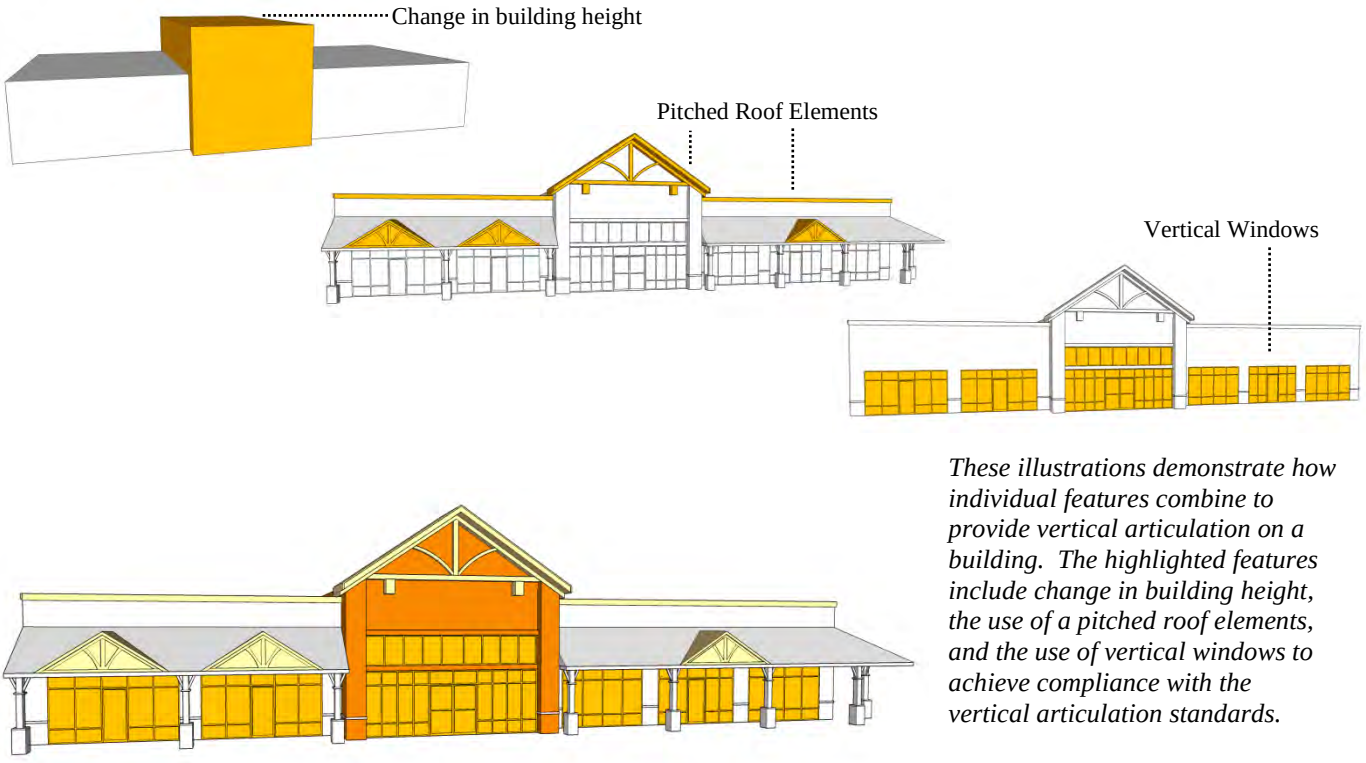
13. Using pilasters or engaged columns that extend vertically along the building wall

B. Buildings that are three (3) or more stories or more than 35 feet above grade shall be designed with a visually distinct base. The base shall extend a minimum of 10% and maximum of 20% of the height of the vertical wall plane from grade.

FIGURE 11.11: VERTICAL ARTICULATION



The illustrations above demonstrate proper division of a multi-story building into vertically distinct portions of the vertical wall plane, including base, body, and top sections.



These illustrations demonstrate how individual features combine to provide vertical articulation on a building. The highlighted features include change in building height, the use of a pitched roof elements, and the use of vertical windows to achieve compliance with the vertical articulation standards.

11.3.6. HORIZONTAL ARTICULATION

Horizontal articulation is used to provide visual interest along the horizontal wall plane and to define the human scale of a building. Appropriate horizontal articulation techniques vary based on the architectural style of a building, as well as its intended use. Utility/Service and Industrial building wall types shall be exempt from these standards.

A. Ground floor primary and secondary building walls shall be articulated in a manner that provides visual interest and emphasizes the human scale by using one (1) or more of the below referenced techniques, or by an equally effective method that achieves the stated goal:

- Awnings
- Trellises
- Arcades
- Recessed openings
- Arbors/Pergolas
- Porticos
- Decorative masonry patterns or inlays
- Decorative metalwork

Awnings

Trellises

Recessed openings and Decorative metalwork

Portico and Pergola

Arcade and Decorative Masonry Patterns

B. A minimum of 75% of the width of the horizontal wall plane of the primary façade(s) shall contain articulating features (see Figure 11.12). More than one feature type may be used to meet this requirement.

C. A minimum of 50% of the width of the horizontal wall plane of secondary building walls shall contain articulating features (see Figure 11.12). More than one feature type may be used to meet this requirement.

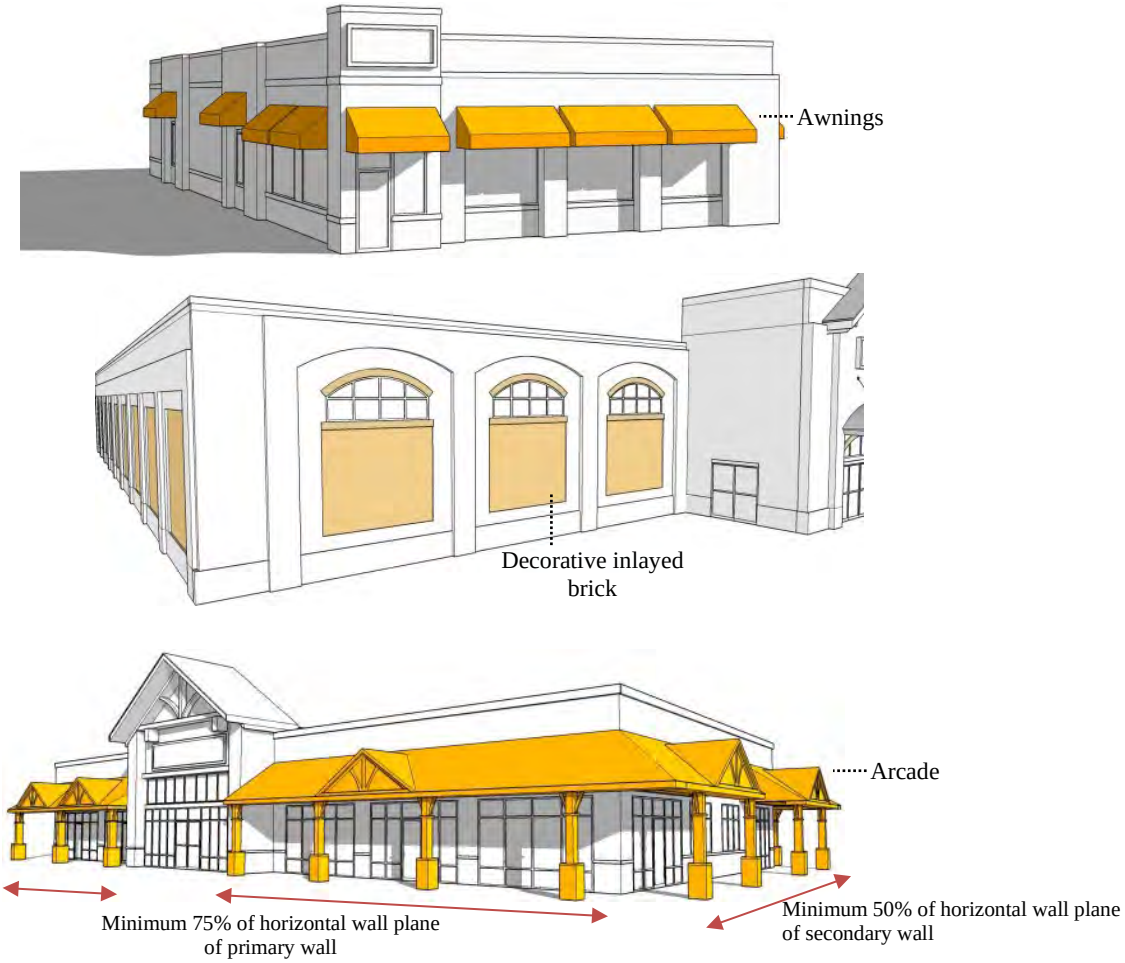
D. Features used to satisfy these requirements shall not be separated by a gap wider than 10 feet between the outer edges of each individual feature.

E. Features used to satisfy this requirement shall be appropriate to the context of the wall on which they are placed. An example of an inappropriate use of an architectural feature would be to place an awning in a location that does not cover a pedestrian walkway or window.

Awnings over windows

Awnings not over windows

FIGURE 11.12: HORIZONTAL ARTICULATION



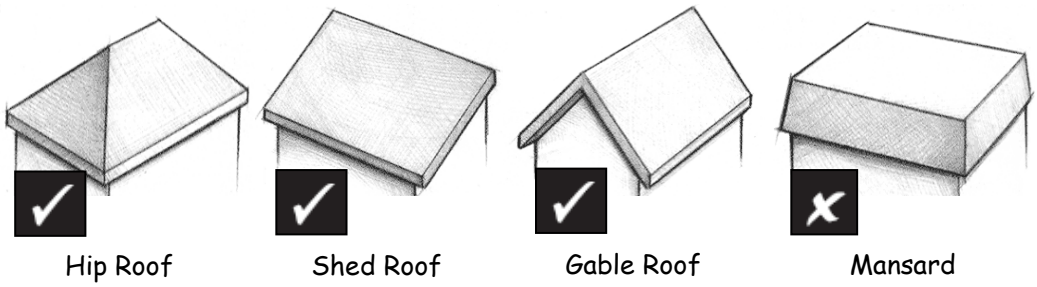
These illustrations demonstrate how individual features provide horizontal articulation on buildings. The highlighted features include awnings (top), decorative inlayed brick (middle), and arcade (bottom). The bottom diagram also illustrates a building that has at least 75% of the primary façade and 50% of the secondary façade with horizontal articulating features.

11.3.7. ROOF FORM

A roof is an integral structural component of the building and should be varied to reinforce the rhythm and scale of the facades. The standards of this section shall apply to roofs of non-residential structures. Industrial building wall types shall be exempt from these standards, except that all roof-mounted mechanical equipment shall be screened in accordance with Section 11.3.13.

A. Pitched roofs shall be simple hip, shed or gable forms. Mansard roofs are prohibited.

FIGURE 11.13: PITCHED ROOF TYPES



B. Pitched roof forms shall utilize eaves which overhang the building wall a minimum of 12 inches.

C. A pitched primary roof form shall have a minimum pitch of 6 inches of vertical rise to each 12 inches of horizontal run (6:12) and a maximum pitch of 12 inches of vertical rise to each 12 inches of horizontal run (12:12). Secondary roof forms shall have a minimum pitch of 4 inches of vertical rise to each 12 inches of horizontal run (4:12).

D. Roof pitches of less than 2:12 and flat roofs shall incorporate a parapet wall along the primary and secondary building walls. An articulated cornice or cap shall be provided along those portions of a parapet wall that are located above a section of a building that projects from the base wall plane. Cornices or caps shall continue around all sides of a parapet wall on which they are required, and may only terminate at an interior building corner or continue at least eight (8) feet around an exterior building corner.

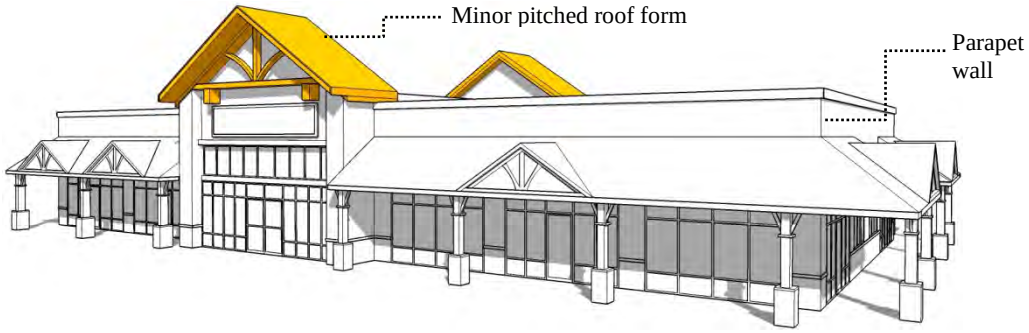
E. Parapet walls on primary facades shall contain at least one (1) change in height of at least one (1) foot a minimum of every 25 feet, through the use of a stepped wall or the inclusion of a minor pitched roof form. Height changes shall align with the modulation of the building wall. Parapet walls may not exceed 10 feet in height at any point along the wall.

Continuous parapet with height changes

Non-continuous false front parapet without height changes

FIGURE 11.14: ROOF FORM

The illustrations above demonstrate proper use of a pitched roof on a modulated building wall. As the illustration shows, the pitched roof form is enhanced with minor pitched roof elements and changes in height that correspond to changes in in the base wall plane.



The illustration above demonstrates the proper inclusion of minor pitched roof forms on a building with a parapet wall.

11.3.8. MATERIALS AND COLOR

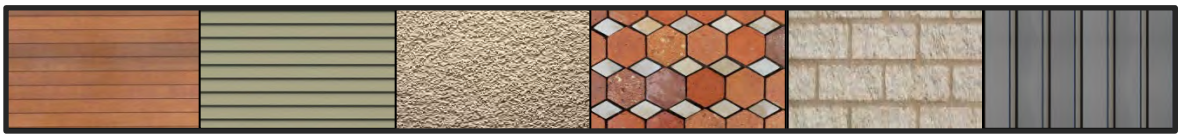
Exterior materials and colors shall meet the standards outlined below.

11.3.8.1. Primary & Secondary Walls

A. Brick, stone or other material similar in appearance and durability shall be used as cladding over a minimum of 75% of the surface area of each primary building wall and 50% of each secondary building wall. Materials that are fabricated to have the same appearance as a primary building material shall be permitted, unless otherwise noted. All other materials not expressly permitted are prohibited.

B. The following accent materials may be used as cladding on up to 25% of the surface area of any primary building wall and 50% of the surface area of any secondary building walls:

- Wood clapboard or fiber cement board horizontal or vertical siding
- Vinyl siding horizontal or vertical siding
- Stucco or Exterior insulation and finishing systems (EIFS)
- Ceramic Tile / Terracotta
- Split-faced concrete block
- Architectural grade metal (shall not exceed 10% of any primary or secondary façade)



Brick facade

Painted concrete block and metal facades

C. Windows and other glazed areas shall be excluded from the calculation of the surface area of a building wall for the purpose of the material proportion standards.

D. Primary and secondary facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. The use of high-intensity, fluorescent, or neon colors is not permitted.

Muted neutral colors

High intensity colors

E. Brick and stone cladding materials may not be painted or otherwise altered in color from their natural appearance.

F. Exposed wooden structural members shall be stained a natural wood color.

11.3.8.2. Utility / Service Walls

In addition to the materials permitted on primary and secondary walls, the following materials may be used on Utility/Service Walls, provided that the materials are either integrally colored or painted to match the color of the materials used to clad the greatest proportion of the surface area of the primary and secondary building walls:

- Stucco or Exterior insulation and finishing systems (EIFS)
- Split-faced concrete block

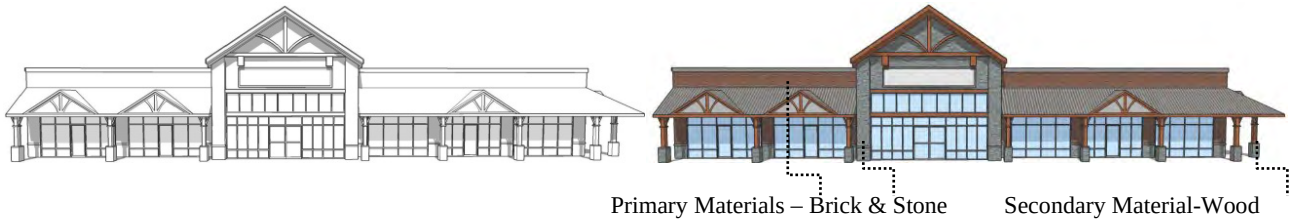
11.3.8.3. Industrial Building Walls

In addition to the materials permitted on primary and secondary walls for non-residential buildings, the following materials may be used on Industrial Building Walls, provided that the materials are either integrally colored or painted to match the color of the materials used to clad the greatest proportion of the surface area of the primary and secondary building walls of office, customer service, and retail portions. However, building walls located within 250 feet of major thoroughfare (Highway 73, Highway 49, Main Street, and Mount Pleasant Road) shall meet the minimum material requirements for a secondary building wall, unless a Type D buffer is installed along the thoroughfare frontage.

- Stucco or Exterior insulation and finishing systems (EIFS)
- Split-faced concrete block
- Architectural grade metal

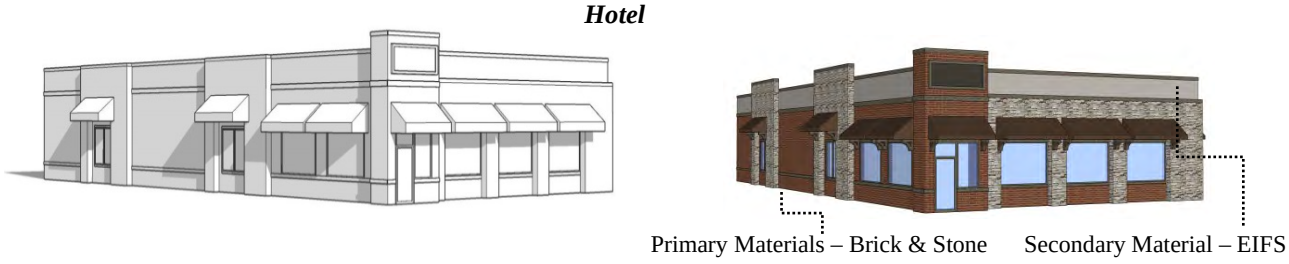
FIGURE 11.15: MATERIALS EXAMPLES

Office Building

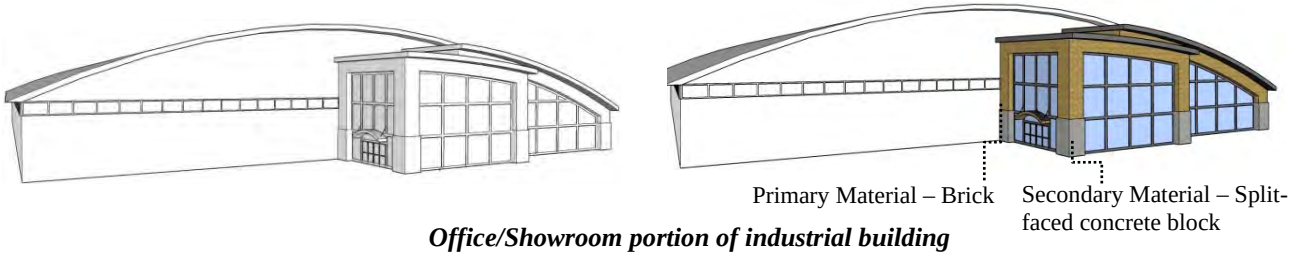


Multi-tenant Retail Building

Hotel



Fast-food restaurant



Office/Showroom portion of industrial building

The illustrations above demonstrate the application of permitted primary and accent cladding materials to the exterior of different building types.

11.3.9. WINDOWS AND GLAZING

The use of glazed (glass) surface areas on a building wall enhances the aesthetic character of the building by adding a transparent contrast to the other cladding materials used on the wall. Transparent surfaces also increase the "activity" of a building wall by making interior spaces visible to the outside, particularly in the vicinity of customer entrances and along building walls that are adjacent to pedestrian walkways. Methods of achieving transparency can include the use of glass doors, windows and curtain walls. The glazing standards of this Section shall be met by all non-residential uses, except that Industrial and Utility/Service building walls and uses listed under the "Institutional and Civic" uses category in Table 4.6-1 are exempt from the minimum glazing standards.

A. At least 30% of the length of the first-floor primary building wall shall contain glazed area. For buildings located on a corner, the first-floor secondary street façade shall be at least 15% windows.

B. Multi-story buildings shall be designed with a minimum glazed area of 25% of the surface area of each building wall above the first story. Each upper story building wall shall contain a roughly proportional amount of glazed area as each other story above the ground floor. Windows shall be aligned vertically and horizontally between floors follow the same window rhythm.

C. Glazing shall not extend over more than 75% of a primary secondary building wall.

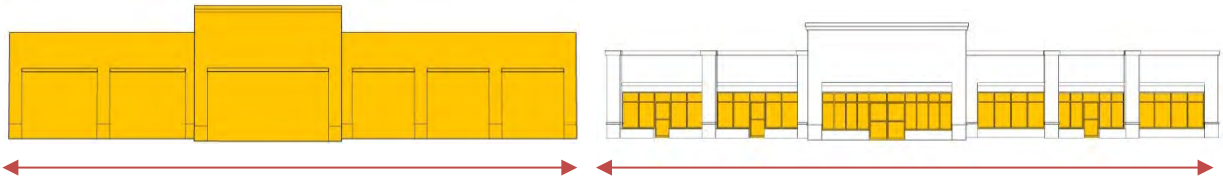
D. Windows shall be inset from the surrounding wall cladding material by a minimum of two (2) inches with the bottom sill a minimum of 12 inches and maximum of 48 inches above grade.

E. Glazed areas shall not be separated by a distance of greater than 20 feet on any portion of a building wall on which glazing is required.

F. Glass that obscures interior visibility may not be used to satisfy the minimum glazing requirement, except false windows may only be used to satisfy the minimum glazing requirement if they mimic true windows, are lit during nighttime business hours, and are not covered with pictures, words or other advertising materials.

G. Windows shall be proportioned so that they emphasize the vertical rather than horizontal dimension of the opening. This may be achieved by either proportioning the window opening so that its height is greater than its width, or, when a horizontal window opening is used, using internal framing that divides the window into vertically proportioned elements. Transom and accent windows, occupying no more than 5% of the building wall on which they are located, may be horizontally oriented.

FIGURE 11.16: WINDOWS AND GLAZING



Primary building wall

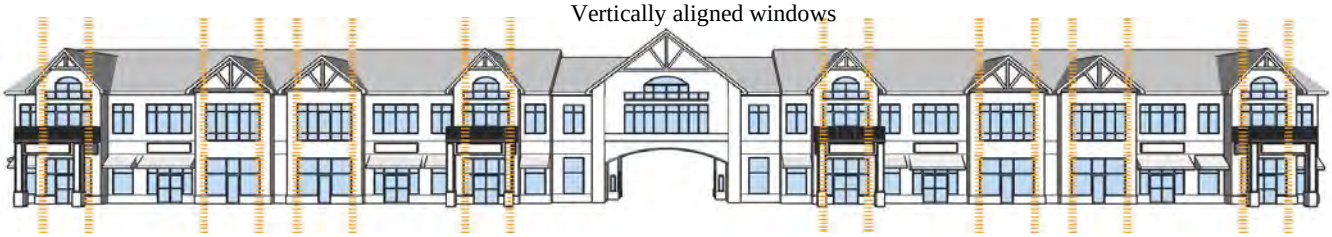
Primary building wall with glazing between 30% and 75%

The illustration above highlights those areas of the building that are counted toward the minimum glazing standards.

Vertically proportioned windows

The illustration above highlights the effective use of vertically proportioned windows. The arched tops emphasize the height of the window and articulate the vertical dimension of the building wall.

Vertically aligned windows



The illustration above demonstrates the vertical alignment of upper and lower story windows on a multi-story building. This repetitive vertical alignment helps to articulate the vertical wall planes.

Adequate window area

Windows covered for interior display

11.3.10. BUILDING ENTRANCES

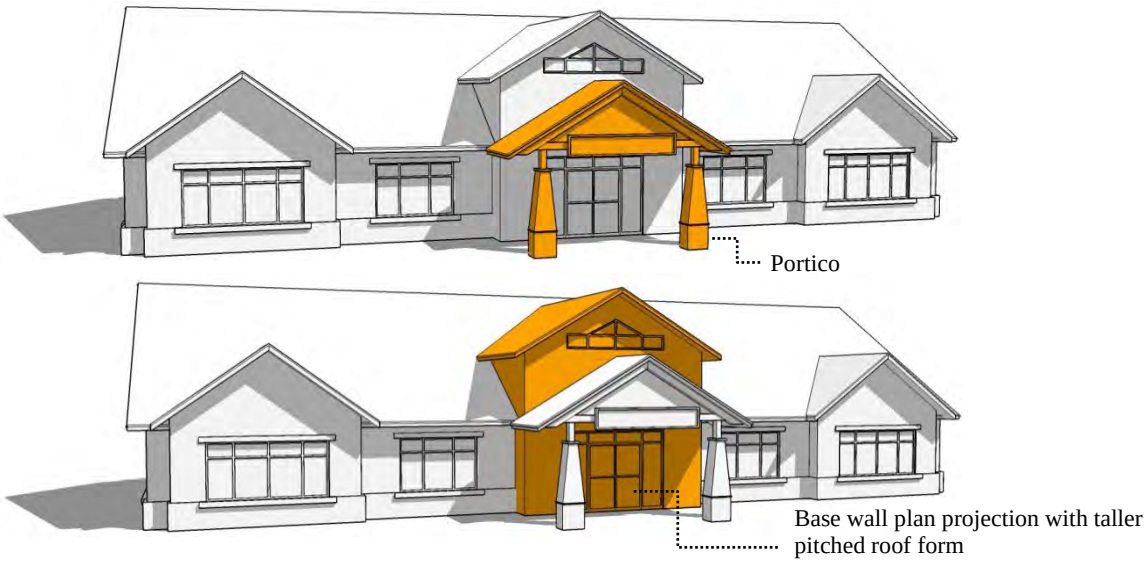
11.3.10.1. The primary entrance(s) to each building or tenant space shall be oriented toward the adjacent public street, or, when located in the interior of a larger development, toward an internal access drive.

11.3.10.2. Buildings with a gross floor area of more than 50,000 square feet shall provide a minimum of two (2) customer entrances on the primary façade which are separated by a minimum distance of 100 linear feet from their outer edges. Industrial building walls are exempt from this requirement.

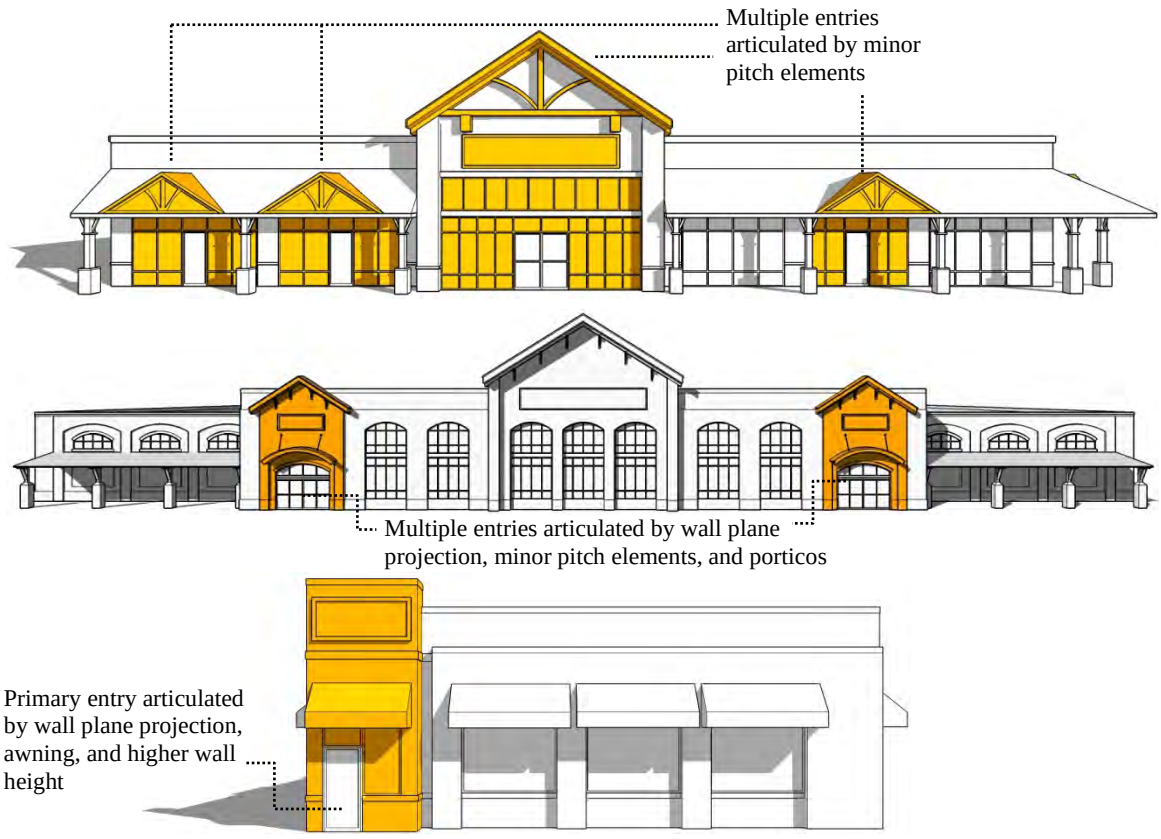
11.3.10.3. Primary customer entrances shall be clearly defined by distinct architectural features. Each primary entrance shall be defined by a minimum of two (2) of the following features:

- Awnings or porticos
- Recesses/projections of the building wall
- Arcades
- Raised corniced parapets over the entry
- Pitched roof forms
- Arched architectural features
- Display windows
- The use of cladding materials around the entrance that are visually distinct from other materials on the building wall.
- Masonry, tile, metal or glass inlays around the entrance.
- Columns or similar vertical features

FIGURE 11.17: BUILDING ENTRANCES



The illustrations above highlight the elements that emphasize the primary entrance into the building. These elements include a portico, projection from the base wall plane, and projecting gable roof forms.



The illustrations above demonstrate the emphasis of building entries for the following building types: multi-tenant retail building; large scale, single-tenant retail building; and restaurant.

11.3.11. AWNINGS

A. Awning material shall be canvas or architectural grade (non-corrugated) metal with a matte, non-reflective finish.

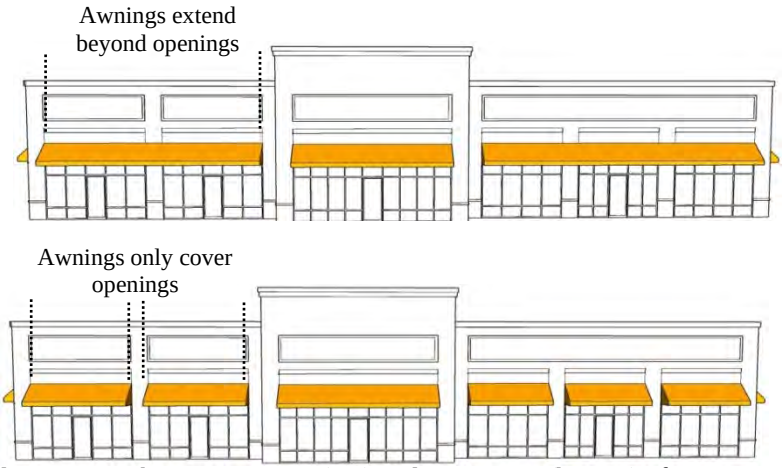
B. Awnings shall not be backlit or outlined with neon, LED or other lighting.

C. Awnings shall be placed at the top of window or doorway openings, and shall not extend beyond such openings.

D. No awning shall extend more than the width of the sidewalk or 10 feet, whichever is less and shall maintain a clear height of at least eight (8) feet above grade.

E. Awnings shall be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case, shall any awning extend beyond the street curb or interfere with street trees or public utilities.

FIGURE 11.18: AWNINGS



The illustrations above demonstrate the improper use (top) and proper use (bottom) of awnings. The awnings on the bottom illustration only cover the window and door openings.

Canvas awnings over window openings

Backlit vinyl awning covering length of building

11.3.12. ORIENTATION & DESIGN OF CERTAIN FEATURES

A. Buildings shall be oriented in a manner that drive-through windows, menu/ordering areas and automobile service bay doors do not face the primary fronting street or major thoroughfare (Highway 73, Highway 49, Main Street, Mount Pleasant Road) when viewed at a point in the street that is directly perpendicular to the center of the primary façade.

No drive-through window or ordering station on front facade

Drive-through ordering station on front facade

Service bays on secondary building wall

Service bays on primary building wall

B. All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps and canopies located in side yards shall be on the side of the principal structure located away from the street intersection. Fuel station canopies shall be supported by brick or stone columns matching the primary material of the principal building. The canopy shall not be back-lit.

Side Yard Canopy with Brick Columns

Front Yard Back-lit Canopy

C. Building walls that contain utility and service areas shall be oriented so that they are not visible from adjacent public streets or internal access drives (except dedicated service drives).

11.3.13. MECHANICAL AND UTILITY EQUIPMENT

A. All building mounted mechanical and utility equipment shall be located on the utility/service façade.

B. Ground level building mounted mechanical and utility equipment shall be screened by walls that are composed of the same cladding material that is used on the building wall adjacent to their mounting location.

C. Mechanical and utility equipment which extends along the vertical wall plane above a height of six (6) feet from grade shall be painted to match the color of the primary material on that building wall.

D. All rooftop mounted mechanical equipment shall be screened or located in a manner that it is not visible from any point along an active building wall.

Screened ground-level equipment

Unscreened ground-level equipment

Screened roof-top equipment

Unscreened roof-top equipment

11.3.14. ACCESSORY BUILDING DESIGN

A. The exterior materials of non-residential accessory buildings shall substantially match the primary and/or secondary materials of the principal structure and surrounding buildings.

B. Accessory structures shall be located in the rear yard and shall not exceed 15 feet or the height of the principal structure, whichever is less.

Materials match principal structure

Materials do not match principal structure

11.4. CENTER CITY (CC) DISTRICT DESIGN STANDARDS

11.4.3. APPLICABILITY

The standards of Section apply to all new buildings in the Center City (CC) zoning district. The standards are intended to maintain Downtown Mount Pleasant's historic character and ensure that infill development is compatible. Accessory structures, or additions, shall be designed and constructed using the same general form and materials of the principal building. Provided that the principal building is architecturally consistent with the character of the Center City (CC) District the accessory structure, or addition, shall be consistent with the principal buildings which characterize the CC District. For the purposes of this Section, building wall types are defined as follows:

11.4.3.1. Primary/Front Façade

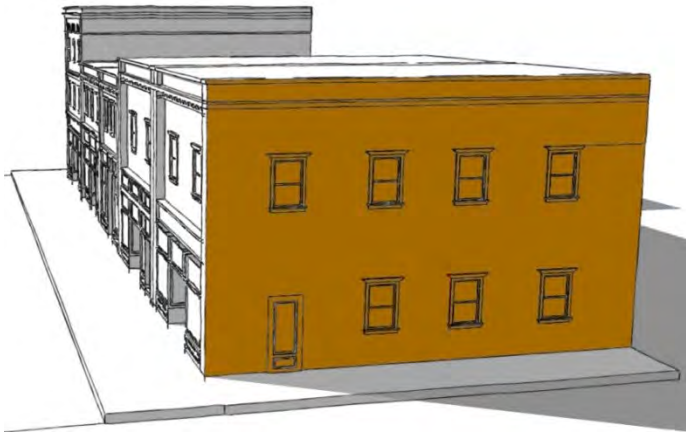
Any building wall plane which is oriented toward a street right-of-way and contains the primary building entrance is the primary or front façade.

FIGURE 11.19: PRIMARY/FRONT FACADE

11.4.3.2. Secondary/Corner Side Facade

Building wall planes that do not contain the primary entrance to the building (but may contain a secondary entrance) and face a secondary street right-of-way on a corner lot.

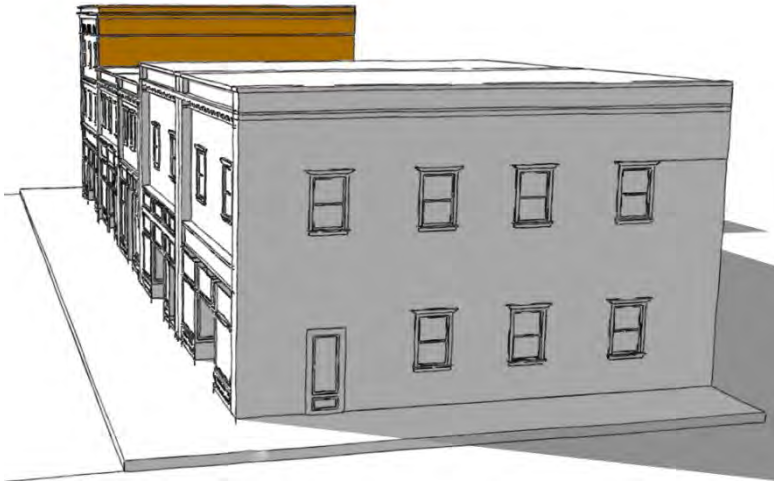
FIGURE 11.20: SECONDARY /CORNER SIDE FACADE



11.4.3.3. Side Interior Façade

Side interior facades are building wall planes that do not face a street right-of-way and are generally perpendicular to the primary/front façade. In a downtown setting, these facades often directly abut the side interior façade of an adjacent structure and do not contain windows or doorways.

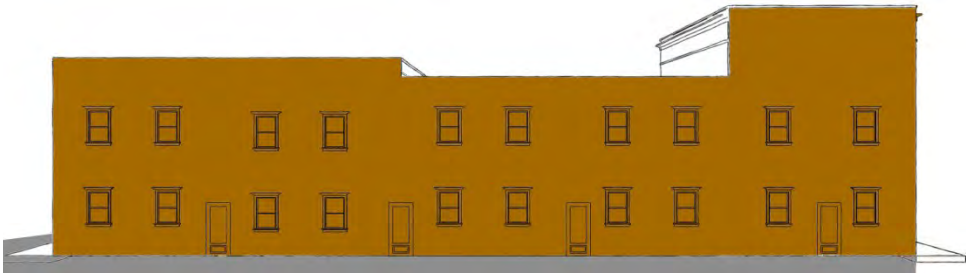
FIGURE 11.21: SIDE INTERIOR FACADE



11.4.3.4. Rear Façade

Building wall planes that face the rear yard and generally parallel to the primary/front façade. In a downtown setting, these facades often face rear alley ways.

FIGURE 11.22: REAR FAÇADE



11.4.4. GUIDELINES FOR NATIONAL REGISTER HISTORIC DISTRICTS: SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The CC district is located within a National Register Historic District. In general, the Secretary of Interior's Standards for Rehabilitation are ***recommended*** when repairing, adding on, or rehabilitating existing buildings in the downtown, especially if the owner of the building wishes to utilize rehabilitation tax credits:

11.4.4.1. Standards for Rehabilitation

A. A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.

E. Distinctive features, finishes, and constructive techniques or examples of craftsmanship that characterize a property shall be preserved.

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

I. New additions, exterior alterations, or related new construction shall not destroy historical materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

11.4.4.2. Maintenance of Historic Features

Property owners should take care to properly maintain and repair historic buildings in a way that will preserve the important architectural features and elements of the building that are consistent with the established architectural pattern of Downtown Mount Pleasant. Some basic guidelines to keep in mind are as follows:

A. Preserve historic entrances by preventing enclosure or relocation. If an entrance requires modification to meet ADA requirements, modification shall occur in a manner that has minimal impact on the location and configuration of the original entrance and meets the NC Building Code standards for rehabilitation.

B. Preserve existing display and transom windows openings. Property owners can achieve restoration of covered or altered window openings by carefully removing cladding or infill material.

C. Transom windows should be retained to add light to the building interior. Repair glass and framing using original style materials. Do not paint or fill in transom windows.

D. Remove any inappropriate cladding that covers historic materials.

E. To prevent deterioration and rusting, property owners should paint, or seal in a proper manner, any wood or metal features, including doors, trim bulkheads and cornices.

F. Property owners should properly maintain and repoint any damaged joints in brick, stone or other material to protect from water infiltration and deterioration.

G. Replace broken glass in display windows, transoms and doors.

H. Use interior storm windows or approved awnings to reduce heat gain and improve energy efficiency.

I. If new framing is required for insulated glass, install it so that the framing matches the exterior profile and material of the existing historic storefront.

J. In order to match the design and material of intact features, the following methods should be employed:

- Look for physical evidence (shadow lines) of missing features.
- Look for evidence of missing features in historic photographs.
- Look for features on similar buildings nearby to replicate.

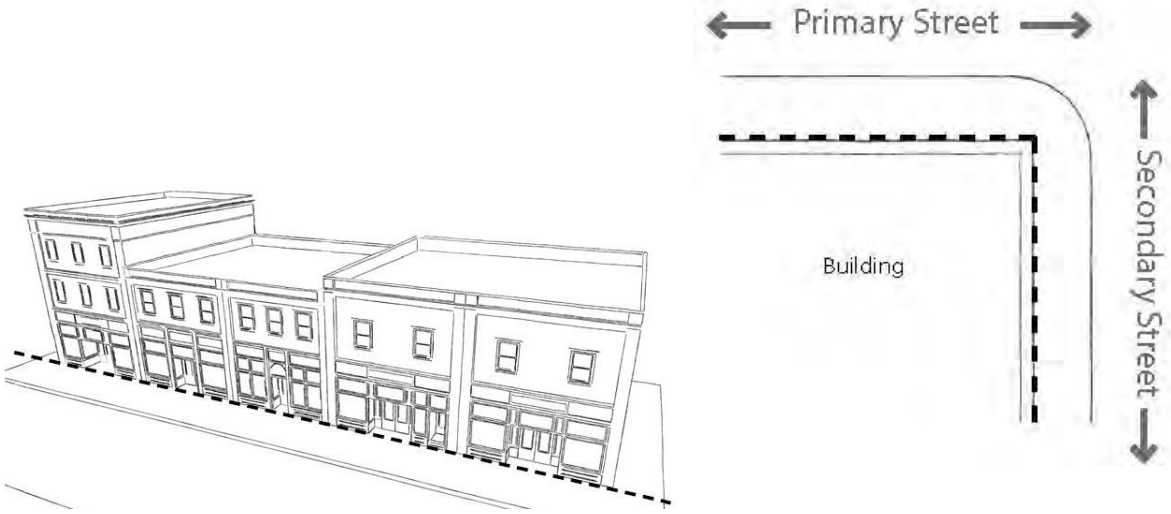
11.4.5. BUILDING ORIENTATION

Building orientation refers to how the structure is placed on a property, with particular focus on the primary façade of the structure.

A. Structures shall be oriented so that their primary façade faces, and is parallel with, the principal street on which they are located.

B. On corner lots both facades shall be oriented so that they face, and are parallel with, the adjoining streets.

FIGURE 11.23: BUILDING ORIENTATION



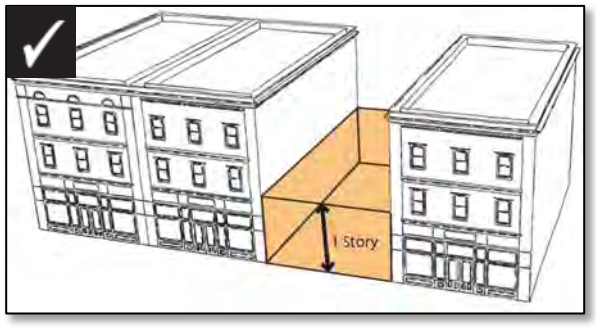
The illustrations above demonstrate the proper orientation of buildings parallel to the primary and secondary streets.

11.4.6. BUILDING HEIGHT

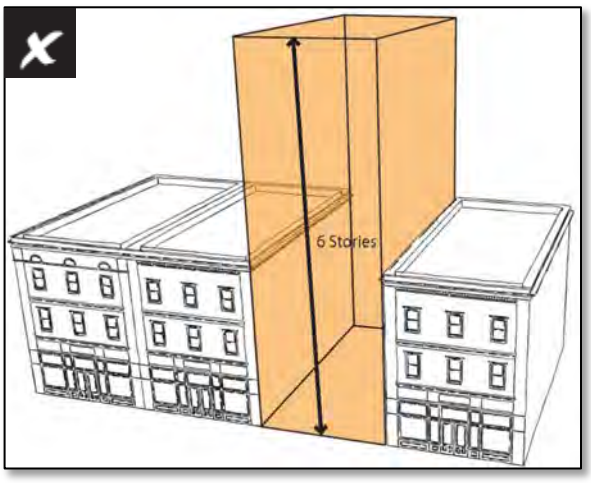
A. The minimum clear interior height of the first story of building, as measured from the finished floor to the bottom of the second story floor plate shall be 12 feet.

B. New buildings shall not be constructed that are more than two (2) stories or 24 feet taller or less than two (2) stories or 24 feet shorter than the average of the other buildings within the same block on the same side of the street within 250 feet.

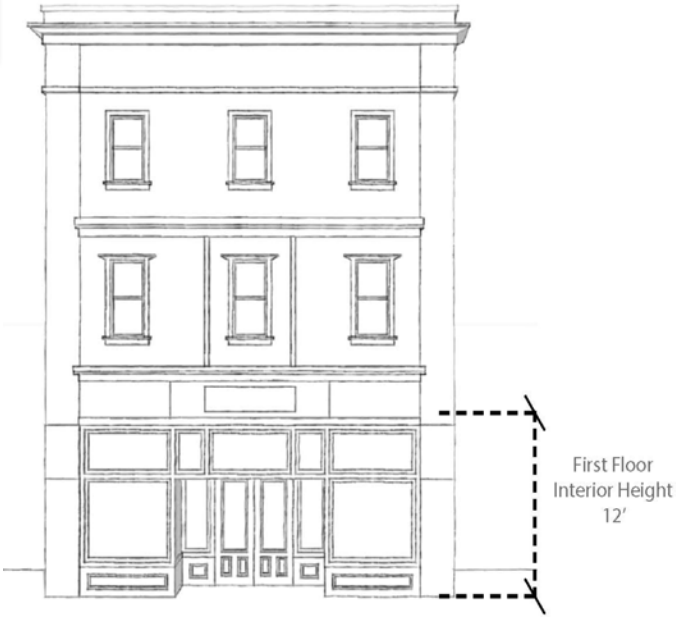
FIGURE 11.24: BUILDING HEIGHT



Not more than 2 stories shorter than adjacent buildings



More than 2 stories taller than adjacent buildings



The illustrations above demonstrate minimum height of the first floor and building heights that are in the correct and incorrect range compared to the scale of the other buildings on the street. Maximum overall building heights for the CC district are set forth in Table 4.7-1.

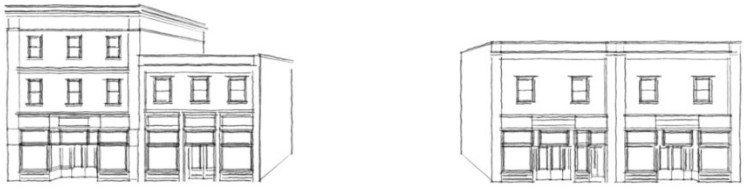
11.4.7. BUILDING MASSING AND SCALE

A building's mass defines its relationship to other structures and the street, as well as contributes to an area's identity. Neighboring buildings of similar size and massing work together to create a pleasing streetscape and provide consistency between adjacent buildings with different designs. A building's scale refers to its perceived size in relation to a person (i.e., human scale) or neighboring structures (i.e., architectural scale). Adjacent buildings sharing human-scaled architectural elements (e.g., windows, doors, porches, vestibules, stoops, awnings at entrance level, other ground-level pedestrian amenities) help establish an inviting, pedestrian-oriented streetscape. The following standards regarding massing and scale shall be met:

A. New construction on lots that are significantly wider than adjacent existing lots shall utilize a design that divides and proportions the building to replicate the massing and scale of adjacent buildings.

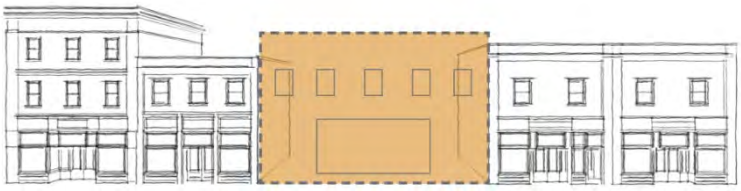
B. Where other buildings within 250 feet on the same side of the street and within the same block occupy the full width of the lot at the front build-to line, the new construction shall occupy the full width of the lot at the build-to line between the side lot lines unless sufficient width exists to provide driveway or pedestrian access to a rear parking area. Such pedestrian access shall be a minimum of six (6) feet wide.

FIGURE 11.25: MASSING AND SCALE



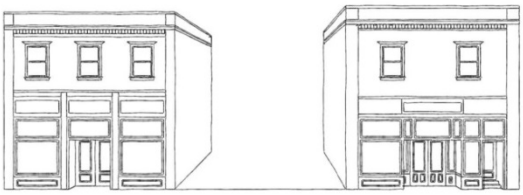
Infill Lot

Acceptable



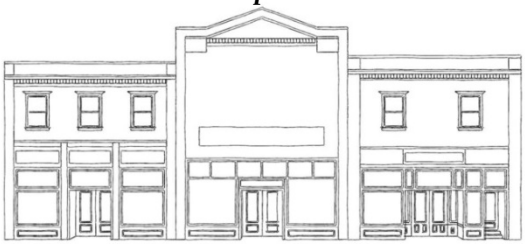
Not Acceptable

The illustrations above demonstrate acceptable and unacceptable building massing in an infill situation.



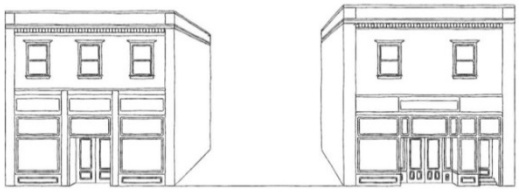
Infill Lot

Acceptable



Not Acceptable-
Taller gabled parapet and lack of second floor windows

The illustrations above demonstrate acceptable and unacceptable architectural scaling in an infill situation.



Infill Lot

Acceptable

Not Acceptable

The illustrations above demonstrate acceptable and unacceptable building width in an infill situation.

11.4.8. BUILDING FAÇADE ARTICULATION

The use of architectural features and detailing on a building facade helps to define the scale and massing of a building. Elements should proportion a structure into a discernible base, middle and top, with an emphasis on accentuating the human scale along the facade of the ground story to create an inviting environment for pedestrians. The following building façade articulation requirements shall apply to all new construction:

A. Architectural features and ornamentation shall be required on all facades of a building facing a public street to provide articulation and define the scale of the building.

B. No primary or secondary/side corner façade shall have a length of wall greater than 10 feet without doors, windows, or horizontal articulation feature are prohibited.

C. Buildings shall be vertically articulated by using a minimum of three (3) of the techniques listed below and depicted in the following Figure:

1. Using different colors of materials along the vertical wall plane, with darker colors used on lower surfaces and lighter colors used on higher surfaces

2. Providing a mid-level cornice

3. Recessing upper stories on multi-story buildings

4. Using stepped parapet walls

5. Providing towers or similar features that extend vertically above the top of the building wall

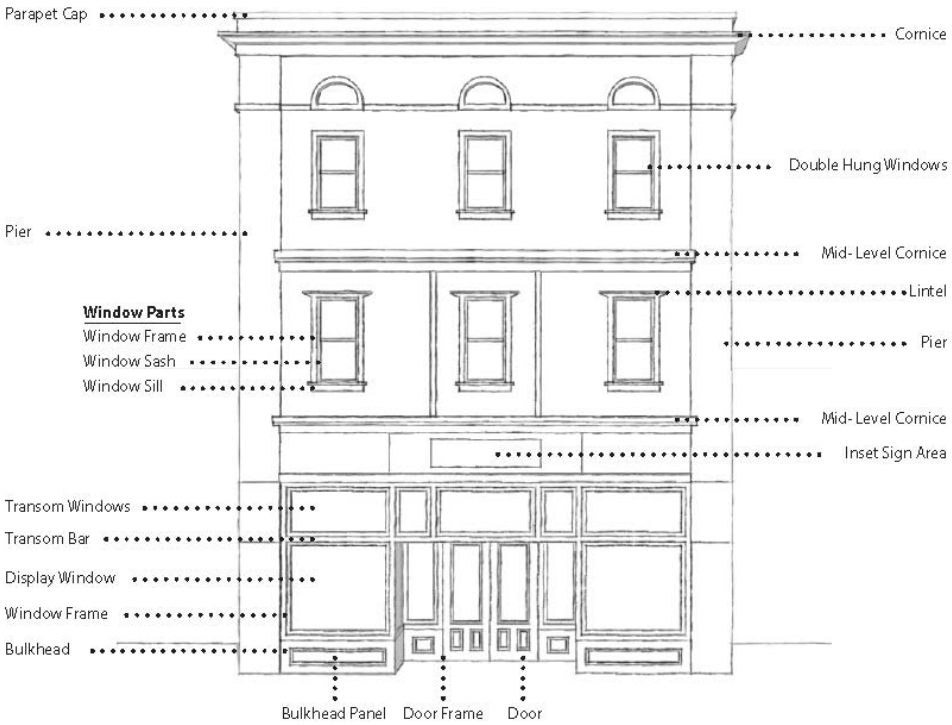
6. Varying the height of different portions of a building

7. Using distinct masonry patterns or inlays that extend vertically along the building wall

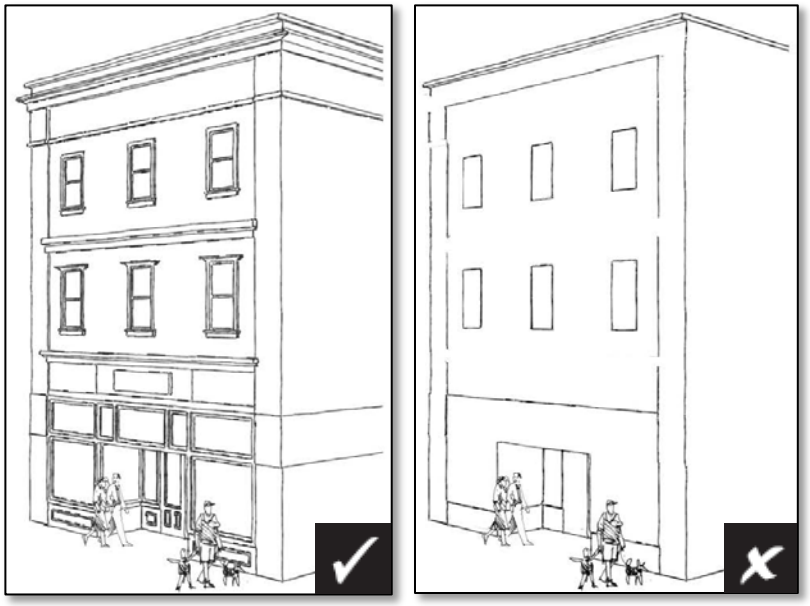
8. Using piers or engaged columns that extend vertically along the building wall

9. Building walls shall be horizontally articulated in a manner that provides visual interest and emphasizes the human scale by using two (2) or more of the below referenced techniques, or by an equally effective method that achieves the stated goal:
   - Awnings
   - Trellises
   - Arcades
   - Transom Windows
   - Decorative masonry patterns
   - Decorative metalwork
   - Decorative inlays of brick, masonry, wood, stone or tile

FIGURE 11.26: FAÇADE ARTICULATION



The diagram above illustrates the different features of a downtown building façade that may be incorporated in to new construction as appropriate.



Articulated facade ***Unarticulated facade***

11.4.9. ROOF FORM

A. The predominant roof form of all other buildings within 250 feet on the same side of the street and within the same block shall be the roof form used for new construction. For flat roofs, parapets walls are required on any façade facing a public street.

B. Parapets walls shall extend a minimum of two (2) feet above the top of the building wall, but shall not extend more than five (5) feet above the main building wall.

C. Parapet wall height for adjoining buildings with the same number of stories shall vary by a minimum of two (2) feet and a maximum of five (5) feet. Stepped or vertically articulated parapet walls may exceed these height limitations within the middle 30% of the building facade, but in no case shall the highest point of a stepped parapet exceed eight (8) feet in height above the main building wall.

D. Exposed gutters and downspouts are prohibited on the primary façade of a building.

E. Gutters, downspouts and scuppers shall be placed so that they are concealed from view from the primary façade or secondary facades that front on a public sidewalk.

FIGURE 11.27: ROOF FORM

The diagrams above illustrate the maximum parapet height (left) and the relationship of adjoining parapet walls and how they come together to form a varied roof line along the block of buildings.

11.4.10. MATERIALS AND COLOR

11.4.10.1. Primary Materials

A. A minimum of 75% of primary and secondary facades shall be clad in architectural quality, individually set, naturally colored brick, granite, limestone, marble or similar slab or block stone are allowed for use on the primary surfaces of exposed building facades.

B. Brick shall be applied in a manner that emphasizes the storefront, window openings, projecting lentils, or corbeling adjacent to and/or as a part of the cornice features, building piers, and other ornamental features.

C. Brick shall be applied in a manner that adds interest to the façade by utilizing masonry techniques that vary the patterns of brick through the use of a variety of brick course patterns and designs.

D. Special attention shall be given to corners to ensure the brick course work is wrapped in a continuous manner along all sides of the building.

E. No more than two (2) styles of brick may be utilized on a facade.

F. Where there are multiple exposed facades facing public streets, the same course patterns, brick styles and other characteristics shall be applied equally to each facade.

G. Rear facades may be designed without any architectural detailing, but shall use the primary building materials.

11.4.10.2. Secondary Materials

Treated wood, stacked stone, exterior quality tile, stucco or EIFS, cast or preformed concrete and architectural grade metal may be utilized on building surfaces where the primary cladding materials are not applied, provided that such materials (excluding glazed areas) do not exceed 25% of the surface area of the façade.

Brick façade with formed concrete accents

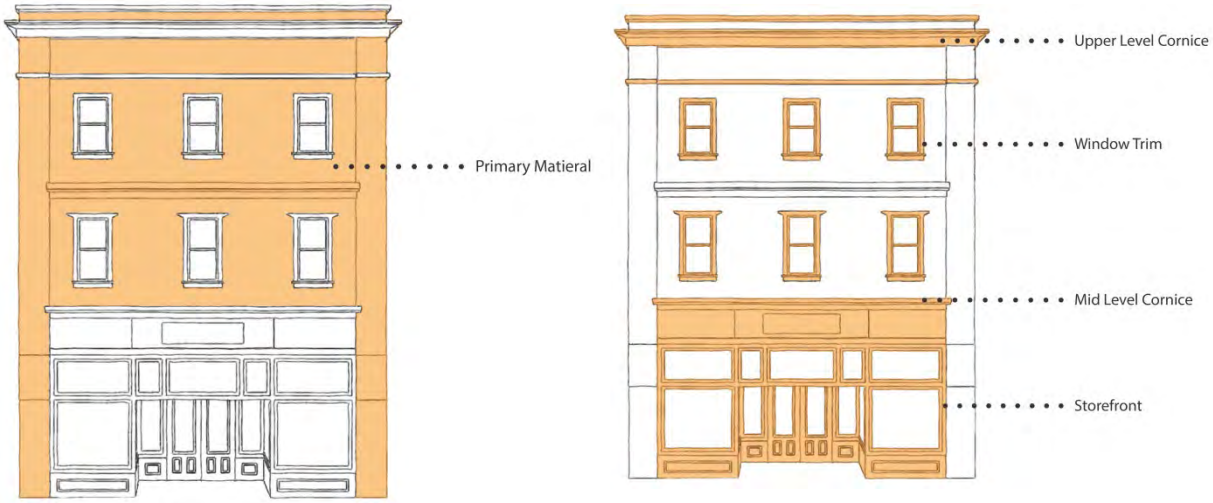
Stucco/EIFS facade

11.4.10.3. Lintels
If exposed lintels are used in construction, they shall be made of stone or brick, and shall project a minimum of three (3) inches from the surface of the building.

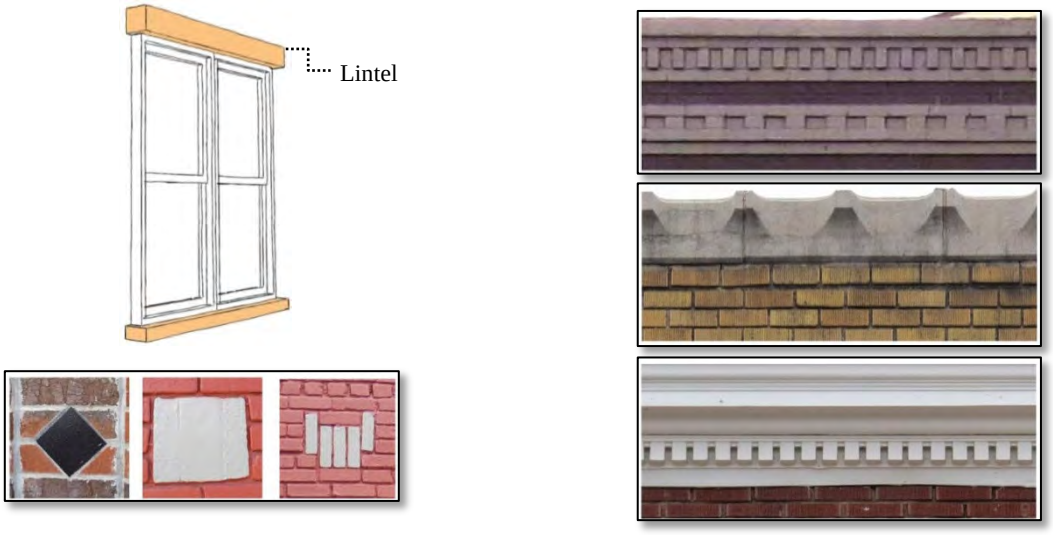
11.4.10.4. Cornices
Upper story and mid-level cornices may be included on the primary building façade. Cornices shall be constructed of brick, architectural grade metal or cast concrete.

11.4.10.5. Inlays
The primary building surface may include decorative inlays that do not total more than 10% of the primary façade surface area. If used, inlay materials shall include, tile, natural stone, decorative glass, or similar materials.

FIGURE 11.28: EXTERIOR MATERIALS



The illustrations above depict appropriate primary (left) and secondary (right) material locations on an example building.



The figures above show examples of lintels (top left), inlays (bottom left), and cornices (right). The example cornices are (top to bottom) brick, cast concrete, and metal.

11.4.10.6. Color

A. Brick and stone shall be unpainted and naturally colored. Brick may only be painted to maintain the historic integrity of existing buildings.

B. Where existing brick buildings have been painted, the primary surfaces of the buildings may only be repainted with low reflectance, earth tone, muted, subtle, and neutral colors. The use of, fluorescent, or neon colors is not permitted except for murals as set forth in the subsection below.

C. The following regulations shall apply to the painting of murals upon exterior walls of any building within the CC district. The issuance of a Zoning Permit shall be required prior to the painting of a mural to ensure compliance with these regulations.

1. In that the buildings located within the CC zoning district are primarily located within a National Register Historic District, previously unpainted exterior walls within the CC district shall not be painted with a mural, unless those walls are not part of the original contributing structure.

2. No mural shall be painted on the primary wall/front facade of a building that fronts Main Street or Franklin Street within the CC zoning district.

3. All murals must be maintained in good repair by the owner of the building on which they are painted. Good repair includes no chipped paint, no graffiti defacement, and no excessive fading.

4. No mural shall contain material that is obscene in accordance with NCGS 14-190.1.

D. Secondary materials may be painted.

Brick façade with bright accents

High-intensity colors on whole facade

FIGURE 11.29: BUILDING COLOR

The figure above shows the appropriate use of primary and accent colors on primary and secondary surfaces of the building façade.

11.4.11. STOREFRONT DESIGN

The storefront is the public face of a building and the most prominent feature at the pedestrian scale. A storefront designed to be open and inviting will help to welcome patrons inside, while a storefront that is hardened presents the opposite message. Most storefronts have an abundance of glass, which is a contributing factor in good storefront design since the openness of the glass invites browsing and allows pedestrians to see interior activity. Good storefront design also allows for pedestrians to be able to view the interior of the building from the main portion of the sidewalk. Therefore, excessively recessed storefronts are discouraged since they require a passerby to leave the main sidewalk to see clearly into the storefront. The following storefront design standards requirements shall apply to all new construction and reconstruction of storefronts:

A. Buildings shall be designed so that the majority (greater than 50%) of the width of the storefront wall is located immediately adjacent to the public sidewalk. Storefronts shall run the length of the first-floor facade between the exterior building piers.

B. No more than 20% of the storefront wall may be recessed beyond eight (8) feet from the public sidewalk.

C. Storefront design shall be proportional to that of other buildings within the same block on the same side of the street without being an exact replication of those buildings.

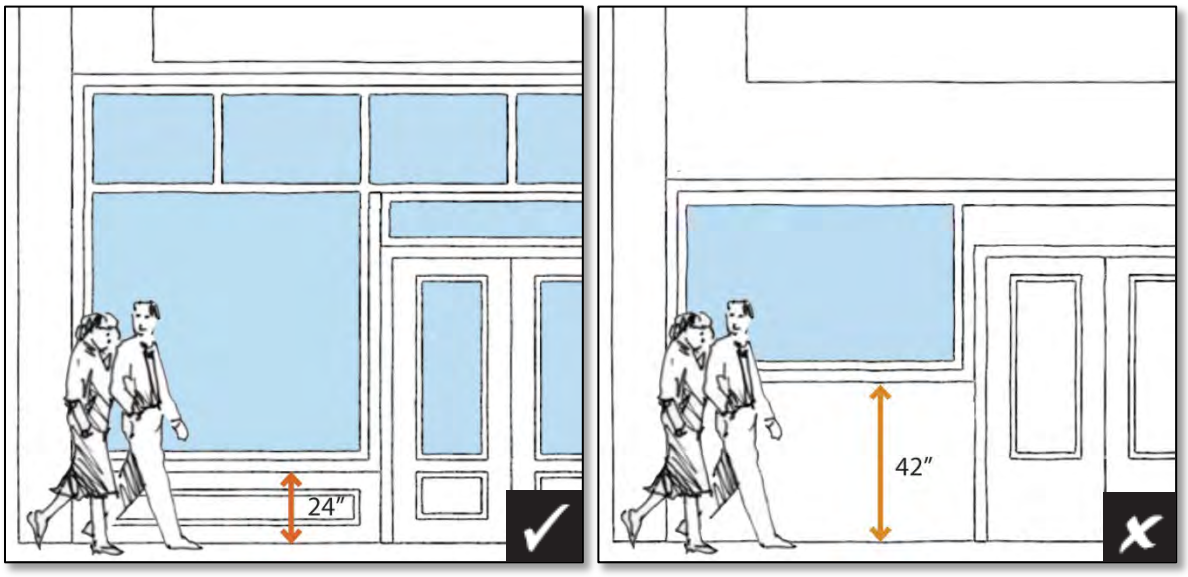
D. Bulkheads should be neither too high, blocking the view of pedestrians, nor too low, so that a completely glass walled storefront is created. Bulkheads shall be constructed along all storefront areas, excluding customer entrances. Bulkheads shall be a minimum of 24 inches and maximum of 36 inches in height. Bulkheads may be constructed of brick, wood, or a combination of those two materials. Bulkheads shall include architectural detailing such as inlays, trim, changes in color or changes in material.

E. A minimum of 70% and maximum of 90% of the surface area of the storefront shall consist of transparent glass between a height of two (2) feet and 10 feet above the grade of the adjacent sidewalk. Glass block does not count toward this requirement.

F. Mirrorized or highly reflective glass is prohibited.

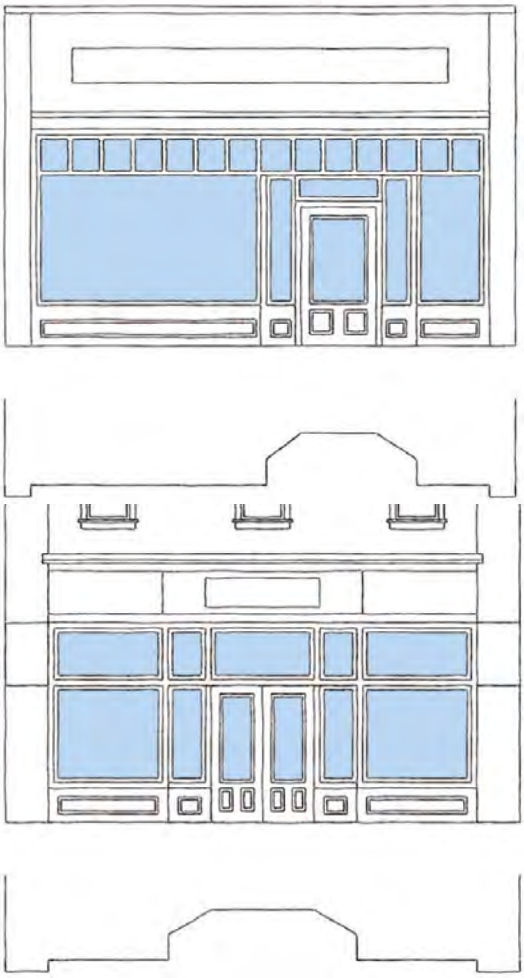
G. Permanent bars, gates, shutters, fencing or other barrier materials are prohibited on the exterior of a primary facade. Security gates may be used after business hours.

FIGURE 11.30: STOREFRONT DESIGN



Properly Sized Bulkhead ***Improperly Sized Bulkhead***

The diagram above illustrates the proper glazing ratio for a storefront design.



These illustrations are examples of acceptable storefront designs that demonstrate diversity of design while still meeting the standards of this section.

11.4.12. UPPER STORY WINDOWS

A. Upper story windows shall have a minimum height to width ratio of two to one (2:1) and a maximum height to width ratio of three to one (3:1).

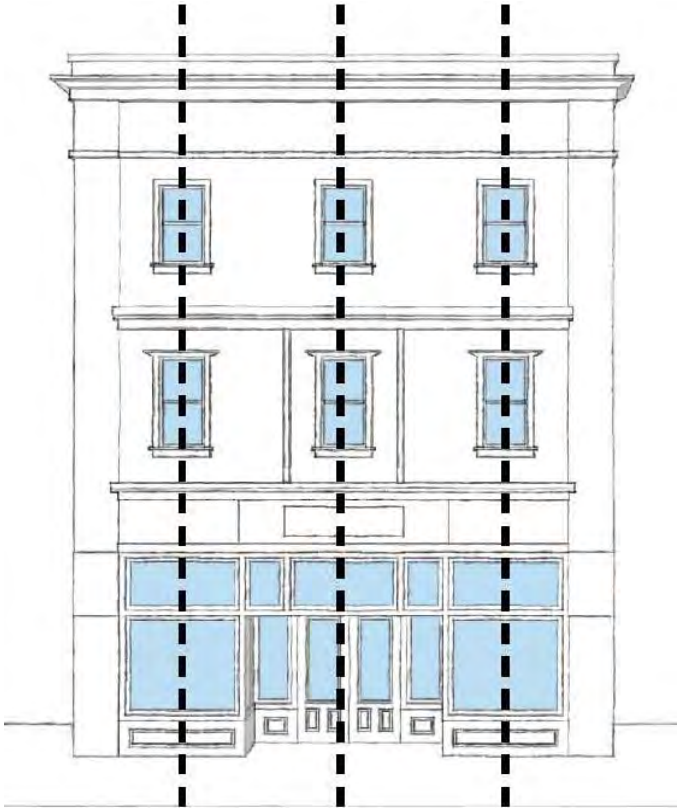
B. Windows shall have the appearance of operable double hung windows.

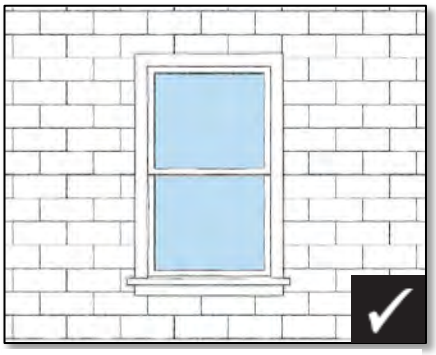
C. Upper story windows should align horizontally with windows on the same story and be centered on windows below.

D. Mirrorized or highly reflective glass is prohibited.

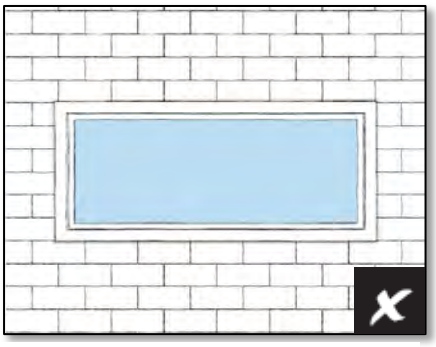
E. A minimum of 30% of the linear width of each upper floor shall contain glazed area.

FIGURE 11.31: UPPER STORY WINDOWS



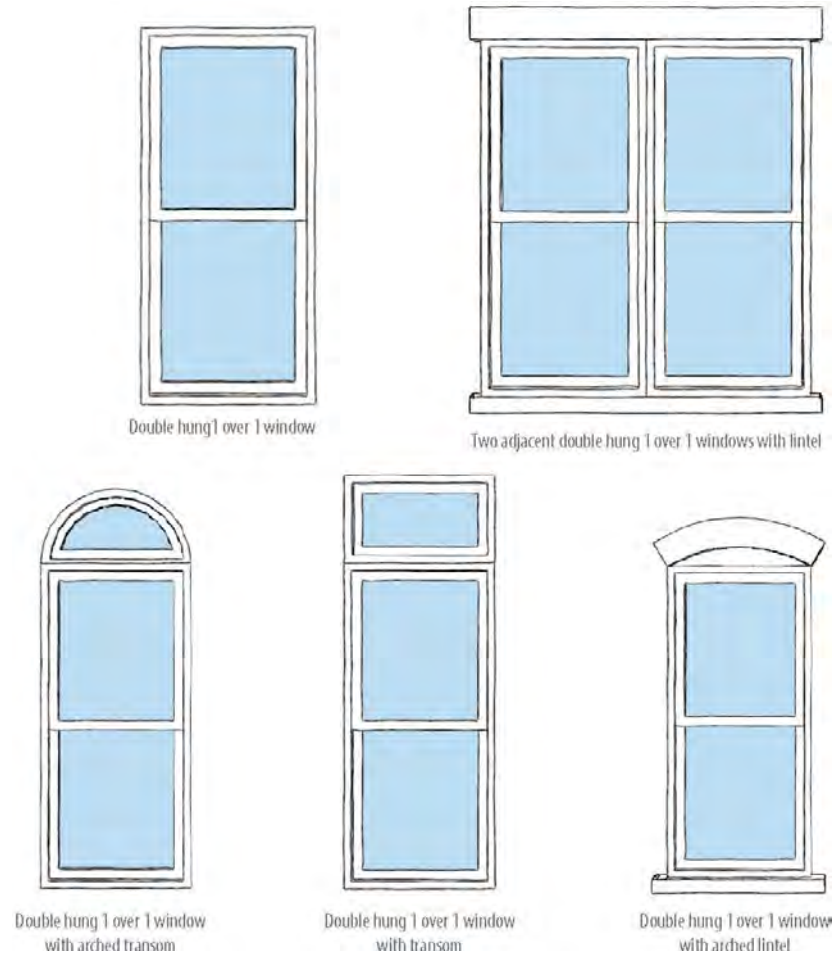


Acceptable Upper Story Window

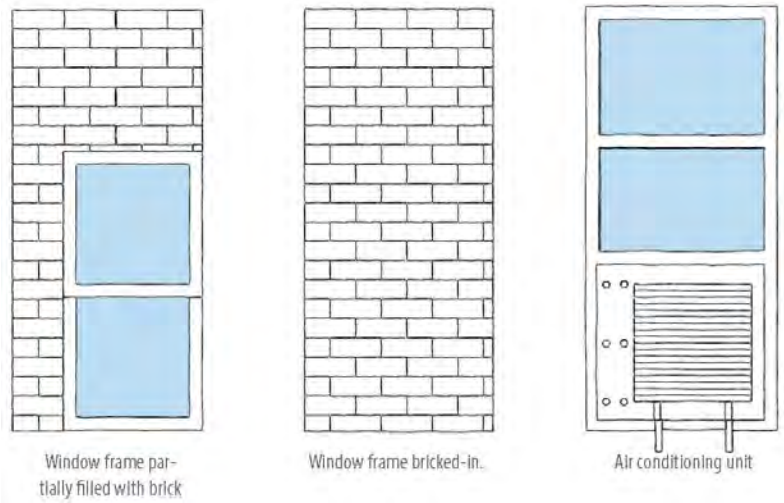


Unacceptable Upper Story

The diagrams above illustrate proper alignment of upper story windows with first floor windows (left) and a properly designed upper story window (right).



ACCEPTABLE: *The illustrations above show examples of acceptable upper story windows.*



NOT ACCEPTABLE: *The illustrations above show examples of unacceptable upper story windows.*

11.4.13. ENTRANCES

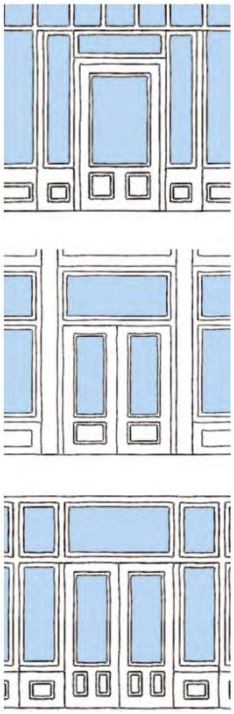
From a pedestrian point of view, doors and entranceways are one of the most obvious and recognizable building features. The door and entranceway is a gateway to building interior and therefore it is important that the entrance be perceived as a cohesive element of the storefront façade and not as a separate entity.

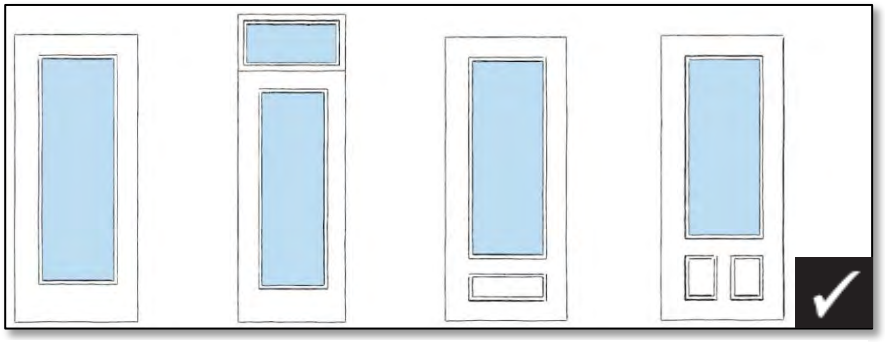
A. Primary entrances of first floor uses shall face the primary street frontage, while secondary entrances may face parking areas or secondary street frontages.

B. On primary and secondary street frontages, the surface area of primary and secondary entrances to first floor uses shall have a minimum glazed area of 70%.

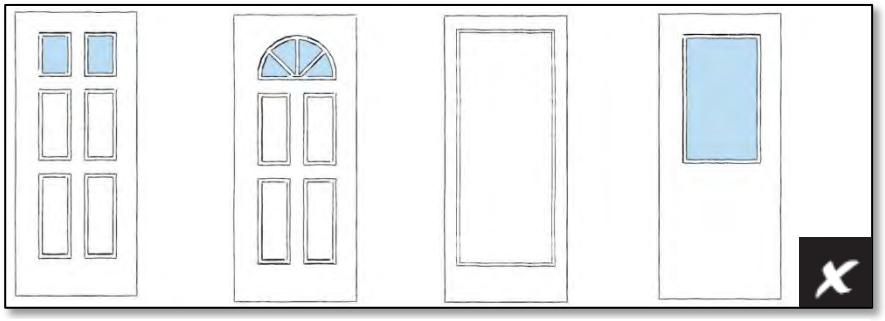
C. Mirrorized or highly reflective glass is prohibited.

FIGURE 11.32: ENTRANCES





Acceptable Entrance Doors



Unacceptable Entrance Doors

The diagrams above illustrate well designed building entrances (left) and a properly designed entrance doors (right).

11.4.14. AWNINGS AND CANOPIES

Awnings and canopies can serve several functions such as stimulating visual interest, protecting pedestrians from weather, and shielding items from sun damage in storefront displays. Awnings are recommended to provide visual interest and protect pedestrians from inclement weather. Awning shall meet the following standards:

A. Awnings shall not extend in width past the storefront area into the building piers. Awning shape shall relate to the window or door opening. Barrel-shaped awnings should be used to complement arched openings while rectangular awnings should be used on rectangular openings.

B. When there are multiple storefronts, awnings/canopies should correspond in size, color, and material. Buildings with multiple storefronts shall use separate awnings for each storefront.

C. Awnings and canopies shall not block architectural features, including transom windows, and shall be attached to the vertical wall and lead to the public entrance.

D. Awnings and canopies may extend up to 80% of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation (NCDOT), or the Town. In no case shall an awning or canopy extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of street lights or street signs.

E. Awnings and canopies shall be at least eight (8) feet above the grade of the sidewalk.

F. Acceptable materials include woven cloth, canvas or architectural metal. Awnings shall be a shade of black or any other accent color that is low reflectance muted, and subtle colors. The use of fluorescent or neon colors is not permitted. Backlighting of awnings is not permitted.

Rectangular awning

Barrel awning

FIGURE 11.33: AWNINGS

The diagram above illustrates the minimum awning depth and clearance.

Acceptable placement ***Unacceptable placement beyond storefront***

11.4.15. LIGHTING

A. Building-mounted lighting may be used to draw attention to window displays, signs, store information and a building's architectural details.

B. Building-mounted lighting shall provide particular focus on the architectural integration of lighting into the overall design of the structure.

C. Lighting shall be directed onto the display or building element not onto the street or adjacent properties.

D. Lighting fixtures shall complement the architectural elements within the existing façade.

E. Framing window displays or other architectural features of the building with neon or tube lighting is not permitted.

F. Lighting shall be in full compliance with all other outdoor lighting provisions, as set forth in Section 11.8.

Neon-framed windows

11.4.16. USES

In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, the first floor (street level) of any new multi-story building shall devote the first floor area to retail, commercial and service uses, as listed in Table 4.6-1. Such buildings shall include said uses along not less than 50% of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.

11.5. SUPPLEMENTAL STANDARDS FOR CAMPUS DEVELOPMENT (CD) DISTRICT

11.5.1. APPLICABILITY

In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the CD District are regulated in accordance with specific standards as listed below.

11.5.2. USE REGULATIONS

A. Retail establishments and commercial service uses (including restaurants; social, recreational, and cultural facilities, and day care facilities) as permitted in Table 4.6-1 shall be subject to the following requirements:

1. No retail or commercial service use or establishment may exceed (or occupy) more than 70,000 square feet of gross leasable floor area.

2. No more than 30% of any property or group of properties may be used for retail or commercial service uses or establishments,

3. No more than 10% of any property or group of properties may be used for retail or commercial service uses or establishments until such time that 20% of said property (or properties) is used for non-retail or non-commercial service uses.

4. Automobile and truck repair and related manufacturing establishments shall be limited exclusively to such activities related to professional auto racing.

5. Utilities substations other than individual transformers shall be screened as set forth in Article 7 Landscaping and Buffering.

B. Structures and uses required for operation of a public utility or performance of a governmental function are permitted, provided no uses involving extensive storage, or with storage as the principal purpose shall be permitted.

11.5.3. DIMENSIONAL REQUIREMENTS

11.5.3.1. Minimum Size

The minimum parcel size for submitting a site plan or subdivision for review in the CD district shall be 20 acres of contiguous property except that the site may include more than one owner and more than one recorded lot provided that the total property equals or exceeds 20 acres and the site plan incorporates the entire project site. Rezonings to the CD district for property less than 20 acres may be requested provided that any proposed site plan will equal 20 acres or more.

11.5.3.2. Exception

Parcels which are less than 20 acres but are at least one (1) acre shall be permitted as a special use provided that any property less than 20 acres shall have been a lot of record at the time of the adoption of this ordinance. In reviewing such requests, the Planning & Zoning Board shall consider the project's relationship to adjacent CD-zoned properties, developed or undeveloped.

11.5.4. SITE DESIGN STANDARDS

A. Sites in CD Districts may be divided by streets, alleys, rights-of-way, or easements, but shall be so located and arranged as to permit a unified design for the overall development

B. Common, accessible open space shall be required for all CD district sites, whether subdivided, or not. The open space shall be pedestrian oriented and include such amenities as park benches, walking trails and gazebos. Parking or vehicular access within these areas shall be prohibited. The open space must comprise at least 20% of the gross project area which may include buffer requirements. No additional open space shall be required for individual building sites within a Campus Development project other than the required buffers and setbacks.

C. Five (5) foot sidewalks shall be included on both sides of all new interior access streets and parking area designs. Sidewalks may be constructed at the time of development or may be phased in over a period of several years as portions of a project are developed.

D. All CD projects shall have access to at least one major or minor thoroughfare or connection to an existing approved site having such access where Site Plan and/or Subdivision approval has been previously granted.

E. All new interior streets shall be built in conformance with Article 10. Where practical, all such roads shall be designed to ultimately connect to adjacent, undeveloped property that is also zoned CD to allow for a connected, continuous street system when the adjacent property develops.

F. All building sites and/or buildings within any Campus Development project shall be accessed on interior streets, not on thoroughfares or collectors. Exception to this provision is offered where a lot of record exists at the time of this amendment.

G. In general, the plan shall provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian, and landscaped common areas providing for maximum comfort and convenience of visitors and employees with a minimum of conflicts with vehicles. More specifically, the following pedestrian design requirements shall apply to all development in the CD District:

1. Individual building sites within CD developments shall include provisions for pedestrian-scale amenities such as benches, picnic tables, courtyards, plazas, water attractions and trash receptacles. These enhancements are essential to creating an efficient and functional environment as well as promoting a "sense of place." Such area(s) may include covered malls for general pedestrian use, exterior walkways, outdoor seating areas, and the like where the facilities are available for common use by employees and visitors. Required open space, buffer areas and setback yards as well as improved deck, patio and roof areas may be used to meet this requirement.

2. All buildings or building clusters within the development shall be connected with linkages other than roads (sidewalks, bikeways and walking paths). Unless topographic or other physical constraints exist, these linkages shall be provided between adjacent sites whether developed or undeveloped. Pedestrian access may be provided at any suitable locations within the district, but shall, where practicable, be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.

3. Loading and maintenance areas shall be so located and arranged as to prevent interference with pedestrian movement within the site. All loading shall be from the rear or side of the building, but not facing a public street.

4. All on-site utilities (electrical, telephone, etc) shall be located underground.

5. Paving materials in pedestrian areas (including crosswalks and sidewalks) shall only include brick, concrete (aggregate exposed finish), concrete pavers, brick pavers and similar materials.

11.5.5. LANDSCAPING BUFFERING AND SCREENING REQUIREMENTS

Developments in the CD district shall comply with the provisions of Article 7 and the following:

A. All CD projects must provide for the installation of a median-type entranceway all entrances on major or minor thoroughfares. The median shall be grassed and suitably landscaped and conform to the design standards of Article 10 and Appendix D.

B. Developments shall utilize existing topography such as hills, ridges and berms to screen parking and maintenance areas to the maximum extent possible.

11.5.6. ARCHITECTURAL STYLE AND APPEARANCE REQUIREMENTS

In addition to the applicable non-residential building design standards of Section 11.3, the design standards of this section shall apply.

A. Building designs in the CD District shall promote a diversity in style while striving to define a distinct character and maintain a high quality development standard. New buildings shall be built sensitive to the scale, form and proportion of other buildings in the same project. A human scale shall be achieved at entrances to all buildings through the creative use of windows, doors, canopies and columns. In the application of provisions of this Section, the Administrator may require the submittal of photographs and/or architectural renderings.

B. Buildings shall include similar architectural styles but should not be identical throughout the development. All sides of an individual building shall be treated in an architecturally similar manner. More specifically, at least two of the following three "unifying elements" must be presented in each building (including accessory buildings and those buildings located on outparcels) and to the greatest extent practical, in other architectural features of the development (walls, fences, signs, etc.):

1. Building Materials. If selected, the dominant material (and its color) must be stated in writing with the Site Plan submittal. Such materials shall apply to at least 30% of each ground mounted signs as well.

2. Colors. If selected, the dominant color or pattern of colors must be stated in writing with the Site Plan submittal. A maximum of three colors may be designated as the unifying element but the maximum number of colors throughout the development are not limited.

3. Architectural Features. If selected, the dominant architectural feature(s) must be stated in writing with the Site Plan submittal. These features include but are not limited to: roof treatment (style, color and material), façade treatments or building form (overhangs, canopies, arcades, protected walkways, entrance treatments).

11.5.7. NONCONFORMING USE PROVISIONS

Existing bona fide farms or agri-businesses in the CD zoning district may be operated on property so designated by Cabarrus County as of the time of the effective date of this ordinance. Such farms or agri-businesses may continue in their current state and with their existing level of activity. Such farms or agri-businesses shall be permitted to expand to the maximum extent permitted under the requirements of this district on the same property or adjacent property (also having the bona fide farm designations). New or expanded agri-business operations on property not having a bona fide farm designation shall not be permitted. Agri-business operations include agricultural products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or

technical support services; and similar activities. Bona-fide farms which cease to qualify as such may return to active farming and may continue as farms as if they had never ceased operating. However, once a bona fide farm ceases to qualify as such, and the property is developed for other non-farm uses permitted in the CD District, it may not be re-established as a bona fide farm.

Table 11.5-1 Design Standards for Campus Development Projects

Minimum District Size	20 acres minimum
Lot Width and Depth	see Section 4.7
Front Setback or Street Side Setback	see Section 4.7
Interior Side Setback	see Section 4.7
Rear Setback	see Section 4.7
Separation between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	20% of total area

11.6. SUPPLEMENTAL STANDARDS FOR LIGHT INDUSTRIAL (I-1) DISTRICT.

11.6.1. APPLICABILITY

In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the I-1 District are regulated in accordance with specific standards as listed below.

11.6.2. CRITERIA.

The following design elements shall be promoted in order to minimize the impacts of industrial development on the surrounding community and to enhance the appearance for industrial development in an I-1 zone:

A. Loading and unloading areas shall not be not visible from any public street. Screening of such areas shall be required in accordance with Article 7. If such areas face a parcel which is zoned or developed residentially, the rear setback shall be increased by 50%.

B. All noises, noxious odors, vibrations, emissions of smoke, dust, or gases shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial areas in conformance with the Industrial Performance Standards of this Ordinance.

11.6.3. RETAIL OPERATIONS IN I-1 ZONE

This section shall allow for the retail sale of items or products manufactured by the primary use subject to the limitation that retail operations may not exceed 20% of the gross floor area of the site. Standards of off-street parking shall apply to the retail use and the industrial use as set forth in Article 8.

11.6.4. BUILDING DESIGN

In addition to these standards, new buildings and additions of greater than 20% in the I-1 district shall meet the Non-residential design standards of Section 11.3, except as exempted within that Section.

11.7. OUTDOOR STORAGE, SOLID WASTE, AND SCREENING

11.7.1. RESIDENTIAL DISTRICTS

A. In the RE, RL, RM, and RH districts, open storage of junk, salvage or equipment including but not limited to scrap metal, used boxes, or crates, used appliances, salvaged furniture or glassware, salvaged automobiles or parts shall be prohibited. The provisions of this Section shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in Section 13.1 of this Ordinance, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein.

B. Open storage of materials for non-residential uses within a residential zoning district shall conform to the standards of Section 11.7.2 Non-residential Zoning Districts.

11.7.2. NONRESIDENTIAL ZONING DISTRICTS

11.7.2.1. General Provisions

In the AG, CC, C-1, C-2, CD, I-1 and I-2 districts, outdoor storage areas shall comply with the following, except as allowed under Sections 11.7.2.2-11.7.2.4.

A. Outdoor storage areas shall be prohibited within 50 feet of any public street right-of-way and within 500 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts.

B. Outdoor storage areas shall be screened shall by a Type C bufferyard in accordance with the Article 7 of this Ordinance. This provision shall not apply to Junk/Salvage Yards (see Section 5.13).

C. Except for integral units (see Definitions, Appendix A), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 4.7-1 for the zoning district within which the item is located.

D. No open storage area shall be maintained in the required front yard area, except that allowed by Sections 11.7.2.3 and 11.7.2.4.

E. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient materials to screen outdoor storage areas or operations.

F. The provisions of this Section 11.7.2 shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in Section 13.1 of this Ordinance, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein this Ordinance.

G. The provisions of this Section 11.7.2 shall not apply to open storage associated with agricultural uses as permitted in Table 4.6-1 of this Ordinance.

11.7.2.2. Solid Waste Storage Areas

A. Solid waste dumpsters or other large containers for solid waste storage shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), should be of solid opaque construction, six foot high with latching gates providing access. The applicant shall indicate on the site plan the choice of materials and color so that the Administrator can determine that they are consistent and compatible with those of the principal building(s) on the site. No solid waste storage area shall be located in any front building yard setback as described in Table 4.7-1 or any street yard or buffer yard as set forth in Article 7.

B. Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.

C. Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff.

D. The provisions of this Section 11.7.2.2 shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

11.7.2.3. Outdoor Storage of Vehicles.

A. For outdoor display of vehicles for sale, see Section 5.8.1 of this Ordinance.

B. For outdoor storage of vehicles in need of major repair, such vehicles shall be located within an area screened from view from a public right-of-way or an adjacent property line. Storage of vehicles in need of minor repair are exempt from the requirements of this section. Minor repair shall include vehicles scheduled for immediate repair and shall be stored on-site for no more than five working days (unless evidence can be provided to the Administrator to indicate circumstances, such as part availability, prevent repair in within the five (5) day period).

11.9. OUTDOOR LIGHTING STANDARDS

11.9.1. PURPOSE

This Section sets forth criteria for the following:

- The provision of lighting in public places where safety and security are concerns.
- The control of glare from non-vehicular light sources that shine into driver's and pedestrian's eyes and thereby impair safe travel.
- The protection of residential areas from nuisance glare and stray light from poorly aimed, placed, shielded or applied light sources.

11.9.2. APPLICABILITY

Outdoor lighting shall be required for safety and personal security in areas of public assembly and travel; including, but not limited to, single family and multifamily dwelling unit developments, commercial, industrial, public recreational, and institutional uses. The glare control requirements contained herein apply to all lighting installations, including residential.

11.9.3. LUMINAIRE DESIGN

A. Luminaires shall be of a type and design appropriate to the lighting application.

B. For area lighting, such as parking lots, full cut-off luminaires shall be used, and lights shall be installed so that they are pointed directly down toward the area to be illuminated.

C. Fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shields, visors, or hoods when necessary to redirect offending light distribution.

11.9.4. CONTROL OF NUISANCE LIGHTING AND GLARE

A. All outdoor lighting, whether or not required by this Ordinance; on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted, and maintained so as not to present a disabling glare hazard to drivers or pedestrians, or a nuisance glare concern to neighboring properties.

B. Directional fixtures such as flood lights, spotlights, and sign lights shall be installed or aimed so that they do not create direct light into the window of a neighboring residence, directly into a roadway, or skyward.

C. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, such control shall be achieved primarily through the use of sharp cut off fixtures, the appropriate application of mounting height, wattage, aiming angle, fixture placement and fixture design, etc. and the additions of shields and baffles as necessary.

D. The amount light trespass onto a residentially used property from an adjoining property shall not exceed 0.1 vertical foot-candles at the property line.

E. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed down rather than by fixtures mounted at the bottom of the sign and aimed up.

F. The lighting of structures with pole mounted floodlights is prohibited, unless required for legitimate safety or security purposes.

11.9.5. INSTALLATION STANDARDS

A. Pole mounted area lighting fixtures shall be a maximum of 30 feet in height, as measured from the base of the pole. This standard does not apply to area lighting for sports fields.

B. Pole mounted area lights shall be wired with underground electric feeds.

C. Lighting standards in parking areas shall be placed a minimum of five (5) feet outside of the paved area, or five (5) feet behind tire stops locations; or on reinforced concrete pedestals at least 30 inches high above the pavement, or by other acceptable protective means.

11.9.6. FIXTURE PLACEMENT FOR NEW DEVELOPMENT

The following are the minimum requirements for placement of lighting fixtures for new development:

A. All entrance roads entering the proposed development and intersecting any public road.

B. All street intersections within the proposed development.

C. All proposed roads within the development which have a minimum 300-foot horizontal curve. In such case, the fixture shall be placed at the apex of the horizontal curve.

D. At all cul-de-sac bulb radii.

E. All terminal ends of center median islands having concrete structure curbing, trees, and/or other fixed objects not having a breakaway design for speeds of 25 m.p.h. or greater.

F. All defined pedestrian crossings shown on the plans located within the development or along existing roads abutting the development when said crossing are located in areas other than lighted intersections.

G. Any existing or proposed signalized intersection abutting a proposed development that does not have street lighting.

H. Fixtures shall be installed at such other locations along proposed streets as to ensure adequate lighting.

ARTICLE 12
SIGN STANDARDS

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12.1. GENERAL PROVISIONS

12.1.1. PURPOSE

This sign ordinance is adopted under the zoning authority of the Town in furtherance of the more general purposes set forth in this Ordinance. The purpose of these sign regulations are:

A. To encourage the effective use of signs as a means of communication in the Town while preserving the rights of free speech under the First Amendment to the United States Constitution;

B. To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;

C. To improve pedestrian and traffic safety;

D. To minimize the possible adverse effect of signs on nearby public and private property; and

E. To enable the fair and consistent enforcement of these sign restrictions.

12.1.2. APPLICABILITY

A. A sign may be constructed, erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. The effect of this Ordinance as more specifically set forth herein is:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;

2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;

3. To prohibit all signs not expressly permitted by this Ordinance; and

4. To provide for the enforcement of the provisions of this Ordinance.

B. Pursuant to NCGS 160D-908, fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation pertaining to signage under this Article until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the local government may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

12.1.3. ALTERATION OF CONFORMING SIGNS

The replacement of sign faces, lettering or other features of a sign which conforms in every manner to the provisions of this Article shall be considered maintenance and shall not require a permit. Any alteration which modifies the area, height or illumination of a sign, or alters its locations shall be subject to the issuance of a zoning permit and the regulations of this Section.

12.1.4. SIGNS ON PUBLIC PROPERTY FORFEITED

Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this Article, shall be forfeited to the public and is subject to confiscation. In addition to other remedies hereunder, the Administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

12.1.5. SIGN PERMITTING AND REGISTRATION

To ensure compliance with the provisions of this Article, all persons proposing to display a sign shall obtain a sign permit, in accordance with the general procedure established for the issuance of permits in this Ordinance, or register such sign in accordance with the Town's temporary sign registration program, as applicable, unless otherwise expressly exempted from such requirement. When a permit or registration is required, a permit shall be issued or the sign shall be registered prior to the installation or placement of such sign.

12.1.5.1. Permanent Signs Requiring a Permit

The types of permanent signs listed below shall be required to receive a permit:

- Wall Signs (12.4.2)
- Freestanding Ground Signs (12.4.3)

12.1.5.2. Permanent Signs Not Requiring a Permit:

The types of permanent signs listed below shall not be required to receive a permit:

- Incidental Signs (12.4.4)
- Permanent Flag displays (12.4.5)

12.1.5.3. Signage Plan Required

For any lot on which the owner proposes to erect one or more signs requiring a permit or for a combined development or other multi-tenant development, a signage plan shall be required, which includes the following information:

A. An accurate Plot Plan of the lot or parcel, at such scale as the Administrator may reasonably require;

B. Location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;

C. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of signs of each type allowed on the lot(s) or parcel(s) included in the plan under this Ordinance; and

D. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.

E. Permanent signs for planned developments shall be reviewed as part of the site plan.

12.1.5.4. Temporary Sign Registration

A. The display of certain temporary signs, including the recurring placement of certain signs where permitted, shall require the registration of such temporary sign prior to its display. Registration shall be required for Type 3 Freestanding Temporary Signs (12.3.3.D) and Wall Mounted Temporary Signs (12.3.4).

B. The Administrator shall maintain a system for the submission of temporary sign registrations.

C. Persons submitting a temporary sign for registration shall provide sufficient information, including the physical characteristics, display location and proposed period of display (if applicable), in order to determine its compliance with the applicable regulations.

D. Only those signs which meet all of the requirements established by Section 12.3 for the particular type of sign may be registered. Signs not meeting those regulations will be denied registration. In the case of denial of registration, the person registering the temporary sign shall be notified of the specific reason for the denial of registration.

E. Failure to register a temporary sign that is required to be registered prior to displaying it is a violation of this Ordinance.

12.1.6. SIGN AREA COMPUTATIONS

The following principles shall control the computation of sign area and sign height:

12.1.6.1. Computation of Area of Single-faced Signs

The area of a sign face shall be computed by means of the smallest square or rectangle, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

FIGURE 12-1: MEASUREMENT OF A SIGN FACE

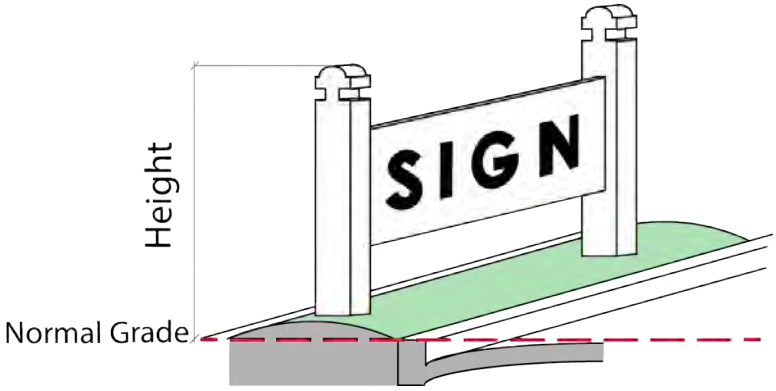
12.1.6.2. Computation of Area of Multi-faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

12.1.6.3. Computation of Height

The height of a freestanding sign shall be computed as the vertical distance from the point of the sign that is level with the highest paved portion of the street right-of-way or recorded access easement to the top of the highest attached component of the sign. The highest paved portion of the street right-of-way or recorded access easement shall be measured along the frontage of the property where the sign will located at the point nearest the sign location. If it is necessary for the Administrator to determine the elevation of the highest paved portion of the street right-of-way along the property frontage, it will be the responsibility of the applicant to provide a document prepared by a licensed North Carolina surveyor demonstrating the grade from which the height of the sign will be measured. The design, colors and/or materials of the base or supports of any sign that is below the paved portion of the street right-of-way or recorded access easement shall be consistent with, or complimentary to, the portions of the sign above that point.

FIGURE 12-2: MEASUREMENT OF SIGN HEIGHT



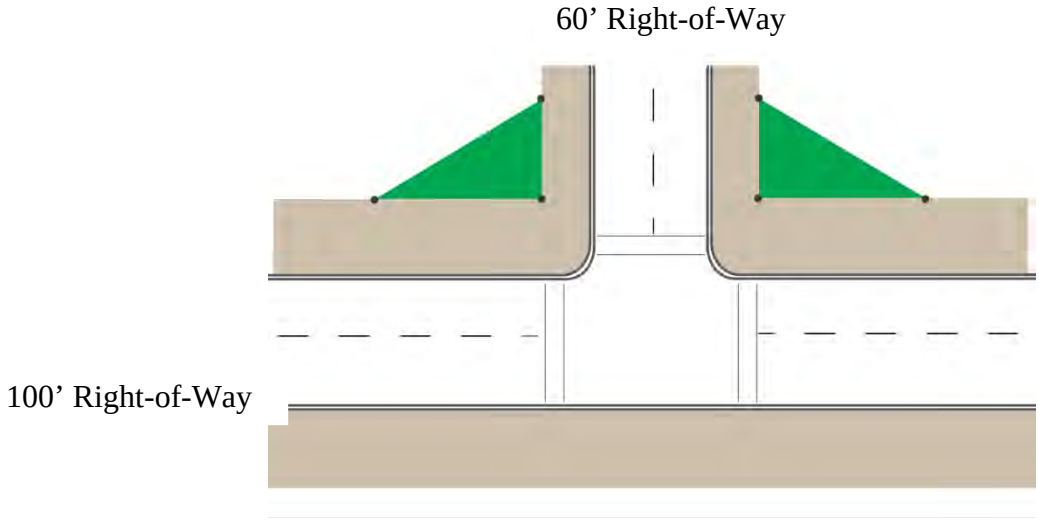
12.1.7. CLEAR SIGHT DISTANCE REQUIRED

Clear sight distance at street intersections is required. Signs shall be located outside of the required sight triangle as detailed in Table 12.1-1 and Figure 12-3. Sight triangles are required in every zoning district except for the CC District. Sight triangles must be shown on all submitted plans depicting the location of signage for sign permit applications.

TABLE 12.1-1: SIGHT TRIANGLE LEG LENGTH ALONG A RIGHT-OF-WAY MEASURED FROM THE POINT OF INTERSECTION

Right-of-Way Width (feet)	Length (feet)
50	25
60	30
70	35
80	40
90	45
≥100	50

FIGURE 12-3: SIGHT TRIANGLE SAMPLE ILLUSTRATION



12.1.8. DESIGN, CONSTRUCTION, AND MAINTENANCE

All signs shall be designed, constructed, and maintained, in accordance with the following standards:

A. All signs shall be constructed and maintained to retain sound structural condition, and shall comply with all applicable provision of the State Building Code, all applicable electrical codes, and this Ordinance, at all times.

B. Except for flags, certain temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of rigid all weather materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

12.1.9. CERTAIN GOVERNMENT SIGNS EXEMPT

Official signs installed by units of local government having jurisdiction within the Town of Mount Pleasant, agencies of the State of North Carolina and federal government agencies are exempt from the regulations established by this Ordinance, provided that such signs are installed upon public property or within a right-of-way owned or maintained by said governmental agency and fully conform to all safety provisions established by this Ordinance. For the purposes of this section, official signs shall include any sign erected by the Town of Mount Pleasant.

12.1.10. COMPREHENSIVE SIGN PACKAGES

As an alternative to the standards established by this Article, developments consisting of buildings which contain 100,000 square feet or more of gross floor area or occupy an area of 5 acres or more, may submit an application for a comprehensive sign package which details alternative regulations for the installation and display of signs within the development. Comprehensive sign packages shall be approved as an included condition when a petition for a conditional zoning district is submitted for qualifying projects. In all other cases, a comprehensive sign package shall be approved by the issuance of a Special Use Permit. Comprehensive sign packages may only be modified in the same manner in which they were originally approved. Comprehensive sign packages shall provide detailed regulations for the following, at a minimum:

- Permitted sign types
- Permitted sign area and height for each proposed sign
- Permitted sign materials for each type of sign
- Permitted types of illumination for each sign type

- The location of all proposed signs, including permitted mounting locations for building mounted signs.
- The type, display location, materials, size and height for any temporary signs permitted to be displayed.

The goal of the comprehensive sign package is to create an integrated typology for the permitted signs on the property subject to the approved comprehensive sign package. To that end, the proposed regulations shall be designed in a manner to require the use of signage with common characteristics both within individual sign types and across the various types of signs.

12.1.11. COMMON SIGNAGE PLANS REQUIRED

Where multiple building mounted signs of the same type (including wall, projecting and awning signs) are proposed for display on a building or group of buildings situated upon the same property or within a common development, such as a shopping center, the owner or developer shall submit a common signage plan that details a uniform approach to the permitted sign material(s), type of illumination and style of signage. Following the submission of the common signage plan, all signs installed within the area covered by the plan shall conform to the submitted plan. Common signage plans may only be altered following their submission if the original applicant or their successor agrees to modify all affected signage within the area covered by the plan to meet the new standard.

12.1.12. NONCONFORMING SIGNS

In the interest of encouraging the eventual removal of signs that do not meet the current standards of the ordinance, the following standards are established to require the removal of nonconforming signs under certain circumstances.

12.1.12.1. Discontinuance of Occupancy and/or Use

Where one or more nonconforming signs are located on a parcel of land or building whose occupancy or use has been discontinued for a period of 180 consecutive days, such nonconforming sign(s) shall be removed, replaced or otherwise brought into conformance with the current standards of this Ordinance prior to the reestablishment of occupancy or use of the building or land associated with such sign(s).

12.1.12.2. Removal or Damage

Nonconforming signs that are voluntarily removed, or which are damaged to an extent greater than or equal to 50% of their replacement value, shall not be reestablished or repaired except in full conformance with the current standards of this Ordinance. The removal of a sign shall include situations in which the face or faces are removed from a nonconforming sign structure and not replaced within 180 days of the date of their removal.

12.1.12.3. Exceptions

Signs that were permitted in accordance with the standards of an overlay district or other conditional district shall be exempt from the requirements of this section.

12.2. PROHIBITED SIGNS

12.2.1. APPLICABILITY

The following signs are expressly prohibited within the Town of Mount Pleasant and its extraterritorial jurisdiction:

A. Signs which approximate official highway signs, warning signs or regulatory devices.

B. Portable signs as defined by this Ordinance.

C. Facsimile signs, as defined by this Ordinance.

D. Animated signs, as defined by this Ordinance.

E. Feather flags, including vertically displayed banner signs or flags mounted or attached to poles, where the height of the banner or flag exceeds twenty-five percent (25%) of the height of the pole when erected in its display position.

F. Signs placed within any required sight triangle.

G. Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse container, except that the latter two may contain a logotype.

H. Roof signs.

I. Pavement markings for purposes other than traffic control.

J. Signs placed within or extending into the right-of-way of Town and state maintained streets and roads, except those signs erected by a duly constituted government body or which are expressly permitted to be placed within a right-of-way by this Ordinance or the North Carolina General Statutes.

K. Signs that contain language and/or pictures obscene to the general public in accordance with NCGS 14-190.1.

L. Indirect illumination for signs, such as floodlights, erected in such a manner as to cause glare that impairs driver vision on streets or roadways, pilot vision approaching or departing airport runways or heliport approaches, or that causes a nuisance to adjoining property.

M. Signs that obstruct fire escapes, windows, doors or other openings used as means of egress or as required legal ventilation.

N. Signs containing or consisting of pennants, ribbons, streamers, festoon lighting, balloons (or inflatable signs), spinners or windblown devices.

O. Signs that do not conform to the provisions of these regulations, except as otherwise provided in this Article.

12.3. TEMPORARY SIGNS

12.3.1. APPLICABILITY

The provisions of this section shall apply to the placement and display of temporary signage within the Town's jurisdiction. Any temporary sign that does not comply with the provisions of this Section is prohibited. Any sign which is permanently displayed shall comply with the provisions of Section 12.4, Permanent Signs.

12.3.2. COMMON STANDARDS

All temporary signs shall comply with the following common standards:

A. Temporary signs shall not be illuminated or be provided with any electric service.

B. Temporary signs shall not be placed within any public street right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.

C. Temporary signs attached to building walls (other than permitted temporary window signs) shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, or street number sign.

D. Temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.

E. Temporary signs shall not be placed in a manner that obstructs clear sight distance (within the required sight triangle) for motorists at street intersections or driveways.

F. Temporary signs, other than Type 4 Freestanding Temporary Signs, shall not be placed upon any sidewalk or other pedestrian walkway.

G. Temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.

H. Where temporary signs are limited in the duration of their display and limited in the total number of displays per calendar year, any required period of separation between such displays shall carry through to the following calendar year, and shall be observed prior to initiating the first allowed display during the new calendar year.

12.3.3. FREESTANDING TEMPORARY SIGNS

12.3.3.1. General Provisions

The following standards shall apply to all Freestanding Temporary Signs:

A. Signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques, unless otherwise specified.

B. Signs, other than Type 4 Freestanding Temporary signs, shall be set back from the edge of the right-of-way.

C. No more than one (1) Freestanding Temporary Sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.

12.3.3.2. Type 1 Freestanding Temporary Signs

Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns and meeting announcements. For examples of Type 1 Temporary Freestanding Signs, see Figure 7.1. Such signs are also subject to NCGS 136-32(b).

12.3.3.3. Type 2 Freestanding Temporary Signs

Signs in this category are typically referred to as "banners" that are typically associated with (but not limited to) the announcement of community, sporting and similar special events. For examples of Type 2 Temporary Freestanding Signs, see Figure 7.1.

12.3.3.4. Type 3 Freestanding Temporary Signs

Signs in this category are large temporary signs typically associated with (but not limited to) the advertisement of large tracts of land for sale, construction and development activity or the advertisement of commercial or industrial buildings for sale or lease. For examples of Type 3 Temporary Freestanding Signs, see Figure 7.1.

12.3.3.5. Type 4 Freestanding Temporary Signs

The category of signs defined as Type 4 Freestanding Temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign. The faces of the sign shall be connected at the top by hinges or similar mechanisms and the sign shall be self-supporting when placed in its display position.

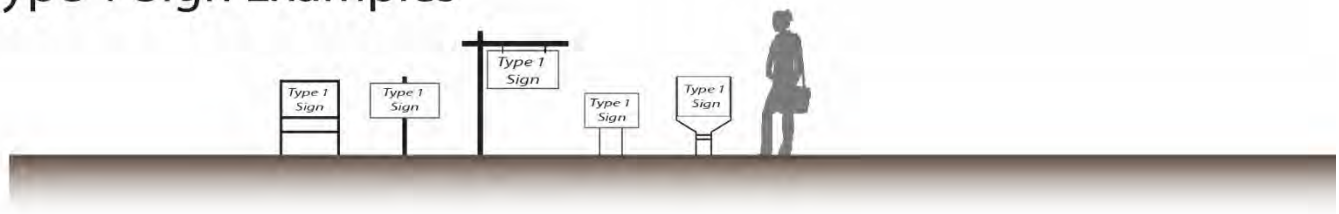
TABLE 12.3-1: FREESTANDING TEMPORARY SIGN CRITERIA

Criteria	Type 1	Type 2	Type 3	Type 4
Zoning District	Any district	Any District	Any District	CC, C-1, C-2, CD
Registration Required	No	No	Yes	No
Land Use	• Residential Use Group for lots or developments of 3 acres or less • Vacant or undeveloped properties of 1 acre or less	• Institutional and Civic Use Group	• Residential Use Group for lots or developments of greater than 3 acres • Vacant or undeveloped properties of greater than 1 acre • Any property with a minimum of 200 feet of frontage on a public right-of-way	• Institutional and Civic Use Group • Professional Office/Business Services Use Group • Retail Trade Use Group
Max. Size[1] (square feet)	6	18	18	6
Max. Height (feet)	4	4	6	4
Number Permitted[2]	1	1	1	1 per customer entrance[4]
Max. Duration	No Limit	7 days up to 12 times per calendar year	2 years[3]	Between daily opening and closing
Mounting	Supported by posts or stakes	Supported by posts or stakes	Supported by a minimum of 2 posts or stakes	A-frame
Material	Rigid	Flexible	Rigid	Rigid
Other	NCGS 136-32 applies within state rights-of-way		Shall not be displayed upon a parcel that contains a permanent freestanding sign.	• Shall be located within 10 feet of building wall and within 10 feet of a customer entrance • May be located on sidewalk if with a minimum 3-foot clearance • Shall not be placed in a landscaped area or parking area or driveway

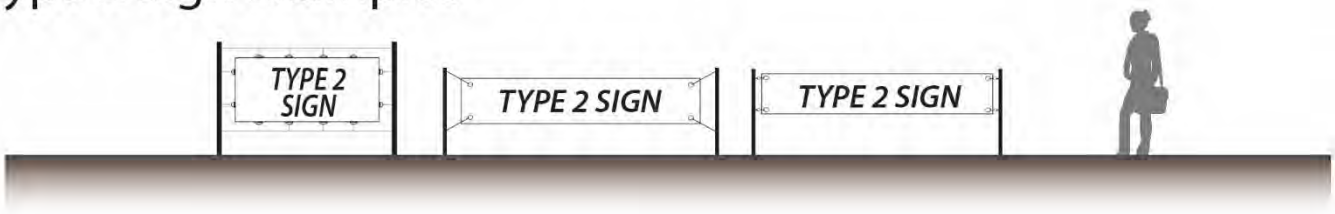
[1]The display area may be either single or dual-sided, but shall not consist of more than one (1) distinct component.
[2]Per parcel or group of adjacent parcels under common ownership or tenancy
[3]Provided that this limit shall not be apply if the land, and any building(s) and/or structure(s) upon such parcel or group of parcels is not occupied or in active use for purposes other than a use in the Residential Use Group at any time during the period of display.
[4]Provided there is a separation of a minimum of 50 feet if there is more than one customer entrance per tenant space.

Figure 12-4: Temporary Freestanding Sign Examples

Type 1 Sign Examples



Type 2 Sign Examples



Type 3 Sign Examples

Type 4 Sign Example

12.3.4. WALL MOUNTED TEMPORARY SIGNS

Temporary signs mounted to building walls may be displayed subject to the issuance of a registration in accordance with Section 12.1.5 (D) and the following provisions:

A. Wall mounted temporary signs are permitted on buildings housing a use within the Institutional and Civic, Professional Office/Business Services, Retail Trade, Wholesale Trade, Manufacturing and Industrial Use Groups.

B. One (1) temporary wall sign may be displayed per building occupied by a single tenant. Buildings designed for occupancy by multiple tenants where each tenant has a separate entrance may display one (1) temporary wall sign per tenant space. Buildings occupied by multiple tenants that share a common entrance may not display more than one (1) temporary wall sign at any given time.

C. Temporary wall signs shall be mounted flush against the building wall and secured by fasteners or other anchors at each corner.

D. The maximum display area for temporary wall signs shall be the greater of eighteen (18) square feet or twenty-five percent (25%) of the maximum permitted permanent wall signage, not to exceed 72 square feet.

E. Temporary wall signs may be displayed for a maximum of thirty (30) consecutive calendar days.

F. Temporary wall signs may be displayed a maximum of four (4) times per calendar year, with a minimum of thirty (30) days of separation between removing a temporary wall sign and displaying a new temporary wall sign. The minimum time period between temporary sign displays for buildings housing multiple uses that share a common entrance is ten (10) days.

G. Beginning on the date that a certificate of occupancy for a newly constructed building or zoning permit for a bona fide change of use is issued and ending 60 calendar days following the issuance of said certificate or permit, a temporary wall sign in compliance with the remaining standards of this section may be displayed for the duration of the 60 day period. The display of a temporary wall sign subject to this provision shall be counted as one of the four (4) permitted displays for the calendar year in which the sign is removed. The required thirty (30) day separation period shall begin upon the removal of such sign.

12.3.5. TEMPORARY WINDOW SIGNAGE

Temporary signs affixed to the interior of windows may be displayed subject to the following provisions:

A. Temporary window signs exclude any sign which is permanently affixed to a window by means of chemical adhesion, painting, etching or similar means.

B. Temporary window signs may not cover, in aggregate, more than 25 percent of the glazed area of the window to which they are affixed.

C. Temporary window signage shall not be affixed to the exterior of a window.

12.3.6. HIGH-CAPACITY VENUES

Venues with an occupant load capacity of greater than 5,000 spectators/attendees may display up to ten (10) temporary signs, without limitation as to type or size, on the premises of the event, along with an unlimited number of strings of pennants. Such signage may be placed ten (10) days prior to a scheduled event, and shall be removed within five (5) days of the end of the event. Such signage shall comply with all other general requirements for temporary signs.

12.3.7. TEMPORARY USE SIGNAGE

The issuance of a Temporary Use Permit allows the display of one (1) Freestanding Temporary Sign (Type 1, 2 or 4) at the permitted location of the Temporary Use for the period of operation as specified in the Temporary Use Permit.

12.3.8. SUPPLEMENTAL LAND DEVELOPMENT SIGNAGE

Beginning upon the date of land development or construction activity authorized by a valid zoning permit, site plan, or subdivision plat approval and ending on the date that a certificate of compliance, certificate of occupancy, or final plat approval is granted, two (2) additional Type 1, 2 or 3 Freestanding Temporary Signs may be displayed upon the site of the permitted activity.

12.3.9. SUSPENSION OF TYPE 1 FREESTANDING SIGN REGULATIONS

Beginning on the 30th day prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending the 10th day following the primary or election, the limit on the number of Type 1 Freestanding Temporary Signs that may be displayed on a parcel containing a use in the Household Living use group is suspended. All other regulations associated with such signage shall remain in effect during such period of suspension. Following the end of such period of suspension of this regulation, the limit on the number of permitted Type 1 Freestanding Temporary Signs shall be in force until the following period of suspension.

12.4. PERMANENT SIGNS

12.4.1. APPLICABILITY

The following regulations govern the installation and display of permanent signage within the jurisdiction of this Ordinance. All permanently installed signage shall comply with these regulations unless otherwise explicitly exempted by the provisions of this Ordinance.

12.4.2. BUILDING SIGNS

A permanent sign that is affixed to a building wall, window (greater than 10% glazed area), canopy or awning shall meet the following standards and are subject to the issuance of a Zoning Permit.

12.4.2.1. District and Size Standards

District	Sign Allowed	Type Allowed (See Fig. 12-5)	Max. Area (1 square foot per linear foot of building wall up to)	Max. Number (per wall per tenant)	Other
AG	PL*	flush	16 sf	1	• Area calculated based on total area of building wall upon which the sign(s) is (are) located • Max. area may be split between number of signs allowed
RE	PL*	flush	16 sf	1	
RL	PL*	flush	16 sf	1	
RM	PL*	flush	16 sf	1	
RH	PL*	flush	16 sf	1	
O-I	PL	Flush, awning	24 sf	2	
CC	PL	Flush, awning, projecting, canopy	24 sf	2	
C-1	PL	Flush, awning, projecting, canopy	32 sf	2	
C-2	PL	Flush, awning, projecting, canopy	128sf	4	
CD	PL	Flush, awning, projecting, canopy	128sf	4	
I-1	PL	Flush	128sf	4	
I-2	PL	Flush	128sf	4	

P: Sign permitted for non-residential uses
L: Illumination Allowed
*: External illumination only

FIGURE 12-5: BUILDING SIGN TYPES

Flush Wall Sign

Projecting Sign

Canopy Sign

Awning Signs

12.4.2.2. Design Standards

A. Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a parking area that contains twenty-five percent (25%) or more of the spaces provided for the building or use, or which is located within 100 feet of the right-of-way of a public or private street or internal drive that is fully separated from customer parking areas.

B. Canopy signs shall not cover more than 50 percent of the canopy area. Canopies shall not be backlit.

C. One (1) sign no larger than four (4) square feet in area may be suspended from an awning, canopy, breezeway or other pedestrian covering directly in front of a customer entrance for a nonresidential use. Such signs shall be mounted perpendicularly to the customer entrance and maintain a minimum of seven (7) feet of clearance above the pedestrian walkway. Such signs may not be illuminated.

FIGURE 12-6: SUSPENDED PEDESTRIAN SIGN

D. Window signs shall not comprise more than 30 percent of the window area in addition to the maximum area requirements of Section 12.4.2.1 above.

E. Wall signs shall not project more than 12 inches from the wall face, except for projecting signs which may project up to five (5) feet. Projecting signs shall provide a minimum eight (8) foot vertical clearance.

F. Projecting signs shall be limited to 16 square feet per façade.

G. Wall signs shall not extend above the parapet or eave of the building.

H. Permanent window signs that cover more than 10% of the glazed area of a window shall be considered permanent wall signs and shall be permitted as such.

I. Up to 50 percent of the allowable area of a wall sign may be manual changeable copy. No changeable copy feature is permitted to be included on a projecting, canopy, or awning sign.

J. Wall signs on contributing historic buildings within the National Register of Historic Places District shall be placed within the sign frieze, or distinct place within which a wall sign was intended to be located, if the building was designed for such. If a sign frieze is present, a wall sign placed within the frieze shall be permitted to exceed the maximum permitted sign area. No wall sign shall extend beyond such space. If there is no sign frieze, the wall sign shall be placed below the typical second floor window area. The design and coloration of such signs shall be compatible with the character of the building.

K. Repair, replacement or replicas of historic signs, including internally illuminated, back-lighted, indirect, exposed bulb, or neon signs, are permitted in the Center City District. A photo, picture, drawing, or sketch of the *original* sign shall accompany the sign application.

12.4.3. GROUND SIGNS

A freestanding sign located on-site that is permanently mounted to the ground shall meet the following requirements and are subject to the issuance of a Zoning Permit.

12.4.3.1. District and Size Standards

District	Sign Allowed	Type Allowed (See Fig. 12-9)	Max. Area (square feet)	Max. Height (feet)	Max. Number (per street frontage)	Other
AG	PL*	monument, arm	16	4	1	Freestanding ground signs are permitted in association with any principal nonresidential use in any zoning district. Freestanding ground signs may also be established in association with multi-family residential developments containing 16 or more dwelling units and single family residential subdivisions containing 24 or more individual lots.
RE	PL*	monument, arm	16	4	1	
RL	PL*	monument, arm	16	4	1	
RM	PL*	monument, arm	16	6	1	
RH	PL*	monument, arm	16	6	1	
O-I	PL	monument, arm	24	6	1	
CC	PL	monument, arm	24	4	1	
C-1	PL	monument, arm	32 sf + 8 sf per tenant up to 100 sf	6	1	
C-2	PL	monument, arm, encased pole, multi-tenant pylon	40 sf + 8 sf per tenant up to 100 sf	8 (20 ft on NC Hwy. 49)	1 for every 300 feet of frontage	
CD	PL	monument, arm	40 sf + 8 sf per tenant up to 100 sf	8	1 for every 300 feet of frontage	
I-1	PL	monument, arm	40 sf + 8 sf per tenant up to 100 sf	6	1 for every 300 feet of frontage	
I-2	PL	monument, arm	40 sf + 8 sf per tenant up to 100 sf	6	1 for every 300 feet of frontage	

P: Sign permitted for non-residential uses and development entrances
L: Illumination Allowed
*: External illumination only

FIGURE 12-9: GROUND SIGN TYPES

Monument Sign ***Encased Pole Sign***

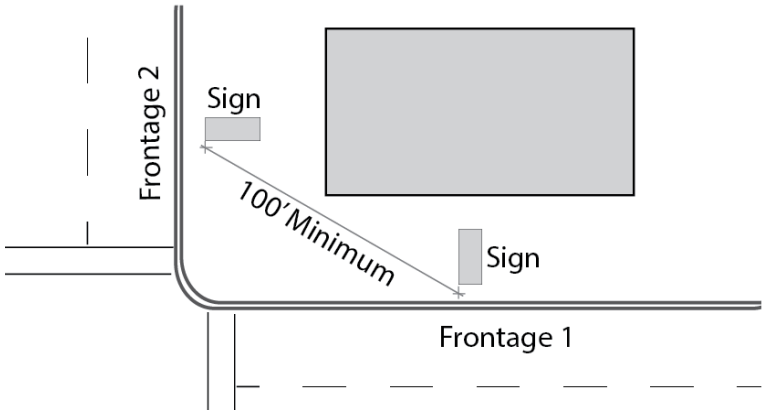
Arm Sign ***Multi-tenant Pylon Sign***

12.4.3.2. Design Standards

A. Freestanding ground signs shall not be located within 50 feet of any other freestanding ground sign unless the signs are separated by a street right-of-way. Freestanding ground signs shall not encroach into a street right-of-way or be located in any required sight triangle.

B. One (1) freestanding ground sign may be displayed per road frontage, provided that where there are multiple road frontages, signs on the subject parcel may not be placed within 100 feet of each other as measured in a straight line.

FIGURE 12-8: MINIMUM SEPARATION FOR SIGNS ON SEPARATE FRONTAGES



C. Manual or analog changeable copy area may be included on any freestanding sign. The area devoted to changeable copy shall be limited to 75% of the total area of the sign face for signs in the C-1, C-2, I-1, and I-2 districts. In all other districts, the maximum changeable copy shall be limited to 50% of the total area of the sign face.

D. Electronic changeable copy area may be included on any conforming freestanding sign in the O-I, C-1, C-2, I-1, and I-2 districts. The area devoted to electronic changeable copy shall be limited to 75% of the total area of the sign face. All signs that include an electronic changeable copy feature shall meet the minimum North Carolina Department of Transportation requirements for lighting and message duration contained in NC Administrative Code 2E.0203(3a-c & 4a (i-iii)).

E. All freestanding signs located within parking or vehicular use areas, and not in yard areas, shall stand in a bed of landscaping at least 30 square feet in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs, and shall be bordered by acceptable curbing materials as specified in Article 8 of this Ordinance.

12.4.4. INCIDENTAL SIGNS

A freestanding sign located on-site that is permanently mounted to the ground shall meet the following requirements. Zoning Permits are not required for incidental signs.

12.4.4.1. Entrance Drive Signage

One (1) sign, not exceeding four (4) square feet in area, may be displayed on each side of the street entrance to the parking area or internal driveway network of a nonresidential use. Such signs shall not exceed three (3) feet in height, and shall be located within 15 feet of the intersection of the driveway with the right-of-way.

12.4.4.2. Drive-through Signage

One (1) sign, not to exceed 32 square feet in area may be displayed immediately adjacent to a drive through service lane. Such signs shall be oriented to face the drive through service lane.

12.4.4.3. Small Incidental Signs

Permanently installed signs smaller than two (2) square feet in area may be displayed without limitation as to number or location, provided that such signs are mounted or affixed to an occupiable building or other structure subject to regulation by the North Carolina Building Code. Such signs shall not be installed at a height greater than six (6) feet. Only signs installed greater than 30 feet from a street right-of-way shall qualify for this exemption.

12.4.4.4. Regulatory Signs

Signs required to be installed by any local, state, or federal rule, regulation or ordinance may be displayed in accordance with the standard establishing their size and placement. Examples of such signs include required building address signs and fire safety signage.

12.4.5. PERMANENT FLAG DISPLAYS

Up to three (3) flags may be displayed on an individual parcel of land or on an individual building within a combined development. Flags may be mounted on poles not exceeding 30 feet in height when associated with a residential use or 50 feet when associated with a nonresidential use. When mounted to a building wall that is permitted for the display of a wall sign, the size of the flags shall not exceed the maximum permitted wall sign area for that building wall. In no case shall building mounted flag poles extend above the top of the building wall to which they are attached. Zoning Permits are not required for permanent flag displays.

12.5. OUTDOOR ADVERTISING (BILLBOARD) SIGNS

12.5.1. APPLICABILITY

Subject to NCGS 160D-912, the maximum permitted sign area, location, characteristics, and number of off-premise Outdoor Advertising Signs shall be determined in accordance with the standards in this Section 12.5.

12.5.2. STANDARDS

The following regulations shall apply off-premise Outdoor Advertising Signs:

A. Such signs shall be permitted only in the I-1 and I-2 districts with the issuance of a Conditional Use Permit.

B. Such signs shall be limited to a maximum size of 150 square feet.

C. Such signs shall be setback a minimum of fifty (50) feet from the public right-of-way, or any legal private access road.

D. Such signs shall not exceed thirty (30) feet in height.

E. There shall be only one (1) face per side of the sign. "Double-decker" signs with signs erected one over or above the other and side-by-side signs with signs erected one next to the other are prohibited.

F. Such signs shall be a minimum of one-thousand (1,000) feet from any Residential Zoning District or residentially developed property, whether within the jurisdictional limits of the Town or not. The distance shall be measured radially from the proposed sign location to the nearest point of the residential district or property.

G. Each such sign shall be a minimum of one-thousand (1,000) feet from any other off-premises outdoor advertising sign, located on the same or on the opposite side of the street. The distance shall be measured radially from the proposed sign location to the existing sign location.

H. Such signs shall be a minimum of one-hundred (100) feet from any existing or proposed building, off-street parking area or other building or structure. The distance shall be measured radially from the proposed sign location to the nearest point of the building, off-street parking area or other building or structure.

I. No vegetation in the public right-of-way shall be cut for the purpose of increasing or permitting visibility to such off-premises outdoor advertising sign unless approved by the chief engineer of the governmental authority having jurisdiction over such right-of-way.

J. No off-premises outdoor advertising sign shall be located in a required front yard setback.

K. Such signs shall meet 30 PSF wind loading requirements and all supports shall:

1. be of steel, aluminum, concrete or other non-combustible material.
2. No such sign shall be erected closer than ten (10) feet from any conductor of electricity, and all such signs shall comply with all requirements of the National Electrical Code with respect to clearance from overhead electrical conductors.

L. Billboards with LED or electronic reader boards are not permitted. (See Section 12.2 Prohibited signs)

ARTICLE 13
NONCONFORMITIES AND VESTED RIGHTS

SECTION **PAGE**

13.1 NONCONFORMING USES AND LOTS 13-2

13.2 VESTED RIGHTS 13-5

13.1. NONCONFORMING USES AND LOTS

13.1.1. CONTINUATION OF NONCONFORMING USES

Any nonconforming uses in existence at the time of the adoption of this Ordinance may be continued and shall not be subject to this Ordinance to the extent that the regulations, restrictions and requirements of this Ordinance would prohibit that use, or to the extent that such structure would not be permitted to remain. Any Nonconforming Use which, at any time, is not in use for a continuous 60-day period shall be considered to have discontinued operations and, therefore, regardless of the reason or intent of such discontinuance, will no longer be permitted. The initial decision as to whether an existing Nonconforming Use has been discontinued shall be made by the Administrator, subject to said decision being appealed to the Board of Adjustment by the affected property owner within thirty (30) days of the ruling by the Administrator.

13.1.2. NONCONFORMING LOTS OF RECORD

A. Permitted uses in any district may be allowed on any single lot of record existing at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, generally applicable in the zoning district.

B. Any existing lot of record which does not conform with lot area, depth or width requirements may be used for any permitted use in that zoning district so long as the parcel is not reduced in any manner or diminished so as to cause yards, lot coverage, or other open spaces to be less than required, except as provided in subsection 13.1.2.1.3.

C. Dimensional requirements other than those applying to lot area, depth or width shall be met, provided that the Administrator may allow a reduction of not to exceed twenty-five per cent (25%) in the dimension of any required yard. Approval shall depend upon a written finding that such reduction is reasonably necessary for practical use of the lot and will not have substantial adverse effects on adjacent property. Reduction of yard requirements by more than twenty-five percent (25%) shall be obtained only through a variance granted by the Board of Adjustment.

13.1.3. EXPANSION OR ENLARGEMENT OF NONCONFORMING USES OR CHANGE TO ANOTHER NONCONFORMING USE

A. A Nonconforming Use shall not be expanded, enlarged or changed to another Nonconforming Use except as provided in this Section.

B. No structural alterations shall be made to a Building or other Structure substantially occupied by a Nonconforming Use except as necessary:

   1. to comply with the requirements of a federal or state laws or regulations, or local ordinance of general applicability;

   2. to accommodate a Conforming Use; or

   3. to make such structure conform to the applicable dimensional regulations.

C. A Nonconforming Use may be changed to any Conforming Use. The applicable zoning district dimensional regulations of Table 4.7-1 shall not apply to such change of Use. However, all other design standards of this

Ordinance (such as parking, landscaping, etc.) shall apply. Nonconforming Uses shall not be expanded or enlarged unless such expansion or enlargement shall comply with all applicable zoning district dimensional regulations.

13.1.4. NONCONFORMING STRUCTURES

A. Expansions or additions to structural parts of a Nonconforming Building or other Structure shall be permitted with the issuance of a Certificate of Nonconformity Adjustment. Repairs to existing Nonconforming Buildings or Structures that do not include an expansion or addition shall not require a Certificate of Nonconformity Adjustment.

B. Nonconforming Buildings or other Structures shall not be expanded or enlarged unless such expansion or enlargement shall comply with all applicable zoning district dimensional regulations.

13.1.5. CONTINUED NONCONFORMANCE AFTER DAMAGE OR DESTRUCTION

A. When a Nonconforming Building or Structure or a Building containing a Nonconforming Use is damaged or destroyed by fire, storm or other casualty, such Building may be rebuilt, reconstructed and/or reoccupied only in accordance with the provisions of this Section 13.1.5.

B. Where a Building or other Structure substantially occupied by a Nonconforming Use is damaged or destroyed as a result of fire or other natural/uncontrollable factor, such Building or Structure may be reconstructed and such Nonconforming Use may be continued, provided that any such reconstruction does not increase the degree of any Nonconformance, and only upon receipt of a Zoning Clearance Permit. However, if a Building or other Structure substantially occupied by a Nonconforming Use is voluntarily removed or altered, such structure and site shall be subject to all applicable design standards of this Ordinance, and shall be permitted only upon the issuance of a Certificate of Nonconformity as set forth in Section 13.1.6, below.

13.1.6. CERTIFICATE OF NONCONFORMITY ADJUSTMENT REQUIRED

13.1.6.1. Purpose

Adjustment shall be required to enlarge, expand or otherwise alter any Nonconforming Use or Structure as set forth in this Section 13.1. A Certificate of Nonconformity Adjustment shall be issued by the Administrator subject to the requirements of this section.

13.1.6.2. Procedures

A. Certificates of Nonconformity Adjustment shall follow the quasi-judicial hearing procedures set forth in Section 3.3 of this Ordinance.

B. Application for a Certificate of Nonconformity Adjustment shall be submitted on a form prescribed by the Administrator. An applicant for a Certificate of Nonconformity Adjustment shall submit a detailed plan of the existing site, showing, the degree of Nonconformity with respect to the dimensional and design regulations of this Ordinance. In the case of a Nonconforming Use the application shall include a detailed explanation of the current Use including documentation of traffic generated by the current use.

C. A Certificate of Nonconforming Adjustment may be granted by the Board of Adjustment based on the following criteria:

1. Noise. Does the nonconformity create noise above and beyond levels considered normal to the area?

2. Traffic. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
3. Other measurable, physical effects. Does the nonconformity generate any other negative effects including but not limited to: dust, air pollution, foul smell, etc.?
4. Aesthetics. Does the nonconformity compliment or detract from the overall aesthetic character of the area?

13.1.7. REPLACEMENT OF NONCONFORMING MANUFACTURED HOMES

Nonconforming manufactured homes on individual lots may not be replaced in the Town's jurisdiction.

13.1.8. NONCONFORMING MANUFACTURED HOME PARKS

A. All manufactured home parks made nonconforming by this Ordinance may continue. However, the arrangement of spaces is not to be altered nor the number of spaces increased. In the absence of a plat recorded in the Cabarrus County Register of Deeds office prior to June 30, 1981, records in the Cabarrus County Tax Supervisor's office or approved septic permits on file at the Cabarrus Health Alliance will be utilized as verification reflecting the number of spaces.

B. Manufactured homes within nonconforming parks may be removed and replaced provided that the replacement manufactured home is no older than 1976 and must conform to the design and installation standards of Sections 4.10.7 (C), 4.10.7 (D), 4.10.7 (G), 4.10.7 (H), and 4.10.7 (I) of this Ordinance.

13.2. VESTED RIGHTS

13.2.1. APPLICABILITY

A. Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:
   1. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with NCGS 143-755.
   2. Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with NCGS 143-755.
   3. A site-specific vesting plan pursuant to NCGS 160D-108.1.
   4. A multi-phased development pursuant to section 13.2.3.
   5. A vested right established by the terms of a development agreement authorized by NCGS Chapter 160D, Article 10.

B. The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided for in this section or by common law, precludes any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

13.2.2. DURATION OF VESTING

A. Upon issuance of a development permit, the statutory vesting for a development project is effective upon filing of the application in accordance with NCGS 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, local development permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.

B. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

13.2.3. MULTIPLE PERMITS FOR DEVELOPMENT PROJECT

Subject to Section 13.2.2, where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an

initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

13.2.4. MULTI-PHASED DEVELOPMENT PLAN

A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

13.2.5. CONTINUING REVIEW

Following issuance of a development permit, the Town may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original application.

13.2.6. PROCESS TO CLAIM VESTED RIGHT

A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under NCGS 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under NCGS 160D-405, a person claiming a vested right may bring an original civil action as provided by NCGS 160D-1403.1.

13.2.7. MISCELLANEOUS PROVISIONS

The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and G.S. 136-131.2 in which case the rights granted by this section run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

13.2.8. DEFINITIONS

As used in this section, the following definitions apply:

A. Development. - As defined in NCGS143-755(e)(1).

B. Development permit. - As defined in NCGS143-755(e)(2).

C. Land development regulation. - As defined in NCGS 143-755(e)(3).

D. Multi-phased development. - A development containing 25 acres or more that is both of the following:

1. Submitted for development permit approval to occur in more than one (1) phase.

2. Subject to a master development plan with committed elements showing the type and intensity of use of each phase.

13.2.9. SITE SPECIFIC VESTING PLANS

13.2.9.1. Site-Specific Vesting Plan

A site-specific vesting plan consists of a plan submitted to the Town in which the applicant requests vesting pursuant to this section, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a Special Use Permit, a Conditional Zoning district plan, or any other land-use approval designation as may be utilized by the Town. Unless otherwise expressly provided by the Town, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by the Town pursuant to a development regulation, and the document that triggers the vesting shall be so identified at the time of its approval. A Variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

13.2.9.2. Establishment of Vested Right

A vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific vesting plan, including any amendments thereto.

13.2.9.3. Approval and Amendment of Plans

A. If a site-specific vesting plan is based on an approval required by a local development regulation, the Town shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two (2) years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by NCGS 160D-602 shall be held.

B. The Town may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. The Town shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the Town's decision approving the plan or another date determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the Town as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.

13.2.9.4. Continuing Review

Following approval or conditional approval of a site-specific vesting plan, the Town may make subsequent reviews and require subsequent approvals by the Town to ensure compliance with the terms and conditions of the original approval, provided that these reviews and approvals are not inconsistent with the original approval. The Town may, pursuant to G.S. 160D-403(f), revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

13.2.9.5. Duration and Termination of Vested Right

A. A vested right for a site-specific vesting plan remains vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the Town.

B. Notwithstanding the provisions of subsection (A), the Town may provide for rights to be vested for a period exceeding two (2) years but not exceeding five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the Town and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with Section 13.2.9.1.

C. Upon issuance of a building permit, the provisions of NCGS 160D-1111 and NCGS 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.

D. A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

13.2.9.6. Subsequent Changes Prohibited; Exceptions

A. A vested right, once established as provided for in this section, precludes any zoning action by the Town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under one or more of the following conditions:

1. With the written consent of the affected landowner.

2. Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan.

3. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the Town, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

4. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the Town of the site-specific vesting plan or the phased development plan.

5. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the Town may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

B. The establishment of a vested right under this section does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and

ARTICLE 14
ADEQUATE PUBLIC FACILITIES (APF) STANDARDS

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14.1. GENERAL STANDARDS

14.1.1. PURPOSE AND INTENT

The purpose and intent of this Section is:

- To ensure that adequate public facilities are in place to support new development.
- To ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;
- To encourage development in areas where public services are available and underutilized.
- To establish uniform procedures for the review of development applications subject to the standards and requirements of this Section;
- To facilitate implementation of goals and policies set forth in the *Comprehensive Plan* and any applicable *Area Plan* relating to adequacy of Public Facilities; and
- To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

14.1.2. DEFINITIONS

The words, terms and phrases set forth herein shall have the meanings prescribed below provided, however, that any words, terms or phrases not included below shall have the meanings prescribed by Appendix A to this Ordinance.

ADOPTED LEVEL OF SERVICE. A measurement quantifying a specific amount, frequency, capacity, or response time of a service which has been established by the governing board. For purposes of determining adequacy, this shall not exceed the actual level of service.

AVAILABLE CAPACITY. Existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development.

CAPACITY. The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

CAPITAL IMPROVEMENT. A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town, County, special district, or a private service provider.

CAPITAL IMPROVEMENT, PLANNED. A Capital Improvement designed for construction within a period not to exceed six (6) years in a Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM. A plan setting forth, by category of public facilities, those capital improvements that will be provided over a period of specified years. "Capital Improvements Program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

COMMITTED DEVELOPMENT. Committed Development includes: development with an approved determination of concurrency; or developments which are approved, but which are unbuilt such as unbuilt preliminary subdivision plans, or minor development final plats; or final plats or building permits approved without a determination of concurrency.

COMMON OWNERSHIP. Ownership by the same person, corporation, firm, entity, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his amily owns an interest in each corporation, firm, partnership, entity or unincorporated association, but excluding ownership of less that 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the

price is listed at least weekly in the Wall Street Journal.

CONSENT AGREEMENT. The executed contract

between the local jurisdiction and developer that formally sets forth development approval and requirements to achieve adequacy.

CURRENTLY AVAILABLE REVENUE SOURCES. An existing source or amount of revenue presently available to the Town or the entity providing a Public Facility and that may be allocated towards capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement; provided, however, that this term shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

EXISTING DEMAND. The demand for Public Facilities from existing (built) Development.

EQUIVALENT RESIDENTIAL UNIT OR "ERU". For purposes of § 14.1 of this Ordinance, the demand for public facilities generated by a proposed development which is equivalent to the demand for public facilities generated by one (1) residential dwelling unit. [ERU table found in Table 14-3].

IMPACT AREA. The area in which a proposed residential development is presumed to create a demand for Public Facilities and which area, therefore, will be evaluated to determine whether the Capacity of Public Facilities is adequate to accommodate the demand created by existing residential development, Committed Development and the proposed residential development pursuant to § 6.1 of this Ordinance.

LEVEL OF SERVICE. Level of Service indicates the capacity per unit of demand for each public facility. It is an indicator of the extent or degree of service provided by a facility based upon and related to the operational characteristics of the facility.

PLANNED CAPACITY. The Capacity to be added by Planned Capital Improvements included in adopted capital improvement plans. Projects must be definitively scheduled to be considered as planned capacity with the effective date of that capacity the expected completion of the improvement.

PUBLIC FACILITIES. Capital Improvements including Water Facilities, Wastewater Facilities, Fire Protection Facilities, Public Schools, and Streets.

14.1.3. APPLICABILITY

A. The provisions of this section shall apply to any:

   1. application for Conditional Zoning district;

   2. application for Site Plan approval of any project that generates 2,000 or more trips per day;

   3. application for Site Plan approval of a multi-family or attached single-family residential project; and

   4. any application for a Major Subdivision Preliminary Subdivision Plat. Subdivision plats that qualify as Minor Subdivisions shall not be subject to this Article.

B. No application for development approval subject to this Section shall be accepted, approved, granted or issued unless it is accompanied by an application which provides sufficient information to determine whether the capacity of Public Facilities is adequate to support the proposed development.

14.2. APF PROCESSING PROCEDURES

14.2.3. SUBMISSION REQUIREMENTS

A. It is the intent of this Section that no application for development approval shall be approved unless accompanied by a positive determination, or a positive determination subject to conditions, relating to adequacy of public facilities as provided herein. Each application, in addition to other applicable and required processing fees, shall be submitted and shall be accompanied by all required administrative fees.

B. A proposed rezoning which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The review of adequacy of public facilities for the application for a rezoning shall compare the Capacity of Public Facilities to the maximum projected demand which may result from the proposed rezoning based upon the potential density of the affected area pursuant to the rezoning. Nothing herein shall authorize a rezoning or the issuance of a Special Use Permit that would otherwise be inconsistent with the *Comprehensive Plan.*

14.2.4. PROCEDURES FOR DETERMINATION

A. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in this subsection and Appendix B. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. If the application is complete and the submission requirements have been complied with, the Administrator shall evaluate the proposed development for compliance with the Adopted Level of Service and shall submit a recommendation pursuant to subsection (B), below.

B. If the Administrator concludes that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Levels of Service, the Administrator shall make a positive recommendation in its staff report. If the Administrator determines that any Public Facility will not be available concurrent with the impacts of the proposed development at the Adopted Level of Service based upon available capacity, the Administrator shall make a negative recommendation in the staff report or, in the alternative, shall make a positive recommendation with appropriate conditions consistent with the criteria set forth in this Section. If the Administrator recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may be included regarding the density of the proposed development, the timing and phasing of the proposed development, the provision of Public Facilities by the Applicant or any other reasonable conditions to ensure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed development. The staff report shall, at a minimum, include the following, based upon staff and referral agency recommendations:

1. the number of equivalent dwelling units proposed by the Applicant, by type, for each Public Facility;

2. the timing and phasing of the proposed development, if applicable;

3. the specific Public Facilities impacted by the proposed development;

4. the extent of the impact of the proposed development in the applicable Impact Areas;

5. the Capacity of existing Public Facilities in the impact areas which will be impacted by the proposed development;

6. the demand on existing Public Facilities in the Impact Areas from existing and approved development;

7. the availability of Existing Capacity to accommodate the proposed development; and

8. if Existing Capacity is not available, Planned Capacity and the year in which such Planned Capacity is projected to be available.

14.2.5. WITHDRAWAL OF APPLICATION

The Applicant may withdraw the Application at any time by submitting a written request to the Administrator. Withdrawal will result in the forfeiture of all administrative fees paid by the Applicant for the processing of the application.

14.2.6. DETERMINATION

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Approval, the decision-making body shall confirm:

A. That the application for development approval shall be approved because public facilities and services are available; or

B. That the application for development approval shall be denied because public facilities and services are not available; or

C. That the application for development approval shall be approved subject to one or more of the following conditions as agreed to between the applicant and the Town Board:

1. Deferral of further development until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate for the entire development proposal, consistent with the requirements of this Article;

2. Reduction of the density or intensity of the proposed development to a level consistent with the available capacity of Public Facilities;

3. Provision by the Applicant of the Public Facilities necessary to provide capacity to accommodate the proposed development and at the time that the impact of the development will occur; or

4. Conditions agreed upon by the applicant to advance, or partially advance the Public Facilities necessary to provide capacity to accommodate the proposed development and at the time that the impact of the development will occur. Provisions for advancement of capacity are included in Subsection 14.2.9.

14.2.7. EXPIRATION OF DETERMINATION

A. A determination pursuant to subsection 14.2.6, above, shall be deemed to expire when the development approval to which it is attached expires, lapses or is waived or revoked, or if the Applicant has not complied with conditions attached to its issuance.

B. If a determination of adequacy of public facilities attached to a rezoning expires, the Planning Board or Town Board may initiate proceedings to rezone the property to its original zoning classification.

14.2.8. EFFECT OF DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.

A determination of adequacy of public facilities for a development approval shall be deemed to indicate that:

A. Public Facilities are available at the time of issuance of the determination; and

B. For subdivision plats and site plans only, that Public Facilities will be considered to be available at all subsequent stages of the development approval process up to the date of expiration of the Preliminary Plat or final site plan

provided, however, that the determination of adequacy of public facilities shall expire and become null and void upon the expiration of: (1) the development approval to which it is attached, or (2) the time frame for submitting a subsequent application for approval, recordation of a subdivision plat, or issuance of a certificate of occupancy unless an application for a subsequent development approval is submitted within the time frames set forth in this document. If no expiration date is provided in this Ordinance, the conditions attached to the determination of adequacy of public facilities, or in the conditions of permit approval, the determination shall expire within two (2) years after approval of the development approval.

C. The provisions of Section 14.2.8.1, above shall not apply to any rezoning except a Site-Specific Vesting Plan or Phased Development Plan.

D. A determination of adequacy of public facilities shall not affect the need for the Applicant to meet all other requirements as set forth in this Ordinance.

14.2.9. ADVANCEMENT OF CAPACITY

No advancement of Capacity for Public Facilities shall be accepted by the Town unless the proposed Public Facility is a planned Capital Improvement or appropriate conditions are included to ensure that the Applicant will obtain necessary approvals prior to or concurrent with the issuance of a final subdivision plat or final site plan or, if subdivision or site plan approval is not required, a building permit. The commitment to construction of Public Facilities prior to the issuance of a building permit shall be included as a condition of the determination and shall contain, at a minimum, the following:

A. For Planned Capital Improvements, a finding that the Planned Capital Improvement is included within the Capital Improvements Program of the applicable service provider;

B. An estimate of the total financial resources needed to construct the Planned Capital Improvement and a description of the cost participation associated therewith;

C. A schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large-scale Capital Improvement projects;

D. A statement, based on analysis, that the Planned Capital Improvement is consistent with the applicable *Area Plan* and, if applicable, the *Comprehensive Plan*; and

E. At the option of the Town and only if the Planned Capital Improvement will provide Capacity exceeding the demand generated by the proposed development, reimbursement, or a method to affect reimbursement, to the Applicant for the pro rata cost of the excess Capacity.

14.3. CRITERIA FOR DETERMINATION OF ADEQUACY.

14.3.1. METHODOLOGY AND CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF PUBLIC FACILITIES

Upon submittal of a proposed rezoning, site plan, or subdivision as set forth in Section 14.3.1 regarding applicability, such proposed development shall be submitted to the Technical Review Committee for comment as prescribed in 1

No determination as to compliance with this Section shall be recommended by the Administrator or rendered by the approving agency unless Public Facilities within the Impact Areas set forth in Column (C) of Table 14-2 are:

A. Adequate, as measured by the adopted level of service ("LOS"), as set forth in this Section and Column (B) of Table 14-2; and

B. Available, as set forth in this Section and Column (D) of Table 14-2.

14.3.2. ADOPTED LEVEL OF SERVICE ("LOS") STANDARDS (ADEQUACY OF PUBLIC FACILITIES)

Compliance with Level of Service ("LOS") standards shall be measured for each Public Facility set forth in Column (A) of Table 14-2 in accordance with the corresponding standards set forth in Column (B) of Table 14-2. The LOS for each application for development approval shall be measured within the impact area set forth in Column (C) of Table 14-2 for each corresponding facility in Column (A). Column (D) of Table 14-2 indicates whether Programmed Capital Improvements may be included in determining whether the improvements are available. Rules for interpretation of Table 14-2 are set forth in this § 14.3.

14.3.3. WATER

Water requirements shall not apply to agricultural uses. The water standard applies to water supply and water treatment needed to accommodate the gallons per capita per day (gpcd) generated by residential and non-residential uses. Usage figures for residential and non-residential usage are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 5 (1995), and Camp Dresser & McKee, Water & Sewer Authority of Cabarrus County Master Plan Update [October (1996)]. These documents identify six (6) pressure zones in the WSACC service area. Flow rates used to estimate the demand produced by the proposed development shall comply with 15A NCAC § 18C.0409, which is hereby incorporated by reference and made a part of this Ordinance, unless a different standard is identified in any Local Water Supply Plan for the service area adopted pursuant to NCGS § 143-55(l), in which case the flow rates identified for the particular use in the Water Supply Plan may be used. If the category of development proposed in the application is not identified in the above-referenced regulations, the professional engineer shall use the applicable industry and manufacturer's standards to calculate average and peak daily flows and demands, in gallons per day. The capacity for elevated storage and distribution systems shall comply with 15A NCAC § 18C.0805 to 18C.0901, which regulations are hereby incorporated by reference. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required distribution systems.

14.3.4. WASTEWATER.

The wastewater standard applies to wastewater treatment plants (WWTPs), interceptor sewers, and pumping stations. The standard for source facilities applies only to treatment capacity legally reserved for usage by WSACC. The figures for gallons per capita per day (gpcd) are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 1 (1995). Flow rates used to estimate the demand produced by the proposed development shall be consistent with the assumptions set forth in § 14.1.8.1 of this Ordinance and 15A NCAC 18A.1949 (Sewage Flow

Rates for Design Units), as said section may be revised from time to time. If the category of development proposed in the application is not identified in 15A NCAC 18A.1949, the professional engineer shall use the applicable industry and manufacturer's standards to calculate average and peak daily flows and demands, in gallons per day. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required interceptor and collection systems.

14.3.5. ROADS/STREETS.

14.3.5.1. Traffic Impact Studies shall be required

for any conditional district rezoning, subdivision plat, conditional use permit, certificate of Zoning compliance, preliminary plat or site plan under the following described conditions.

The types of traffic studies required under the ordinance are:

- A Rezoning Traffic Analysis. The purpose of these studies will be to evaluate whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.

- A Traffic Impact Report – This Report will be required for certain permitted and Conditional Uses, Land Subdivisions and Preliminary Plats exceeding specific trip generation threshold.

14.3.5.2. A Rezoning Traffic Analysis shall be required for:

- A proposed rezoning that could generate 100 or more directional trips during the peak hour or at least 1000 more trips per day for the most intensive use that could be developed under existing zoning;
- A proposed rezoning on a site located along or which has the potential to take access within 500 feet of a corridor identified as a freeway or expressway on the Thoroughfare Plan;
- A proposed amendment to the Comprehensive Plan involving more than one acre which would permit uses generating higher traffic than the existing Comprehensive Plan designation;
- Where a Rezoning Traffic Analysis is required, the acceptance of the rezoning application for the purposes of beginning the mandatory 60 day time limit applicable to Town action on a rezoning request shall not commence until the Rezoning Traffic Analysis has been reviewed for completeness and has been accepted by the Administrator as meeting the content requirements of the ordinance.

14.3.5.3. A Traffic Impact Report shall be required when a proposed conditional use, major subdivision, or major/minor site plan is:

- Of a land use type which has an average trip

  generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution; or
- Designed so that it utilizes an at-grade access opening onto an existing or proposed freeway or expressway as indicated on the Thoroughfare Plan.

14.3.5.4. The LOS for each zoning district tier shall be as listed in Table 14-1, below.

Table 14-1
ZONING DISTRICT TIER

Rural	Suburban	Urban

Freeway/Expressway	C	D	n/a
Major thoroughfare	C	D	n/a
Minor thoroughfare	C	D	E
Minor arterial	C	D	E
Major collectors	C	D	E
Minor collector	B	D	E
Local roads	B	C	E
Local streets	B	C	E

Zoning districts shall be classified into three development tiers (Tier 1 - Urban, Tier 2 - Suburban, and Tier 3 - Rural). The classifications are as follows:

- Tier 1 (Urban) includes the CC District where the development pattern is established, and which public policy favors relatively high levels of human activity.

- Tier 2 (Suburban) districts are suburban or urbanizing in nature and are as follows: RL, RM, RH, O-I, C-1, CD, I-1, and I-2.

- Tier 3 (Rural) zoning districts are characterized by agricultural and/or rural service levels and are as follows: AG Agricultural; RE Rural Estate. Land within these zoning districts shall be protected in order to avoid the unnecessary conversion of agricultural land to suburban or urban development. These zoning districts are characterized by lands which do not have public facilities and services at urban service levels, and will not be provided with urban levels of service for at least a twenty (20) year horizon.

14.3.5.5. Transportation LOS shall be based upon the volume-to-capacity ratios as established by the Transportation Research Board, *Highway Capacity Manual* (Washington, D.C.: National Research Council, 3d ed. 1998), which document is hereby incorporated by this reference. The traffic analysis shall be consistent with the assumptions and guidelines of the following documents, which are hereby incorporated by reference: Cabarrus/South Rowan Thoroughfare Plan, Appendix H; Institute of Transportation Engineers, *Trip Generation* (5th ed. 1991). For uses generating less than ten (10) trips per day, the directional split of traffic leaving the site shall be deemed to be 50% in either direction. For all other applications, the directional split shall be based upon the traffic Impact Study.

14.3.5.6. The Town Board finds and determines that I-85 experiences significant pass-through traffic, and that the ability to expand I-85 is limited due to jurisdictional, funding, and physical constraints. Accordingly, I-85 shall not be included in the Impact Area for any Application for Development Approval.

14.3.5.7. The LOS standard for Planned Unit Developments and Traditional Neighborhood Development shall correspond to the zoning classification at the time of application for development approval.

14.3.5.8. **Waiver.** The requirements of this section for a Traffic Impact Study may be waived by the Public Works Director or their designee when it is determined that such report is not necessary to determine needed road improvements or that no unsafe or hazardous conditions will be created by the development as proposed.

14.3.6. SCHOOLS.

14.3.6.1. The number of students generated for each residential dwelling unit (hereinafter the "student generation rate") for each dwelling unit is computed using the Student Information Management System data and actual numbers of dwellings to determine expected students/dwelling. For purposes of this Ordinance, the student generation rate for each category of schools shall be as follows:

- Elementary schools: 0.30
- Middle or Junior High schools: 0.167

- High School: 0.167

The above-referenced figures may be adjusted from time to time by the Town Board by amending this Ordinance to reflect updates to the student generation rate calculated by the Cabarrus County Planning Services Department.

14.3.6.2. The Administrator shall certify that public schools within the County have sufficient available capacity and acreage to accommodate the demand generated by the proposed residential development at the adopted level of service. Available capacity shall be calculated for the applicable high school feeder area and shall be expressed in terms of possible student enrollment which can be accommodated, in accordance with the following formulae:

- Formula #1: CAC = (EC) - (E + C) and
  Formula #2: FAC = (EC + PC) - (E + C)
  where:

CAC = Current Available Capacity (in student enrollment)

FAC = Future Available Capacity (in student enrollment)

EC = Existing Capacity, in enrollment, for elementary, middle and high schools within the high school feeder area. The capacity of school facilities shall be computed in accordance with the North Carolina Public Schools, *Facilities Guidelines* (January 1997), "Class Sizes and Teacher Allotments," This document is hereby incorporated by this reference and made a part of this Ordinance.

PC = Planned Capacity, in enrollment, for funded but unbuilt elementary, middle and high schools within the high school feeder area based upon the Ten-Year School District School Facilities Plan, based on two years or five years consistent with §§ 14.3.8.2.1 and 14.3.8.2.6, below

E = Current enrollment based upon the most recent enrollment counts per monthly membership report by the School District

C = Enrollment generated by Committed Development within the high school feeder area.

14.3.6.2.1. If current available capacity is equal to or greater than zero (0) (Formula #1 of

subsection 1, above), and adequate capacity exists to accommodate the enrollment projected to be generated by the proposed development school services shall be deemed to be adequate. If current available capacity for any school type is a negative number, adequate capacity does not currently exist to accommodate the enrollment projected to be generated by the proposed development.

14.3.6.2.2. If current available capacity is inadequate, Formula #2 of subsection 1, above, shall be applied and "PC" shall equal two (2) years of planned capacity. If future available capacity is equal to or greater than the projected enrollment that will be produced by the proposed development for all school types, the development may be approved, or approved with conditions, and the applicant shall be permitted to proceed through the development approval process.

14.3.6.2.3. If future available capacity pursuant to subsection 3 above, is less than zero (0), Formula #2 above, shall be applied and "PC" shall equal five (5) years of planned capacity. If future available capacity is then greater than or equal to the projected enrollment that will be produced by the proposed development for all school types, the application shall only be approved with the condition that funding has been approved or acceptable project phasing conditions are set forth in a Site-Specific Development Plan or Phased Development Plan which provides for the commencement of construction of the required public schools.

14.3.6.2.4. The applicant shall compute the enrollment generated by the proposed development. Projected

enrollment from the proposed residential development and enrollment generated by Committed Development (C, in § 14.3.6.2, above) shall consist of the sum of all proposed dwelling units multiplied by the student generation rate.

14.3.6.2.5. For purposes of this subsection, the following terms shall have the following meanings:

- **High School Feeder Area**. A grouping of schools consisting of one or more high schools and one or more middle and elementary schools, as determined by the School District.

- **Student Generation Rate**. The figure to be

multiplied by the number of proposed dwelling
- units, by type, in order to determine projected enrollment.

14.3.7. DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.

Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:

- **CALCULATE TOTAL CAPACITY** by adding together the total Capacity of Public Facilities consistent with §§ 14.3.2 through 14.3.8 herein.

- **CALCULATE AVAILABLE CAPACITY** by subtracting from the total Capacity the sum of:

  - the demand for each Public Facility created by existing residential development; and

  - the demand for each Public Facility created by the anticipated completion of Committed Development; and

  - the demand for each Public Facility created by the anticipated completion of the proposed development under consideration for determination.

14.3.7.1. Applicants may propose mitigation measures to overcome a failure to meet one or more LOS standards including, but not limited to, payment of a pro rata share of facility capacity costs necessary to accommodate the demand generated by the proposed development. Mitigation measures, particularly those proposing pro rata cost sharing, should base such proposals on the Tischler & Associates report, *Capital Costs Due to Growth*, prepared for the Cabarrus County Board of Commissioners and incorporated herein by reference.

14.3.8. PUBLIC FACILITIES AFFECTING AREAS OUTSIDE OF INCORPORATED AREA OF TOWN.

14.3.8.1. GENERALLY. Availability and adequacy of Public Facilities shall be determined only with respect to Public Facilities located within Cabarrus

County, including any incorporated areas of the County. If part of the applicable service area or traffic Impact Area lies in an adjacent municipality or an unincorporated area of Mecklenburg, Union, or Rowan County, absent an intergovernmental agreement with the County or municipality, availability and adequacy shall be determined only with respect to Public Facilities located within the County, including its incorporated and unincorporated areas.

14.3.8.2. INTERGOVERNMENTAL AGREEMENT. If the Town Board has entered into an intergovernmental agreement with an adjacent county or with a municipality to evaluate Public Facilities in such areas, an Applicant will be subject to the evaluation of the Level of Service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of adequacy of public facilities , the Administrator shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed development will not

cause a reduction in the Level of Service standards for those facilities lying within the adjacent county or the municipality

Table 14-2
APF LEVEL OF SERVICE (LOS) STANDARDS

(A) Public Facility	(B) Adopted LOS Standard Criteria	(C) Impact Area	(D) Availability
Water	215 gpd per ERU* *see Table 14-3	Water Treatment Plants (WTPs) – the service area of each treatment plant as defined by the operators.	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Sewer	250 gpd per ERU* *see Table 14-3	The service area of each public treatment plant as defined by WSACC, any package treatment plant or other wastewater system serving a proposed development	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Streets/ Roads	see Table 14-1	The street lying between the proposed development and the first collector/collector or collector/arterial intersections, within which a proposed development generates traffic of more than 10 trips per day. Some roads may be excluded (see § 14.3.6).	Any programmed capital improvements may be considered for approval of a rezoning. Programmed capital improvements within the first three (3) years of the Capital Improvements Program and guaranteed by currently available revenue sources may be considered for subdivision plat or site plan approval.
Schools	The capacity of public schools as calculated in accordance with the Public Schools of North Carolina, State Board of Education, *North Carolina Public School Facility Guidelines* (January 1997), which document is hereby incorporated by this reference, and including any successor documents are amendments thereto which may be published from time to time.	High School Feeder Areas as designated by the Cabarrus County School District, as applicable.	Programmed capacity in the first three (3) years of the Capital Improvements Program may be considered in accordance with the formula set forth in § 14.3.8.

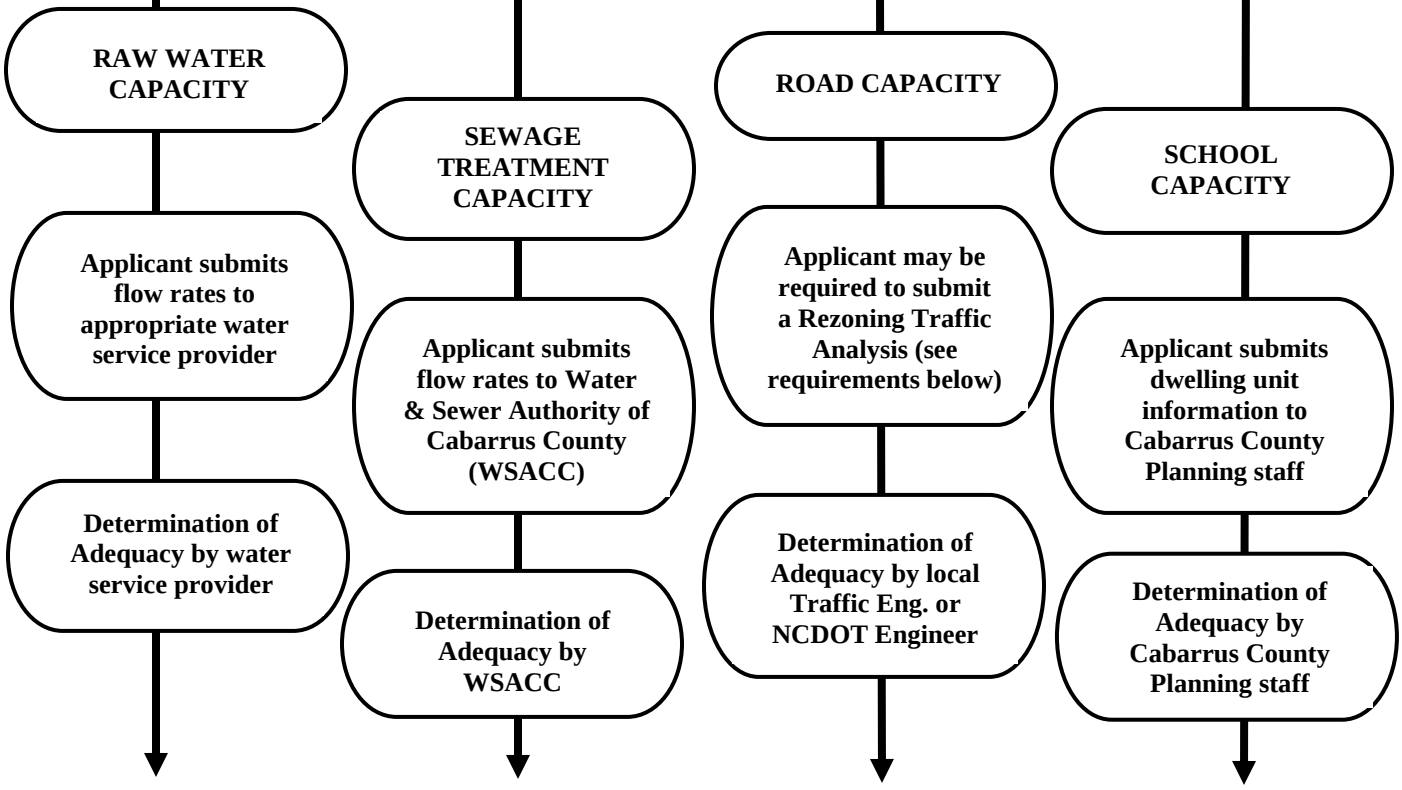
Table 14-3
Equivalent Residential Units

Land Use	*Variable*	*Factor*	*ERU*
			Variable
			Trip Generation Rate
			ERU
Residential Single-family	dwelling unit	9.55	1.00
General Light Industrial	1,000 square feet	6.97	0.73
Industrial Park	1,000 square feet	6.97	0.73
Manufacturing	1,000 square feet	3.85	0.40
Warehousing	1,000 square feet	4.88	0.51
Mini-warehouse	1,000 square feet	2.61	0.27
Apartments (post-1973)	dwelling unit	6.28	0.66
Low-rise apartment	dwelling unit	6.59	0.69
High-rise apartment	dwelling unit	4.2	0.44
Condo/Townhouse	dwelling unit	5.86	0.61
High-rise condo	dwelling unit	4.18	0.44
Mobile homes	dwelling unit	4.81	0.50
Hotel	room	8.7	0.91
Elementary school	1,000 square feet	10.72	1.12
High school	1,000 square feet	10.9	1.14
Church	1,000 square feet	9.32	0.98
Day care center	1,000 square feet	79.26	8.30
Hospital	1,000 square feet	16.78	1.76
General office (<10,000 s.f.)	1,000 square feet	24.6	2.58
General office (10-25,000 s.f.)	1,000 square feet	19.72	2.06
General office (25-50,000 s.f.)	1,000 square feet	16.58	1.74
General office (50-100,000 s.f.)	1,000 square feet	14.03	1.47
General office (100-200,000 s.f.)	1,000 square feet	11.85	1.24
General office (200-300,000 s.f.)	1,000 square feet	10.77	1.13
General office (300-400,000 s.f.)	1,000 square feet	9.96	1.04
General office (400-500,000 s.f.)	1,000 square feet	9.45	0.99
General office (600-700,000 s.f.)	1,000 square feet	9.05	0.95
General office (700-800,000 s.f.)	1,000 square feet	8.75	0.92
General office (>800,000 s.f.)	1,000 square feet	8.46	0.89
Corporate headquarters	1,000 square feet	6.27	0.66
Single tenant office	1,000 square feet	11.5	1.20
Office park	1,000 square feet	11.42	1.20
Research and development center	1,000 square feet	7.7	0.81
Business park	1,000 square feet	14.37	1.50
Building materials store	1,000 square feet	30.56	3.20
Specialty retail	1,000 square feet	40.67	4.26
Discount store	1,000 square feet	70.13	7.34
Hardware store	1,000 square feet	51.29	5.37

Nursery	1,000 square feet	36.08	3.78
Shopping center (<10,000 s.f. GLA)	1,000 square feet	167.59	17.55
Shopping center (10-50,000 sf GLA)	1,000 square feet	91.65	9.60
Shopping center (50-100,000 sf GLA)	1,000 square feet	70.67	7.40
Shopping center (100-200,000 sf GLA)	1,000 square feet	54.5	5.71
Shopping center (200-300,000 sf GLA)	1,000 square feet	46.81	4.90
Shopping center (300-400,000 sf GLA)	1,000 square feet	42.02	4.40
Shopping center (400-500,000 sf GLA)	1,000 square feet	38.65	4.05
Shopping center (500-600,000 sf GLA)	1,000 square feet	36.35	3.81
Shopping center (600-800,000 sf GLA)	1,000 square feet	33.88	3.55
Shopping center (800-1,000,000 sf GLA)	1,000 square feet	32.09	3.36
Shopping center (1M-1,200,000 sf GLA)	1,000 square feet	30.69	3.21
Shopping center (1.2M-1,400,000 sf GLA)	1,000 square feet	29.56	3.10
Shopping center (1.4M-1,600,000 sf GLA)	1,000 square feet	28.61	3.00
Sit-down restaurant	1,000 square feet	205.36	21.50
Fast food without drive-through	1,000 square feet	786.22	82.33
Fast food with drive-through	1,000 square feet	632.12	66.19
New car sales	1,000 square feet	47.91	5.02
Convenience market	1,000 square feet	737.99	77.28
Furniture store	1,000 square feet	4.34	0.45

Source: Freilich, Leitner, Carlisle

Figure 14.1 - APF REVIEW: APPLICATION FOR CONDITIONAL USE REZONING



Rezoning Decision by Planning and Zoning Board (or Town Board – if not approved as an expedited rezoning)

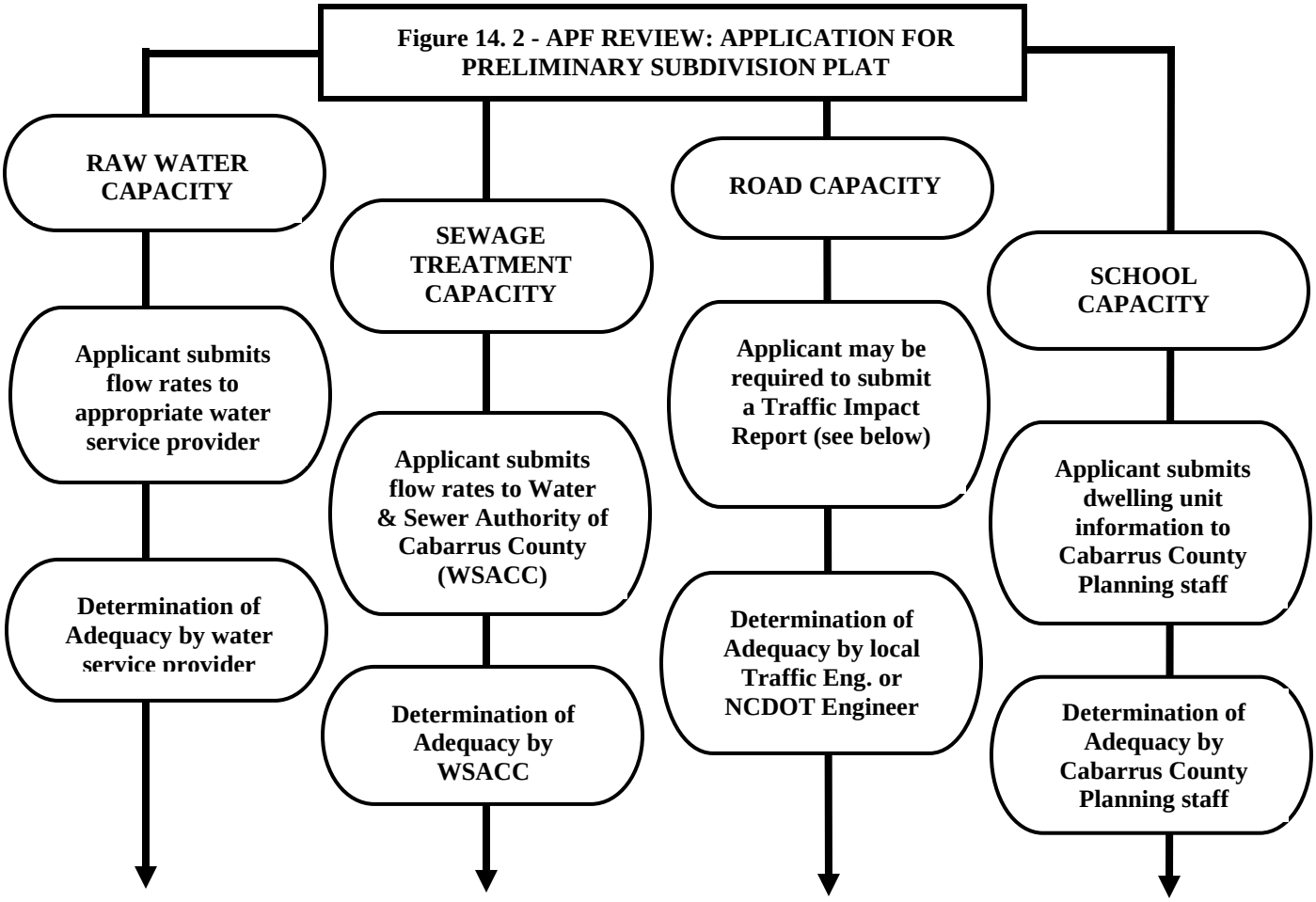
Planning Board shall review APF determinations and decide:

- **to approve the rezoning if all four service determinations are positive**
- **to deny the rezoning if any of the four service determinations are negative**
- **to approve the rezoning if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1**

A Rezoning Traffic Analysis shall be required for:

- A proposed rezoning that could generate 100 or more directional trips during the peak hour or at least 1000 more trips per day for the most intensive use that could be developed under existing zoning;
- A proposed rezoning on a site located along or which has the potential to take access within 500 feet of a corridor identified as a freeway or expressway on the Thoroughfare Plan;
- A proposed amendment to the Comprehensive Plan involving more than one acre which would permit uses generating higher traffic than the existing Comprehensive Plan designation
- Where a Rezoning Traffic Analysis is required, the acceptance of the rezoning application for the purposes of beginning the mandatory 60 day time limit applicable to Town action on a rezoning request shall not commence until the Rezoning

Figure 14. 2 - APF REVIEW: APPLICATION FOR PRELIMINARY SUBDIVISION PLAT



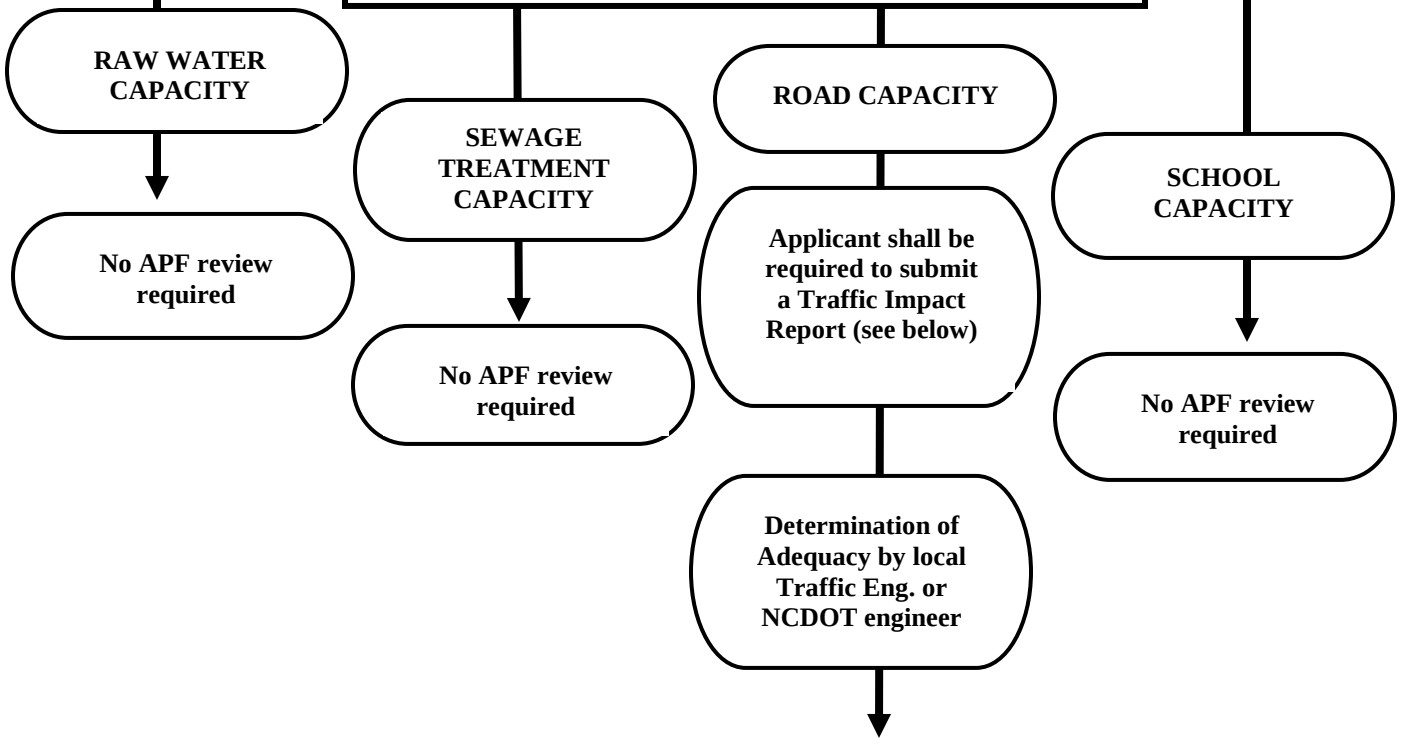
Final Decision by Planning and Zoning Board
Planning Board shall review APF determinations and decide:

- **approve the application if all four service determinations are positive**
- **deny the application if any of the four service determinations are negative**
- **to approve the application if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1**

A Traffic Impact Report shall be required for:

- a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution.

Figure 14.3 - APF REVIEW: Application for MINOR SITE PLAN approval that requires a Traffic Impact Report (see below)



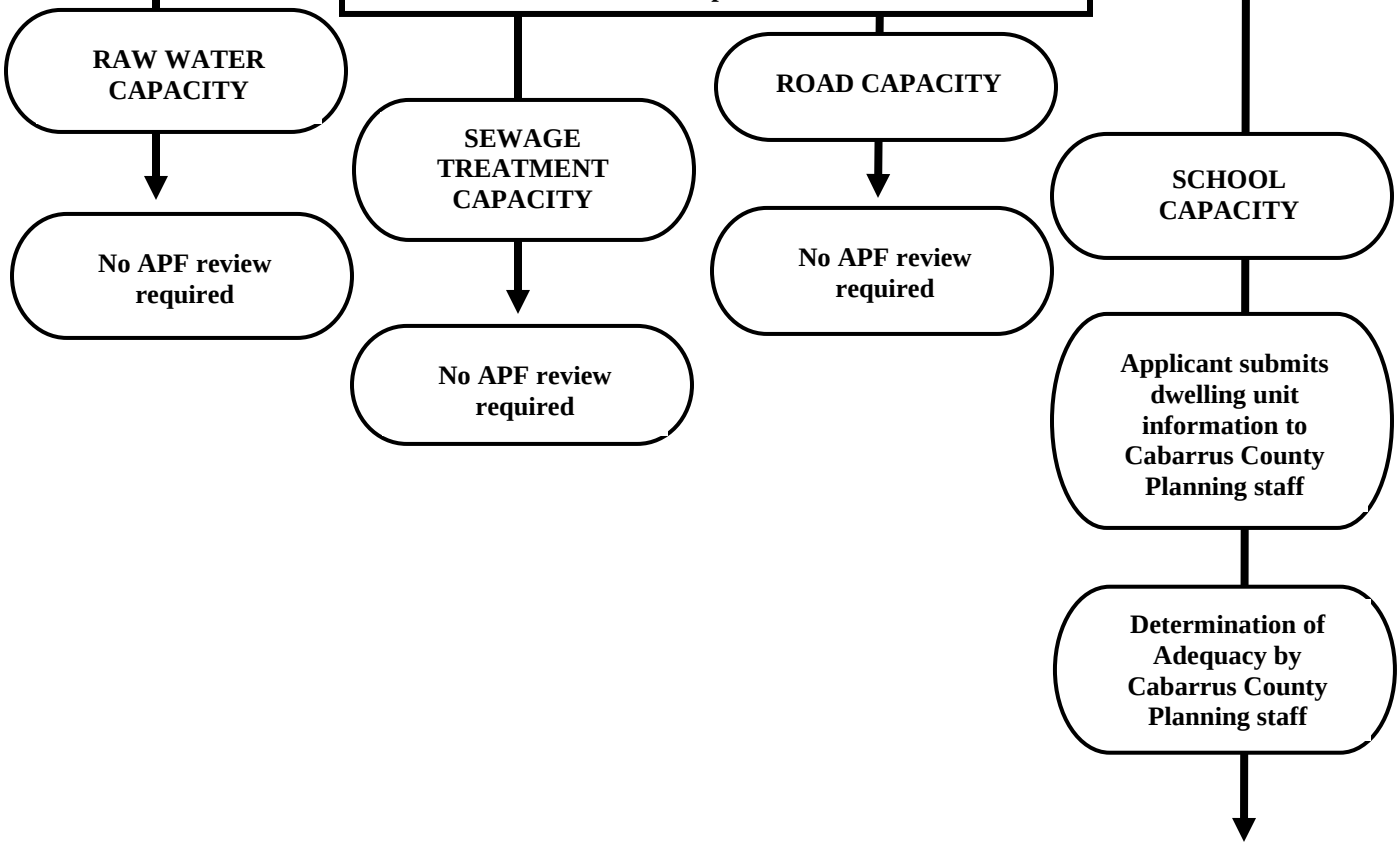
Final Decision by Administrator
Administrator shall review APF determinations and decide:

- **to approve the minor site plan if all four service determinations are positive**
- **to deny the minor site plan if any of the four service determinations are negative**
- **to approve the minor site plan if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1**

A Traffic Impact Report shall be required for:

- a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution.

Figure 14.4 - APF REVIEW: Application for MINOR SITE PLAN approval for a multi-family or attached single-family development



Final Decision by Administrator
Administrator shall review APF determinations and decide:

- **to approve the minor site plan if all four service determinations are positive**
- **to deny the minor site plan if any of the four service determinations are negative**
- **to approve the minor site plan if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1**

Figure 14-5 - Final Determination for an APF review: Options for approving body (as taken from Sect. 14.2.6.1 of the UDO)

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Approval, the decision-making body may determine:

- that the application for development approval shall be approved because public facilities and services are available at the adopted level of service; or

- that the application for development approval shall be denied because public facilities and services are not available at the adopted level of service; or

- that the application for development approval shall be approved subject to one or more of the following conditions as agreed to between the applicant and the Town Board:

  - deferral of further Development Orders (as defined in Appendix A) until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of this article;

  - reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities;

  - provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur; or

  - conditions agreed upon by the applicant to advance, or partially advance the Public Facilities necessary to provide capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur. Provisions for advancement of capacity are included in Subsection 14.2.9.

mechanical codes. Otherwise applicable new regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

C. Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of the Town to adopt and enforce development regulations governing nonconforming situations or uses.

D. Miscellaneous Provisions

1. A vested right obtained under this section is not a personal right, but attaches to and runs with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.

2. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

3. In the event the Town fails to adopt a development regulation setting forth what constitutes a site-specific vesting plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice. (2020-25, ss. 5(b), 50(b).)

13.2.10. PERMIT CHOICE

If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, NCGS 143-755 applies.

APPENDIX A
Definitions

1. Terms Defined. Words contained in this Appendix A are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this section shall be defined by reference to: (1) Chapter 2 of the State Building Code or, if not defined therein, in (2) the most recent edition of the Merriam- Webster Dictionary. Words and terms not defined in this Appendix but defined elsewhere in the Development Ordinance shall be given the meanings set forth therein. Particular uses not defined herein shall have the meaning assigned in the Use Matrix (Table 4.6-2) and the NAICS Manual.

2. Word Usage. In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

   - Words used or defined in one tense or form shall include other tenses and derivative forms.
   - Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
   - The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
   - The word "shall" is mandatory.
   - The word "may" is permissive.
   - The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
   - The word "Town" shall refer collectively to Town of Mount Pleasant.
   - The word "Board" shall mean the Board of Adjustment.
   - The words "Planning Board" shall mean the Town Planning and Zoning Board.
   - The words "Recorder" and "Recorder of Deeds" shall mean the County Register of Deeds.
   - In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
   - All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of North Carolina or the Town; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
   - The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

ABBATTOIR - See Slaughterhouse.

ABANDONMENT - The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABUT- Having property or District lines in common.

ABUTTING PARCELS - Parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

ACCESSIBLE - Having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSIBLE, READILY - Having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSORY – see Accessory Use.

ACCESSORY APARTMENT – see Accessory Dwelling.

ACCESSORY DWELLING - A Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit.

ACCESSORY STRUCTURE - A building or other structure, the use of which is incidental to that of the main building and which is located on the same lot and is customarily used in connection with the main building or other structure.

ACCESSORY USE - A subordinate Use of a Building or other Structure, or Use of land which is:

- conducted on the same Lot as the principal Use to which it is related, and
- clearly incidental to, and customarily found in connection with, such principal Use.

ADDITION - An extension or increase in Floor Area or height of a Building or Structure. (Source: North Carolina State Building Code, Vol. 1, § 202)

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE - See Sedimentation Control Standards in Article 9.

ADJACENT - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

ADJOIN - Touching at some point.

ADMINISTRATIVE DECISION - Any decision on a development application made by an authorized employee or official pursuant to this Ordinance.

ADMINISTRATOR - Officer charged with the authority and duty to administer this Ordinance.

ADT - AVERAGE DAILY TRAFFIC

ADULT CARE HOME - An assisted living residential care facility in which the housing management provides 24-

hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the Division of Facility Services. Includes any "Adult Care Home" as defined by NCGS 131D-2, 131D-20, NCGS 131E-76, 131E-101 (including any "combination home").

ADVANCEMENT OF CAPACITY - The provision, by an Applicant for development approval or any other entity or person, of a Public Facility, or funding sufficient to ensure the acquisition of any necessary right-of-way and construction of a Public Facility, prior to the scheduled date of construction of the Public Facility in the Capital Improvements Program.

AFFILIATE - A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

AGGRIEVED PERSON - The Town Board, the Planning & Zoning Board, or the Administrator; a county or municipality within an area designated as a joint planning area; applicants, and persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand (1,000) feet from the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to North Carolina law.

AGRICULTURE - For purposes of this Ordinance and subject to NCGS 160D-903, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

1. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
2. The planting and production of trees and timber.
3. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
4. Aquaculture as defined in NCGS106-758.
5. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
6. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism (as defined by NCGS 99E-30), the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm.
7. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.
8. Bee hives, subject to NCGS 106-645.

Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Uses which shall not be deemed as “agricultural uses” include (I) zoos, (II)

kennels, (III) riding stables and academies, (IV) non-domesticated animals, and (V) animals commonly perceived to be a threat to humans.

AGRICULTURAL ANIMALS - The following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea. Agricultural animals do not include household pets as defined by this Ordinance.

AGRICULTURAL CONSERVATION EASEMENT - A negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement: (1) May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and (2) Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS 106-744, The Farmland Preservation Enabling Act)

AGRICULTURAL LAND - Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(1), and each tract must be under a sound management program. Sound management program. -- A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS 105-277.2).

AGRICULTURAL PRODUCE - Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

AIR TRANSPORTATION & SUPPORT ACTIVITIES - Any public or private airport, heliport, or helipad (except accessory helipads for emergency services) including terminal buildings, towers, runways, take-off/landing pads and other facilities directly pertaining to the operation of air transportation.

ALLEY - Any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use. (Source: North Carolina State Building Code, Vol. 1, § 202)

ALTER or ALTERATION - Any change or modification in construction or occupancy. (Source: North Carolina State Building Code, Vol. 1, § 202)

AMBULATORY SURGICAL FACILITY - A facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist's office, provided the facility is licensed under NCGS Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program and which are performed in a physician or dentist's office does not make that office an ambulatory surgical facility. Includes any "ambulatory surgical facility" as defined in NCGS 131E-146 or NCGS 131E-176.

AMENDMENT - An amendment to the Unified Development Ordinance or a new Unified Development Ordinance.

AMERICAN STANDARD FOR NURSERY STOCK - The latest edition of the publication entitled "American

Standard for Nursery Stock", published by the American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), which document is hereby incorporated by reference as if set forth in its entirety herein.

AMPLITUDE - The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

AMUSEMENT ARCADE / ELECTRONIC GAMING OPERATION - Any business establishment which is engaged in providing an amusement activity such as an arcade, electronic games, skilled games, or similar activity whether as a principal or an accessory use. This includes amusements in which patrons or customers operate electronic machines, including, but not limited to computers and gaming terminals, to conduct games of chance or games of skill, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played, by predetermined odds, or skill. The term also includes, but is not limited to internet sweepstakes, internet sweepstakes café, video sweepstakes, or cybercafés. This does not include any lottery endorsed by the State of North Carolina.

AMUSEMENT, INDOOR- An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

AMUSEMENT, OUTDOOR - An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadia, tracks, and drive-in theaters.

AMUSEMENT PARK - A primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL CLINIC - Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

ANIMAL HOSPITAL – see Animal Clinic.

ANIMAL OPERATION - Any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS 143-215.10B)

ANIMAL SHELTER - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. (Source: NCGS 19A-23)

ANIMAL SERVICES - Any facility used for the purpose of giving licensed medical treatment to animals or pets or any other treatment of animals, such as grooming, boarding, or selling of pet supplies. This use may include indoor or outdoor animal kennels as allowed in the Use Matrix (Table 4.6-2).

ANIMAL UNIT ("AU") – For the purposes of this Ordinance, a unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: one (1) cow, one (1) horse, two (2) swine, three (3) goats or sheep, 10 fowl, or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type.

ANIMAL WASTE - Livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS 90A-47.1)

ANIMAL WASTE MANAGEMENT SYSTEM - A combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS 143-215.10B)

APARTMENT HOUSE - Any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

APIARY - Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS 106-635)

APPEAL - A request for a review of the Administrator's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Administrator pursuant to this Ordinance.

APPLICANT - Any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

APPLICATION FOR DEVELOPMENT APPROVAL OR "APPLICATION" - A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

ARCHITECT - A person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

ARCHITECTURAL TRIM - The ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, BUILDING - The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, GROSS FLOOR - The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, NET FLOOR - The area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

ARTISAN - An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical artisan uses include ceramic studios, custom jewelry, and artwork.

ASSISTED LIVING RESIDENCE - Any residential care facility group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS 131D-2). Includes any "Assisted Living Residence" as defined by NCGS 131D-2 or NCGS 131D-20.

ATRIUM - A space, intended to occupancy within a building, extending vertically through the building and enclosed at the top. (Source: North Carolina State Building Code, Vol. 1, § 202)

AUCTION HOUSE - Any place where items are sold at auction to the highest bidder.

AUDITORIUM - A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

AUTHORIZED AGENT - Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOBILE GRAVEYARD – The term "automobile graveyard" shall mean any property which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any property upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard". (Source: NCGS 136-143)

AUTOMOBILE REPAIR, MAJOR - An establishment engaged in engine rebuilding or reconditioning of automobiles, boats, and other motor vehicles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

AUTOMOBILE REPAIR, MINOR - An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "Automobile Repair, Major."

AUTOMOBILE SALES, RENTAL - A use for the display, sale or rental of new and/or used wheeled motor vehicles.

AVIGATION EASEMENTS - A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING - An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY, ASSEMBLY ROOM - That portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY (EXTERIOR) - An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

BAR - Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

BASEMENT - That portion of a building which is partly or completely, or having a floor, below grade (see "Story above grade"). (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

BASE COURSE - The layer of material that lies immediately below the wearing surface of a street pavement.

BEACH BINGO – In accordance with the definition set forth in NCGS 14-309.6, "beach bingo" means bingo games which have prizes of ten dollars ($10.00) or less or merchandise that is not redeemable for cash and that has a value of ten dollars ($10.00) or less. Beach Bingo is subject to the provisions of NCGS 14-309.14.

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST HOME – A a business in a private home of not more than eight (8) guest rooms that offers bed and breakfast accommodations for a period of less than one (1) week and that meets all of the following criteria:
1. Does not serve food or drink to the general public for pay.
2. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
3. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.
4. Is the permanent residence of the owner or the manager of the business.

(Source: NCGS 130A-247 (5a))

BED AND BREAKFAST INN - A business of not more than nine (9) but not more than 12 guest rooms that offers bed and breakfast accommodations for a period of less than one (1) week, and that:
1. Does not serve food or drink to the general public for pay;
2. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
3. Includes the price of breakfast in the room rate. The price of additional meals shall be listed as a separate charge on the overnight guest's bill at the conclusion of the guest's stay.
4. Is the permanent residence of the owner or the manager of the business.

(Source: NCGS 130A-247 (6))

BEDROOM - A fully enclosed interior room with a closet, door, and window for egress.

BERM - A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or bufferyard with landscaping.

BEST MANAGEMENT PRACTICES (BMPs) - Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

BICYCLE - A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES - A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE) - A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH - A hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right- of-way or within an independent right-of-way.

BLOCK - That property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, un- subdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

BLOCK FRONTAGE - All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

BOARDING HOUSE OR ROOMING HOUSE - A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

BOARDING KENNEL - A facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS 19A-23)

BOAT – A floating watercraft vessel propelled on water by oars, sails, or an engine. For the purposes of this Ordinance the following shall apply to boat units:

- Two (2) personal watercraft, less than 13 feet in length shall equal one boat unit.
- One (1) watercraft vessel of less than 30 feet in length is equal to one boat unit.
- One (1) watercraft larger than 30 feet shall equal two boat units.

BOAT SALES/RENTAL – An establishment engaged in the retail sale or leasing of boats or personal watercraft.

BODY PIERCING – The intentional act of any person, or persons, of piercing any part of the body for another person or persons, other than the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

BONA FIDE FARM – In accordance with NCGS 160D-903, a farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plans, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

1. A farm sales tax exemption certificate issued by the Department of Revenue.
2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3.
3. A copy of the farm owner’s or operator’s Schedule F from the owner’s or operator’s most recent federal income tax return.
4. A forest management plan.
5. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures

sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in NCGS 106-581.1(6) includes the farm within the extraterritorial jurisdiction (ETJ) and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under NCGS 106-743.2 is a bona fide farm purpose.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to NCGS 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to NCGS 105-277.3. Failure to maintain the requirements of this subsection for a period of three (3) years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection subjects the building or structure to applicable zoning and development regulation ordinances pursuant to NCGS 160D-702 in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance. (Source: The Mining Act of 1971, NCGS 74-49)

BROADCASTING/TELECOMMUNICATIONS STUDIO – An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities and broadcasting towers.

BUFFERYARD - A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas. See Article 7 of this Ordinance.

BUFFER, EXTERNAL - A bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

BUILDABLE AREA - The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING - A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

BUILDING AREA - The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING ENVELOPE - The three-dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

BUILDING FAÇADE - That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

BUILDING HEIGHT - A vertical distance from the highest point of a building to grade.

BUILDING LINE - A line as determined by meeting the respective front, side and rear yard setbacks or in the case of irregular shaped lots with less than the minimum lot frontage (such as cul-de-sac lots), the building line shall be established at the point of minimum lot width. The Building Line shall be measured with a line perpendicular to the street or property line in front of which no structure may be erected.

BUILDING, MAIN OR PRINCIPAL - A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

BUILDING, MIXED USE - A Building which contains Dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed Use Buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "Live-Work Units." Where a Mixed Use Dwelling is permitted by this Ordinance within a particular district, the ground-floor retail uses are also permitted.

BUILDING PERMIT - An authorization to construct a structure as issued by the Cabarrus County Building Inspections Department.

BUILDING, TEMPORARY - A structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BUILT-UPON AREA - That portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source:15A NCAC 2H.1002).

BUSINESS KIOSK - A walk-up or drive-through self-service unit that provides convenience-type services including but not limited automatic teller machine (ATM) ice vending, movie rental, household propane tanks, and donation bins.

BUSINESS & PROFESSIONAL SERVICES - An establishment primarily engaged in providing services to commercial and business establishments, including but not limited to repair services, computer services, cleaning and maintenance services, and similar uses.

BULK - The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

CALIPER - A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

CAMP, THERAPEUTIC - A residential treatment facility provided in a camping environment which is designed to assist individuals to develop behavioral control, coping skills, self-esteem, and interpersonal skills. (Source: 10 NCAC 14V.5201, 10 NCAC 44E.0002).

CAMPGROUND - A plot, parcel, or tract of land upon which two (2) or more campsites or recreational vehicles are

located, established, or maintained for occupancy as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition. A Therapeutic Camp is not considered a "Campground."

CAMPING UNIT - Any tent, trailer, cabin, lean-to, Recreational Vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

CAMPSITE - Any plot, parcel, or tract, or portion thereof, intended for exclusive occupancy by a Camping Unit.

CANOPY - A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations.)

CAPACITY - The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

CAPITAL IMPROVEMENT - A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town, a special district, or a private service provider.

CAPITAL IMPROVEMENT, PLANNED - A Capital Improvement designed for construction within a period not to exceed six (6) years in a Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM - A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

CAR DEALERSHIP - See "Automobile Sales Establishment."

CARNIVAL - See "Outdoor Event, Temporary."

CARPORT - A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

CARETAKER RESIDENCE - A dwelling unit which houses an individual or family who is employed by the primary user of the property or is the property owner to oversee and protect the daily operations of the property and structure(s). Such dwelling unit shall not be used for any purpose other than as a caretaker unit. The total square footage of the dwelling unit shall not exceed 2,500 square feet.

CAR WASH - An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one (1) or more attendants, or by self-service facilities.

CARRY-OUT FOOD SERVICE - A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CATERING SERVICE – A business that provides prepared food service at site for events or households.

CELLAR - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

CEMETERY - Any one (1) or a combination of more than one (1) of the following in a place used or to be used and

dedicated or designated for cemetery purposes:
1. A burial park, for earth interment.
2. A mausoleum.
3. A columbarium.

(Source: NCGS 65-48)

CEMETERY, LICENSED- Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State.

CEMETERY, UNLICENSED - Land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.

CENTERLINE - The true centerline of a street right-of-way that has been fully dedicated to the required width.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS - The gap between the centerline of streets adjoining a common road from opposite or same sides.

CENTRAL WATER SYSTEM - See public Water System.

CERTIFICATE OF COMPLIANCE - The certificate issued by the Administrator, indicating that the use or occupancy of, or the connection or provision of utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure is in compliance with all regulation of this Unified Development Ordinance.

CERTIFICATE OF OCCUPANCY - The certificate issued by the North Carolina Department of Buildings, indicating that all required building and service systems shall have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

CERTIFICATE OF STORMWATER COMPLIANCE - The approval for activities that meet the requirements for coverage under a stormwater general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

CERTIFY - A certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

CHANGE IN USE - A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANNEL - A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

CHILD CARE - A program or arrangement where three (3) or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:
1. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
2. Recreational programs operated for less than four consecutive months in a year;
3. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
4. Drop-in or short-term care provided while parents participate in activities that are not employment related and

where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
5. Public schools;
6. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
7. Bible schools conducted during vacation periods;
8. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
9. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
10. Any child care program or arrangement consisting of two or more separate components, each of which operates for four (4) hours or less per day with different children attending each component.
11. Track-out programs provided to school-age children when they out of school on a year-round school calendar.

(Source: NCGS 110-86)

CHILD CARE CENTER - An arrangement where, at any one time, there are three (3) or more preschool-age children or nine (9) or more school-age children receiving Child Care. Includes family child care homes and any other child care arrangement not excluded by NCGS 110-86(2), that provides Child Care, regardless of the time of day, wherever operated, and whether or not operated for profit. (Source: NCGS 110-86).

CHILD CARE HOME, FAMILY - A child care arrangement located in a residence where, at any one time, more than two (2) children, but less than nine (9) children, receive child care. This type of Child Care may be permitted as a Home Occupation. (Source: NCGS 110-86).

CHURCH - See "Religious Institutions."

CIVIC, SOCIAL, FRATERNAL ORGANIZATION - An establishment that is organized and operated solely for a social, recreational, patriotic, fraternal, or philanthropic purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. This provision does not, however, prohibit such an establishment from being open to the general public for raffles and bingo games as required by NCGS 14-309.11(a) and NCGS 14-309.13.

CLEANING OR PROCESSING ESTABLISHMENT - A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to, carpet cleaners, dry- cleaning plants, exterminating services, and taxidermists. This term does not include Dry Cleaning, and Laundry establishments.

CLINIC OR HEALTH CARE FACILITY - A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

CONSERVATION DEVELOPMENT - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of sensitive and open space areas.

COLLECTOR STREET - Streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector or Minor Collector pursuant to Article 10 and Appendix C of this ordinance.

COMMERCIAL VEHICLE - See "Vehicle, Commercial."

COMMISSION - Unless otherwise indicated in the text, Commission shall refer to the Concord Planning and Zoning Commission.

COMMON OWNERSHIP - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over- the-counter where the price is listed at least weekly in the Wall Street Journal.

COMMUNITY WATER SYSTEM - See definition of "Public Water System."

COMPREHENSIVE PLAN - A comprehensive plan for development of the Town, or any County-wide Comprehensive Plan adopted by the Town, pursuant to NCGS 160D-5-1, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. Unless and until a formal Comprehensive Plan is adopted for the Town, any applicable Area Plan and/or the Official Zoning Map and the text of this Ordinance shall be considered the Comprehensive Plan.

CONCEPT PLAN - A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

SPECIAL USE - A "special use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use in considered a conditional use if designated as such by the Use Matrix of Table 4.6-2.

CONDOMINIUM - The ownership of single units in a multi-unit structure with common areas and facilities. (Source: Unit Ownership Act, NCGS 47A-3), real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Source: North Carolina Condominium Act, NCGS 47C-1-103)

CONFERENCE AND BANQUET FACILITIES - See "Places of Public Assembly, Indoors."

CONFORMING USE - A use that is permitted within the applicable zoning district (see Use Matrix in Table 4.6-2).

CONNECTIVITY INDEX - The index of the connectivity of a street system prescribed by the Street Improvement Standards of Article 10.

CONSENT AGREEMENT - A regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Unified Development Ordinance and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this Ordinance.

CONSERVE AND CONSERVATION - To use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance, propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS 106-202.12)

CONSERVATION EASEMENT - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

CONSTRUCTION PLAN - The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

CONTIGUOUS - Bordering or adjoining, meeting or joining at the border or surface.

CONTRACTOR OFFICE – Offices for general contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures including but not limited to heating, air conditioning, painting, plumbing, and roofing. This excludes shops for any construction materials, assembly, equipment, or storage yards.

CONTRACTOR SHOPS – Shops for general contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures including but not limited to heating, air conditioning, painting, plumbing, and roofing. This may include shops for any construction materials, assembly, equipment, or storage yards.

CONTROLLED-ACCESS FACILITY - A State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS 136- 89.49)

CONVENIENCE STORE - A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales.

CONVEY - To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

CONVEYANCE PLAT - A plat that may be used for the transfer of land qualifying as a minor subdivision. See Article 6.

CORNER LOT - See "Lot, Corner."

CORRAL - A pen or enclosure for confining animals.

CORRECTIONAL INSTITUTION - A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each twenty-four hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

CORRIDOR (building) - A passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code, Vol. 1, § 202)

CORRIDOR (road) - A street or roadway identified as a principal link or gateway within the community.

COUNTY - The County of Cabarrus, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Cabarrus County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Cabarrus

County.

COURTYARD - A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

CREMATORY - An establishment either part of or separate from a funeral home or veterinary services establishment that contains a furnace for the purpose of cremating the bodies of deceased persons or animals.

CRITICAL AREAS - Any lot, parcel or property, or portion thereof, located within the Floodplain Overlay District, the River/Stream Overlay District, or any Watershed Protection Overlay District.

CROSSWALK - A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

COUNTRY CLUB - A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

CUL-DE-SAC - A short, dead-end street terminating in a vehicular turn-around area.

CURB FACE - The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURB - A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

CURB OUTLET SYSTEM - Curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

CUT, LAND - Land surface which is shaped through the removal of soil, rock or other materials.

DATA CENTER/CALL CENTER – A facility primarily intended for the storage or management of computer or electronic data or customer service via phone or electronic communication.

DAY CARE - See "Child Care."

DAYS - When used to establish time limits on various processes in this Ordinance, days shall mean business days.

DECISIONMAKER - The agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

DECLARATION - An instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS 47C-1-103)

DEDICATION - A gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

DE NOVO HEARING - A new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

DENSITY - The total number of dwelling units per acre.

DENSITY BONUS - Dwelling units or non-residential square footage permitted in addition to the permitted density or intensity within a zoning district.

DENSITY, NET - The number of dwelling units divided by the net acreage remaining after subtracting all critical areas and streets.

DEPARTMENT Unless otherwise noted in the text, Department shall refer to Planning Department.

DEVELOPER - A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval under this Ordinance.

DEVELOPMENT - The division of a parcel of land into two of more parcels; the construction, reconstruction conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single family residential lot. The term "development" includes all of the activities listed in the definition of "development" in 15A NCAC 2H.1002, which definition is hereby incorporated by this reference, and any of the following activities:

1. Change in use.
2. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
3. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials.
4. Erection of a permanent sign.
5. Any activity increasing the need for parking.
6. Construction, elimination or alteration of a driveway onto a public street.

DEVELOPMENT ORDER - Any action granting, denying or granting with conditions, an application for a development permit.

DEVELOPMENT PARCEL - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

DEVELOPMENT PERMIT - Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the Town or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

DIAGNOSTIC CENTER - A freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

DIMENSIONAL REGULATIONS - Numerical standards including lot size, lot width, setbacks, separation distances, and similar criteria.

DISPOSITION - A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DORMITORY - A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint

occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

DRAINAGE AREA OR WATERSHED - The entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

DRIVE-THROUGH USES - A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks, fast-food restaurants, and pharmacies.

DRIVEWAY - A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

DRYCLEANING STOREFRONT – A drop-off and pick-up location for garments taken off-site to be cleaned with an organic solvent.

DUST-FREE- - A land surface that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or (4) the equivalent of the above.

DWELLING – Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING, DUPLEX - A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. A duplex may include: (1) a semidetached dwelling, which is a building containing two dwelling units attached horizontally (see illustration), or (2) a building with two units attached vertically, with one dwelling unit located on top of the other.

DWELLING, MIXED USE - See "Building, Mixed Use."

DWELLING, MULTI-FAMILY - A building or portion thereof designed for or occupied as three (3) or more dwelling units on a lot of record.

DWELLING, SINGLE-FAMILY - A building designed for occupancy by one (1) family.

DWELLING, SINGLE-FAMILY ATTACHED - Two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units, for which each unit is located on individual lot of record. An Attached Dwelling includes townhouses.

DWELLING, SINGLE-FAMILY DETACHED - A Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards on an individual lot of record.

DWELLING UNIT – A dwelling unit is a single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

DWELLING, UPPER STORY – One or more dwelling units, intended for permanent residential occupancy, established above the first story of a structure that contains commercial or other nonresidential space on the first story of the structure

EASEMENT - A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a

specific purpose.

EASEMENT, NON-ACCESS - An easement prohibiting vehicular access from a public street.

EFFECTIVE DATE OF THIS ORDINANCE - The effective date of this Ordinance determined in accordance with Article 1 of this Ordinance.

ELECTRIC GENERATING FACILITY - Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power. (Source: NCGS § 75A-2)

ENGINEER - An Engineer licensed by the State of North Carolina.

ENGINEER, TOWN –The contracted Professional Engineer for the Town of Mount Pleasant.

ENHANCEMENT - Improvement of the functions or an existing wetland system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

ENLARGEMENT OR "TO ENLARGE" - An increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

ENTRANCE ROAD - A Street which: (1) leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and (2) intersects with a higher order Street.

EQUIPMENT - Rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

EQUIPMENT SALES/ RENTAL – The retail sales or rental of heavy equipment.

EQUIVALENT DWELLING UNIT OR "EDU" - See "Equivalent Residential Unit."

EQUIVALENT RESIDENTIAL UNIT OR "ERU" - (See Art. 14 “Adequate Public Facilities Standards" of this Ordinance.)

ERECT - To build, construct, attach, hang, place, suspend, affix and/or apply.

EVIDENCE - Any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

EXCAVATION - The removal of soil, rock or other matter from a land area.

EXISTING CAPACITY - The Capacity of the existing built and operational Public Facilities, as determined by the service provider.

EXISTING DEMAND - See "Public Facilities Standards" of this Ordinance.

EXOTIC ANIMALS - See Other Animals.

EXOTIC SPECIES (PLANT) - A species or higher taxon of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12)

EXTENDED STAY LODGING FACILITY - Any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

EXTRACTIVE USES - Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

FAÇADE – See "Building Façade".

FAMILY - An individual, or two (2) or more persons related by blood, marriage or law, or a group of not more than any five (5) persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two (2) or persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

FAMILY CARE HOME – A facility subject to NCGS 160D-907 that is licensed by the State of North Carolina as a family care home with support and supervisory personnel that provide room and board, personal care, and habilitation services in a family environment in a single housekeeping unit for not more than six (6) resident persons, with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others. "Dangerous to others" means that within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

FARMERS MARKET - A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one (1) seller per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.)

FEED LOT - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

FENCE - A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.) For the purposes of this Ordinance, a fence is not a structure.

FENCE, LIVING - A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCE, OPEN - A fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

FILL - Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT - A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Article 6 of this Ordinance.

FINAL SITE PLAN OR FINAL PLAN - The map of a proposed development to be filed after approval by the decision-making authority and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business. (Source: NCGS § 116B-10)

FIRE FLOW SURVEY - A testing of fire hydrants to determine capacity by volume and pressure for fire-fighting purposes.

FIRE PROTECTION FACILITIES - Fire stations and major pieces of fire-fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by the Town of Mount Pleasant Fire Department or other duly authorized volunteer fire districts.

FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLAG LOT - See "Lot, Flag."

FLEA MARKETS - A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two (2) or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four (4) or fewer days in any calendar year: garage sales, produce stands, or fundraising activities done by a non-profit organization.

FLOOR AREA -The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO (FAR) - The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

FORESTLAND - Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit shall be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(3), and each tract must be under a sound management program.

FRONT - Any public street frontage, not including alleys.

FRONTAGE - The distance where a property line is in common with a public or private street right-of-way, or a recorded access easement. See section 6.6.5.3. for provisions regarding access easements.

FRONTAGE, DOUBLE - A lot which extends from one street frontage to another street.

FRONTAGE ROAD - A way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

FUEL/HEATING OIL DEALER - An establishment primarily engaged in the retail sale of fuel or heatin oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels. This definition includes only those uses in the following NAICS group(s): 45431 Fuel Dealers

FULLY SHIELDED - "Fully shielded" means that light fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, as certified by photometric test report.

FUNERAL HOME - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals. May include accessory crematories.

GARDEN SUPPLY - An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, pre-packaged fertilizers, pre-packaged pesticides, and other garden supplies to the general public.

GARAGE, PRIVATE - An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

GAS STATION - Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GOVERNMENT BUILDINGS/FACILITIES – Buildings or other facilities owned or leased by a federal, state, or local government entity for the exercise of governmental functions or the provision of services to the public. This shall not include correctional institutions, public parks, shooting ranges, or those uses listed under the “Industrial, Wholesale, Transportation, and Utility Uses” category.

GRADE - A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

GRADE, FINISHED - The level of the soil after completion of site development.

GRADE, NATURAL - The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

GREENBELT - Greenbelts run along the perimeter of a subdivision, and serve to (1) buffer a neighborhood from surrounding incompatible uses such as a highway corridor or industrial district, and/or (2) provide and edge for the neighborhood. Greenbelts differ from the other types of open spaces in that the natural vegetation and wildlife is undisturbed, or the area is actively cultivated for crops or the raising of Livestock (excluding Concentrated Animal Feeding Operations).

GREENFIELD DEVELOPMENT - Development on undeveloped parcels undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

GREENHOUSE - An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

GREENHOUSE/HORTICULATURAL NURSERY (COMMERCIAL) - An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses and/or plant farms. This may include the wholesale or retail of products produced on-site.

GREENWAY - A linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

GROSS AREA OR GROSS ACREAGE - The area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

GROSS LEASABLE AREA (GLA) - The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

GROUND SUBSIDENCE - A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

GROUND WATER - Subsurface water within and below the zone of continuous saturation.

GROUP HOME - An adult care home which has two (2) to nine (9) developmentally disabled adult residents. Includes any "Group home for developmentally disabled adults" as defined by NCGS 131D-2 or NCGS 131D-20.

GROUP RESIDENTIAL DEVELOPMENT - A development where more than one principal residential building is permitted on a lot or any development where there are three (3) or more dwelling units in a building. A "Group Residential Development includes any (1) Apartment House/Multiple Dwelling, Quadraplex, Triplex, or Townhouse; and any Attached Dwelling (Duplex). or (2) any Mixed Use Dwelling.

GUEST - Any transient person who rents or occupies a room for sleeping purposes.

GUNSMITH – A business that repairs, modifies, and/or fabricates guns. Such business may include incidental gun purchases and exchanges (subject to applicable state and federal laws) and ammunition and accessory sales.

GUTTER - A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

HABITABLE ROOM - Any room meeting the requirements of the North Carolina One and Two Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

HAZARDOUS WASTE DISPOSAL FACILITY - Any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under NCGS Chapter 130A, Article 9 and/or NCAC Title 15A, Chapter 13, Subchapter 13A. (Source: NCGS 130A-290).

HAZARDOUS WASTE FACILITY A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (Source: NCGS 130A-290).

HAZARD PRONE AREA - An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

HEALTH CARE PROVIDER - Without limitation any person who pursuant to the provisions of NCGS Chapter 90 is licensed, or is otherwise registered or certified to engage in the practice of or otherwise performs duties associated with any of the following: medicine, surgery, dentistry, pharmacy, optometry, midwifery, osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia, laboratory analysis, rendering assistance to a physician, dental hygiene, psychiatry, psychology; or a hospital or a nursing home; or any other person who is legally responsible for the negligence of such person, hospital or nursing home; or any other person acting at the direction or under the supervision of any of the foregoing persons, hospital, or nursing home. (Source: NCGS 90-21.11)

HEALTH SERVICE FACILITY - A hospital; psychiatric facility; rehabilitation facility; long term care facility; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for the mentally retarded; home health agency office; chemical dependency treatment facility; diagnostic center; oncology treatment center; hospice, hospice inpatient facility, hospice residential care facility; and ambulatory surgical facility. (Source: NCGS 131E-176)

HEALTH CLUB - An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEAVY EQUIPMENT - Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

HEIGHT -The vertical distance from the grade to the highest point of any portion of a structure.

HEIGHT, BUILDING - The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in Section 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, STORY - The vertical distance from top to top of two (2) successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, WALL - The vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

HELIPAD - A facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

HELIPORT- An area providing for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

HIGHWAY - A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

HILLSIDE DISTURBANCE - Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

HILL CREST - The highest point on a hill or slope as measured contiguously throughout the property. Any given property may have more than one hill crest.

HOME OCCUPATION - Any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit.

HOMEOWNERS ASSOCIATION - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

HORSE - Any animal of the genus equus.

HORTICULTURAL LAND - Land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(2), and each tract must be under a sound management program. (Source: NCGS 105-277.2).

HOSPICE - Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement. (Source: NCGS 131E-176, 131E-201)

HOSPICE INPATIENT FACILITY - A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting. For purposes of this Article only, a hospital which has a contractual agreement with a licensed hospice to provide inpatient services to a hospice patient as defined in G.S. 131E-201(4) and provides those services in a licensed acute care bed is not a hospice inpatient facility and is not subject to the requirements in G.S. 131E-176(5)(ii) for hospice inpatient beds. (Source: NCGS 131E-176, 131E-201)

HOSPICE RESIDENTIAL CARE FACILITY - A freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting. (Source: NCGS 131E-176)

HOSPITAL - A hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be licensed under state laws. (Source: NCGS 130A-403) The term "hospital" also includes a public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of

injured, disabled, or sick persons. The term also includes all facilities licensed pursuant to NCGS 131E-77 of the General Statutes. (Source: NCGS 131E-176)

HOTEL - Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

HOUSEHOLD ITEM REPAIR SERVICES – A business that provides repair services for smaller items that are typically found within a home such as appliances, personal computers, electronic devices, furniture, and similar items.

HOUSEHOLD PETS - Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), reptiles (non-poisonous snakes, lizards), and no more than two (2) potbellied pigs under 150 pounds and under 24 inches tall.

HUD CODE - The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

HYDROLOGY - The science of dealing with the properties, distribution, and circulation of water.

HYDROPERIOD - The period during which a soil area is saturated.

IMPACT AREA - See Adequate Public Facilities of this Ordinance.

IMPERVIOUS SURFACE - Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

IMPROVED OPEN SPACE - Landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

IMPROVEMENTS - Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainageways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

IN KIND - For mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

INDUSTRIAL OR COMMERCIAL TREATMENT PLANT SEPTAGE - Solid, semisolid or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade, or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (Source: NCGS 130A-290)

INDUSTRIAL PARK - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among

compatible uses.

INDUSTRIAL PROCESS WASTEWATER - Any water-carried waste resulting from any process of industry, manufacture, trade, or business. (Source: NCGS 130A-334)

INDUSTRIAL USES - Storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products

INDUSTRIAL WASTE - Any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS 143-213)

INFILL - The development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

INFILTRATION SYSTEMS - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

INTEGRAL UNITS - Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

INTENSITY – The extent to which a set of activities or buildings occur on a property. Relative intensity is determined by building coverage, impervious area coverage, traffic generation, and potential impacts on adjacent property. In general land use intensities are in order from low to high as follows: agriculture, open space/recreation, residential, institutional, office, retail, and industrial. The intensity of residential uses is further described by density, or the number of dwelling units per acre.

INTERIOR LOT - See "Lot, Interior."

INTERMEDIATE CARE FACILITY - Facilities licensed pursuant to Article 2 of Chapter 122C of the North Carolina General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions. (Source: NCGS 131E-176)

JUNK - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Source: Junkyard Control Act, NCGS 136-143).

JUNKYARD- The term "junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.
(Source: NCGS 136-143)

LAGOON - A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS 106-802, Swine Farm Siting Act)

LAND CLEARING & INERT DEBRIS LANDFILL - A facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101)

LAND DISTURBING ACTIVITY - Any use of the land by any person in residential, industrial, educational,

institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS 113A-52)

LANDFILL - A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS 130A-290)

LANDFILL, DEMOLITION - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes approved by the Director of the North Carolina Division of Solid Waste Management or the Director's authorized representative. (Source: 15A NCAC § 13B.0101).

LANDLOCKED PARCEL - A parcel of land without access of record with the County Register of Deeds.

LANDOWNER - Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased development plan under this section, in the manner allowed by ordinance.

LANDSCAPE - An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LANDSCAPE ARCHITECT - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS 89A-1).

LANDSCAPE CONTRACTOR - Within the meaning of this Chapter any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS 89D-1).

LATERAL SEWER - A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

LIBRARY OR MUSEUM - A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

LICENSED GEOLOGIST - A person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

LICENSED SOIL SCIENTIST - A person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

LINEAR PARK - Any linear park as defined in the Cabarrus County Parks and Recreation Master Plan.

LIQUOR STORE - A store which sells or offers to sell alcoholic beverages, as defined in NCGS 18B-101.

LIVESTOCK - "Livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine (excluding a maximum of two (2) pot-bellied pigs of no more than 150 pounds and no more than 24 inches tall) (Source: Livestock Law, NCGS 68-15) and domestic fowl (Source: Livestock Law, NCGS 68-25).

LIVESTOCK DEALER - Any person who buys livestock (i) for his own account for purposes of resale, or (ii) for the account of others. (Source: NCGS 106-418.8)

LOADING AND UNLOADING SPACES - A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

LOADING SPACE - An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR LOCAL STREET - Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

LOT - A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT AREA -The area of a horizontal plane within the lot lines of a lot.

LOT, CORNER - A lot having frontage on two (2) intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than 135 degrees. In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

LOT COVERAGE - The percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

LOT DEPTH (LENGTH) - The length (or depth) of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

LOT, DOUBLE FRONTAGE (THROUGH LOT) - An interior lot having frontage on two (2) non-intersecting streets.

LOT, FLAG - A lot having no frontage or access to a street or place except by a narrow strip of land.

LOT FRONTAGE - The distance for which a lot abuts on a street.

LOT, INTERIOR - A lot other than a corner lot or a through lot.

LOT, KEY - A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE - Any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

LOT LINE, FRONT - In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way . If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

LOT LINE, REAR - A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot,

parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

LOT LINE, SIDE - The boundary of a lot which is not a front lot line or a rear lot line.

LOT LENGTH - See Lot Depth.

LOT THROUGH - A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non- access easement.

LOT WIDTH - For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

LOW INCOME HOUSING - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed eighty percent (80%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MAINTENANCE - The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MAJOR SITE PLAN – The site-specific plan for any Planned Unit Development (PUD), Conditional Zoning District, or Special Use Permit.

MAJOR SUBDIVISION - All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

MAJOR THOROUGHFARE - A Major Thoroughfare as designated on the Cabarrus-South Rowan Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan (CTP).

MANUFACTURED HOME - A structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS 143-145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

MANUFACTURED HOME, SINGLE SECTION – See MANUFACTURED HOME, TYPE I.

MANUFACTURED HOME, MULT-SECTION - A manufactured home assembled in two (2) or more sections. Also, see MANUFACTURED HOME, TYPE II.

MANUFACTURED HOME, TYPE I - See "MANUFACTURED HOME, SINGLE SECTION." A manufactured home assembled in one section not exceeding seventeen (17) feet in width.

MANUFACTURED HOME, TYPE II - A multi-section manufactured home greater than or equal to seventeen (17) feet in width. Width for MANUFACTURED HOMES - TYPE II shall be determined by mean width when all sections are in a final assembly arrangement.

MANUFACTURED HOME/MODULAR HOME/ACCESSORY BUILDING SALES – A business that sells manufactured homes, modular homes, or accessory buildings (storage buildings, carports, garages, swimming pools) on a property.

MANUFACTURED HOME PARK - Any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

MANUFACTURED HOME SPACE - The portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

MANUFACTURED HOME SUBDIVISION - A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing.

MANUFACTURED HOUSING - See Manufactured Home.

MANUFACTURING, TYPE A - A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Manufacturing(A) produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. Examples include assembly of premanufactured components, furniture assembly, apparel manufacturing (from premanufactured textiles), and high-volume commercial printing.

MANUFACTURING, TYPE B - A manufacturing establishment whose operations, including storage of materials, processing, fabrication or assembly of products; and loading and unloading of new materials and finished products at loading docks for an enclosed building, and which does not produce or utilize in large quantities as an integral part of the manufacturing process toxic, hazardous, or explosive materials. Noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. Examples include:
• Food manufacturing (NAICS codes beginning with 311)
• Beverage manufacturing (NAICS codes beginning with 3121)
• Textile manufacturing (NAICS codes beginning with 313 and 314)
• Fabricated metal product manufacturing (excluding forging and primary metal manufacturing) (NAICS codes beginning with 332)
• Machinery manufacturing (NAICS codes beginning with 333)
• Computer, medical equipment, instrument, and telecommunications component assembly (excluding those that involve hazardous materials) (NAICS codes beginning with 334)
• Electrical Equipment, Appliance, and Component Manufacturing (NAICS codes beginning with 335)
• Transportation equipment manufacturing (NAICS codes beginning with 336)
• Furniture and related product manufacturing (NAICS codes beginning with 337)
• Miscellaneous manufacturing (NAICS codes beginning with 339)

MANUFACTURING, TYPE C - A manufacturing establishment whose operations, including storage of materials, processing, fabrication or assembly of products; and loading and unloading of new materials and finished products

may occur either inside an enclosed building or outside on the premises. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part of the manufacturing process. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties. Examples include:

- Manufacturing from raw materials
- Tobacco manufacturing (NAICS codes beginning with 3121)
- Leather and allied product manufacturing (NAICS codes beginning with 316)
- Wood product manufacturing (NAICS codes beginning with 321)
- Paper manufacturing (NAICS codes beginning with 322)
- Petroleum and coal products manufacturing (NAICS codes beginning with 324)
- Chemical or pharmaceutical manufacturing (NAICS codes beginning with 325)
- Plastics and rubber manufacturing (NAICS codes beginning with 326)
- Nonmetallic mineral product manufacturing (excluding artisans and craftsmen creating glass or clay products for sale) (NAICS codes beginning with 327)
- Primary metal manufacturing (NAICS codes beginning with 331)

MARQUEE - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN - Any sign attached to, in any manner, or made a part of a marquee.

MASSAGE - The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

MASSAGE BUSINESS - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. (Source: NCGS 14-202.10)

MATERIAL - Relative to sexually oriented businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

MATERIALS RECOVERY FACILITY - Any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS 130A-290, which is incorporated herein by this reference.

MAUSOLEUM – A building, either as a principal use or accessory to a cemetery, in which bodies or ashes of the dead are interred.

MEDICAL CLINIC - An office occupied and used for the duties associated with a Health Care Provider or Chiropractor.

MENTAL HEALTH FACILITY - Any individual, association, group or other entity at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, and includes any "area facility," "licensable facility," "private facility," "residential facility," "State facility," "24-hour facility," Veterans Administration facility as defined in NCGS 122C-3. (Source: NCGS 122C-3).

MEZZANINE - One or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.2.3 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

MICROBREWERY/MICRODISTILLERY/MICROWINERY - A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the State of North Carolina Alcoholic Beverage Control Commission. Associated tasting rooms, brewpubs, or restaurants for the consumption of on-site produced beer, wine, or distilled products are permitted on the premises. A microbrewery produces less than 15,000 barrels of beer annually (according to the American Brewers Association). A microdistillery produces less than 50,000 proof gallons of spirits per year (according to the American Distilling Institute). Breweries and distilleries that produce more volume shall be categorized as manufacturing facilities. Microwineries primarily use fruits that are sourced from local farms but do not farm the fruits on site.

MINE - An area of land and all private ways and roads appurtenant thereto, structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed or constructed on, under, or above the surface of such land by any person, used in, or to be used in, or resulting from (including the reclamation of mined areas or the storage of materials in mined areas), or to facilitate the work of exploring for, developing of, or extracting by any means or method in such area all minerals, inorganic and organic, from their natural deposits. The term "mine" also includes all mineral processing and milling facilities except those used in the processing of source materials as defined in the Atomic Energy Act of 1954, as amended. (Source: Mine Safety and Health Act of North Carolina, NCGS 74-24.2)

MINI-WAREHOUSE - Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the Zoning District in which the Mini Warehouse is located.

MINING – Defined as: a.) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; or b.) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. "Mining" does not include: (i) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area; (ii) Mining operations where the affected land does not exceed one acre in area; (iii) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land; (iv) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; (v) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area. (Source: The Mining Act of 1971, NCGS 74-49)

MINOR THOROUGHFARE - A Minor Thoroughfare as designated on the Cabarrus-South Rowan MPO Comprehensive Transportation Plan (CTP).

MITIGATION - The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

MIXED USE DWELLING - See "BUILDING, MIXED USE."

MIXED USE DEVELOPMENT OR MIXED USE PROJECT - A proposed development that includes primary non-residential and primary residential uses on the same development site

MOBILE HOME - A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. § 5401, 1978, as amended) or the State Building Code.

MODERATE INCOME HOUSING - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed one hundred percent (100%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MODULAR HOME - A dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of one or more sections transported to the site in a manner similar to a mobile home or manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

MOTEL - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

MOTION PICTURE & SOUND RECORDING – A studio in which film, audio-visual, or sound recording or production takes place.

MOTOR HOME - A vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

MOTOR VEHICLE - See "VEHICLE, MOTOR."

MOTOR VEHICLE REPAIR SHOP - See "AUTOMOBILE REPAIR SHOP".

MOTORSPORTS COMPLEX - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MULTI-FAMILY DWELLING - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

MUNICIPALITY - An incorporated city or town.

MUNICIPAL STREET - A street or highway accepted by the Town and which is not a State Highway. (Source: 19A NCAC § 20.0404).

MUNICIPAL SOLID WASTE MANAGEMENT FACILITY - Any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal. (Source: NCGS 130A-290)

NAICS MANUAL - The North American Industry Classification System, most current version as amended, published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - A fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average

sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

NATURAL EROSION - See Sedimentation Control Standards.

NATURAL HAZARD - A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

NATURAL RESOURCE - Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NET AREA - The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

NET FLOOR AREA - The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas or services areas.

NIGHTCLUB, BAR, LOUNGE – An entertainment venue that serves alcoholic beverages without being classified as a restaurant by North Carolina ABC regulations, operates after 11:00pm, and provides music, dancing, or similar entertainment. This shall not include “sexually oriented businesses” as defined by this Ordinance.

NODE - An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

NON-COMMUNITY WATER SYSTEM - See definition of "Public Water System."

NONCONFORMING - A legal use, structure, and/or development which existed prior to the adoption of this Ordinance or any amendment thereto, which does not presently conform to this Ordinance or its amendments.

NONCONFORMING BUILDING OR STRUCTURE - A Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance. See Section 13.1 of this Ordinance.

NONCONFORMING SIGN - Any sign that does not conform to the requirements of this ordinance.

NONCONFORMING USE - A use of land that:

1. legally existed before its current zoning or land use category designation; and
2. has been maintained continuously since the time the applicable regulations governing the land changed; and
3. because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

NON-POINT SOURCE - Generalized discharge of waste which cannot be located as to a specific source into a water body.

NON-PROFIT - Organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NOTICE OF INTENT - A written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

NURSERY - A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include,

either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

NURSERY SCHOOL/PRE- SCHOOL/DAY CARE - See "CHILD CARE."

NURSING HOME - A residential care facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A 'nursing home' provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. (Source: NCGS 131E-101)

OBSTRUCTION - A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

OCCUPANCY - The purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

OCCUPANT LOAD - The calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

OCCUPIED RESIDENCE - A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

OCCUPIED SPACE - The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

OFFICE - A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFF-SITE - Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

OFF-SITE STORMWATER SYSTEMS - Stormwater management systems that are located outside the boundaries of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

ON-SITE - With regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

ON-SITE STORMWATER SYSTEMS - The systems necessary to control stormwater within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

OFF-STREET PARKING SPACE - The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN - The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

OPEN DUMP - A solid waste disposal site which is not a sanitary landfill. (Source: NCGS 130A- 290)

OPEN MINING - The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPEN SPACE - Any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. (Source: NCGS 160D-1307)

OPEN SPACE STANDARDS - See Parks and Open Space Standards.

OPEN SPACE, COMMON - Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

ORDINANCE - Unless otherwise specified, refers to this Unified Development Ordinance.

OTHER ANIMALS - Those animals not defined elsewhere in this Appendix as household pets or agricultural animals.

OUTDOOR LIGHT FIXTURES - "Outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

OUTDOOR STORAGE - An establishment that provides for storage of machinery equipment, merchandise, materials, or similar items outside of a fully enclosed building.

OVERBURDEN - The earth, rock, and other materials that lie above the natural deposit of minerals.

OWNER - Any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202).

PARCEL - An area of land defined by a legal description and recorded with the County Register of Deeds.

PARENT - A person that directly, or indirectly through one or more intermediaries, controls another person.

PARK, COMMUNITY - The community park is easily accessible to a single, or several neighborhoods, depending on local needs a population distribution at the time the park is developed. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing,

sitting and picnicking.

PARK, DISTRICT - A district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20-mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

PARK, LINEAR - A linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

PARK, PUBLIC – An outdoor recreational use and/or nature preserve that is owned and/or operated by a public government entity, including but not limited to the Town of Mount Pleasant, Cabarrus County, or the State of North Carolina.

PARK, NEIGHBORHOOD - The neighborhood park is designed to serve a population of up to 5,000, but in many instances even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

PARK, REGIONAL - A regional park is a park within a fifty-mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally 80% of the land is reserved for conservation and natural resource management, with less than 20 % developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

PARKING GARAGE - An attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS 160A-551)

PARKING LOT - Any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS 160A-551)

PARKING SPACE - A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

PARKING STRUCTURE - A facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

PARTIALLY SHIELDED - "Partially shielded" means that light fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report.

PATH, MULTI-USE - A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

PAVEMENT - The paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

PAWNSHOP - The location at which, or premises in which, a pawnbroker, as defined in NCGS 91A- 2, regularly conducts business. (Source: Pawnbrokers Modernization Act of 1989, NCGS 91A-2)

PEDESTRIAN PATH - An improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

PEDESTRIAN RIGHT-OF-WAY - A right-of-way or easement dedicated for public pedestrian access.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMER, ADULT BUSINESS - Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

PERMEABLE PAVEMENT - A pavement system, as designated by the North Carolina Department of Environmental Quality, with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air.

PERSON - Any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi-governmental entity, or other legal entity. The term "Person" includes both for profit and not-for-profit entities.

PERSONAL CARE SERVICES - An establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, massage therapy, aesthetician, nail salon, or similar uses, but shall not include any use which may be defined as a sexually oriented business.

PEST CONTROL SERVICES – A business that provides services to reduce or manage animal species that adversely impact human activities, damage property, or are otherwise considered a detriment to human health through the use of traps, chemicals, or similar means of management. This definition includes exterminators.

PETITIONER - An applicant.

PHARMACY - Any place where prescription drugs are dispensed or compounded. (Source: NCGS 90-85.3)

PHASED DEVELOPMENT – A development containing 25 acres or more that is both of the following:
1. Submitted for development permit approval to occur in more than one phase.
2. Subject to a master development plan with committed elements showing the type and intensity of use of each phase.

(Source: NCGS 160D-108)

PHOTOGRAPY STUDIO – A workspace for the purpose of taking, producing, developing, printing, or duplicating photographs.

PHYSICIAN - An individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

PILINGS - Foundational structures placed into the earth to secure buildings and other structures.

PLACE OF PUBLIC ASSEMBLY - A fairground, auditorium, stadium, church, theater or any other place where people assemble. (Source: NCGS 130A-334)

PLAN, SITE - A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; (3) the location of building pads for all residential and non-residential buildings; and (4) and location and extent of all external buffers from surrounding areas.

PLAN, SITE-SPECIFIC DEVELOPMENT – A site-specific vesting plan consists of a plan submitted to a local government in which the applicant requests vesting pursuant to this section, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by a local government. Unless otherwise expressly provided by the local government, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by the local government pursuant to a development regulation, and the document that triggers the vesting shall be so identified at the time of its approval. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan. (Source: NCGS 160D-108.1)

PLAN, SKETCH - A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

PLANNED DEVELOPMENT - A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

PLANNED UNIT DEVELOPMENT (PUD) - An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with this Ordinance.

PLANNING & ZONING BOARD - The Mount Pleasant Planning and Zoning Board. Also referred to as the "Board."

PLANT - Any member of the plant kingdom, including seeds, roots and other parts or their propagules. (Source: NCGS 106-202.12)

PLAT - The legal map of a subdivision.

POINT SOURCE - Any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS 143-213)

POSITIVE DRAINAGE - Clear, unobstructed flow of stormwater away from any building.

POST OFFICE – A branch of the United States Postal Service that is open to the public and responsible for the collection and distribution of mail. This does not include large distribution hubs.

PRACTICABLE ALTERNATIVE - Alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

PRELIMINARY PLAT - The preliminary drawing or drawings, described in Chapter 5 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

PRETREATMENT FACILITY - Any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

PRETREATMENT STANDARDS - Effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS 143-213)

PRINCIPAL BUILDING OR STRUCTURE - The building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure. Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRINCIPAL USE - The main or primary use of a parcel of land.

PRINTING SERVICES – A business that provides document printing, photocopies, large format printing, screen printing, or similar process that involves the transfer of ink to a paper, cloth, vinyl, plastic, or similar material. This shall not include any manufacturing operation comprising more than 5,000 square feet.

PRIVATE - Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE USE - One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES - Includes power, telephone, natural gas, cable television and private water supply service.

PRODUCE STAND - A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site.

PROFESSIONAL ENGINEER - A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS 89C-3)

PROFESSIONAL OFFICE - An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

PROPERTY LINE, COMMON - A line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

PROPERTY LINE - See "Lot Line."

PROTECTED PLANT - A species or higher taxon of plant adopted by the Board to protect, conserve, and/or enhance the plant species and includes those the Board has designated as endangered, threatened, or of special concern. (Source: NCGS 106-202.12)

PUBLIC - Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC OR COMMUNITY WASTEWATER SYSTEM - A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS 130A-334)

PUBLIC ASSEMBLY - Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the preparation of food to be consumed at the premises.

PUBLIC FACILITIES - See Adequate Public Facilities of this Ordinance.

PUBLIC HEARING - A public meeting for which public notice has been given and an opportunity for public testimony is provided.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP - Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the Town Board and dedicated for the public's use or benefit.

PUBLIC MEETING - A meeting of a Board, Planning & Zoning Board, Town Board or their representatives where the public may attend.

PUBLIC NOTICE - Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT-OF-WAY - Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

PUBLIC SCHOOL OR PUBLIC SCHOOL FACILITY - Any education facility under the jurisdiction of a local board of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS 115C-205). Includes charter schools.

PUBLIC SPACE -A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

PUBLIC TRANSPORTATION - Transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, NCGS 160A-576; Regional Public Transportation Authority Act, NCGS 160A-601)

PUBLIC TRANSPORTATION SYSTEM - Without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, NCGS 160A-576; Regional Public Transportation Authority Act, NCGS 160A-601)

PUBLIC USE - A use which is owned by, and operated for, the public by a public entity.

PUBLIC-USE HELIPORT - A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

PUBLIC WATER SYSTEM - A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

- Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and
- Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

A public water system is either a "community water system" or a "noncommunity water system" as follows:

- "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.
- "Noncommunity water system" means a public water system which is not a community water system. (Source: NCGS 130A-313)

The term "public water system" also includes a system for the provision of piped water for human consumption as defined in NCGS 130A-313(10). (Source: NCGS 90A-20.1)

PUBLISHING SERVICES – A business or organization engaged in the dissemination of literature or information through print or digital media.

QUALIFIED LANDSCAPE ARCHITECT - A person with at least a four year degree in the field of landscape architecture from an accredited university offering such a degree.

QUARRY- See "MINE."

RACE TRACK, AUTOMOBILE - A facility consisting of a paved roadway used primarily for the sport of automobile racing. A race track may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, “shakedown” tracks or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

RAIL TRANSPORTATION & SUPPORT SERVICES – Any facility located along a railroad line that provides services related to rail transportation, including, but not limited to rail yards, storage, maintenance facilities, shipping and distribution. This does not include transit stops for light rail passenger transit.

RCRA - The Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et

seq., as amended.

REAL PROPERTY - Lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS 160A-551) The term "real property" also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS § 41A-3)

REAR YARD - See "Yard, Rear."

RECEIVING AREA - An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

RECEPTION, BANQUET, EVENT FACILITY. A business that provides a venue for receptions, banquets, and events where people gather for celebrations, meetings, conferences, or similar large gatherings at which food and/or beverages may be served and entertainment may be provided.

RECLAMATION - The reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

RECLAMATION PLAN - The operator's written proposal as required and approved by the Department for reclamation of the affected land, which shall include but not be limited to:

- Proposed practices to protect adjacent surface resources;
- Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;
- Manner and type of revegetation or other surface treatment of the affected areas;
- Method of prevention or elimination of conditions that will be hazardous to animal or fish life in or adjacent to the area;
- Method of compliance with State air and water pollution laws;
- Method of rehabilitation of settling ponds;
- Method of control of contaminants and disposal of mining refuse;
- Method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;
- Maps and other supporting documents as may be reasonably required by the Department; and
- A time schedule that meets the requirements of NCGS 74-53.

(Source: The Mining Act of 1971, NCGS 74-49)

RECORDED/RECORD - Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

RECREATIONAL FACILITY, ACCESSORY -An area or facility designed to meet the demand for active recreation, including play fields, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, tot lots, indoor fitness facilities, and similar uses, accessory to the principal use such as a hotel, residential development, country club, or place of employment designed to serve the needs of users of the principal use and not open to the general public.

RECREATION FACILITIES, INDOOR - Establishments engaged in providing indoor recreation services. Such may include public or private health or exercise clubs, gymnasiums, spectator sports facilities, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. Such uses do not include indoor amusements as defined by this Ordinance.

RECREATION FACILITIES, OUTDOOR - Establishments engaged in providing outdoor recreation services such as outdoor sports fields or courts (excluding motor sports) that are located outside of a public park which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation shall include any accessory uses, such as snack bars, pro shops, and field houses which are designed and intended primarily for the use of patrons of the principal recreational use. This shall not include outdoor amusements as defined by this Ordinance.

RECREATIONAL INSTRUCTIONAL CAMPS - Businesses or organizations that provide instruction within an indoor setting for sports, athletics, martial arts, dance, performing arts, or similar activities.

RECREATION USE - A public or private, indoor or outdoor land use that provides leisure activities. This includes parks, campgrounds, pools, tennis courts, golf courses, gymnasium facilities, athletic facilities, sports facilities, and similar uses.

RECREATIONAL OUTDOOR SPORTS CLUB - Businesses or organizations that provide instruction or a venue to engage in outdoor sports such as hunting, fishing, and similar uses. This shall not include field sports which are included in "Recreation facilities, outdoor".

RECREATIONAL VEHICLE (RV) SALES – A business engaged in the sale of two (2) or more recreational vehicles, campers, or similar items.

REDEVELOPMENT - Redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

REFUSE - All waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS 74-49)

REGISTERED LAND SURVEYOR - A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

REGULATION - As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

REGULATORY FLOOD ELEVATION - The elevation which is two (2) feet above the calculated water-surface elevation of the base flood.

RELIGIOUS INSTITUTION - A facility used primarily for religious assembly or worship and related religious activities, which may include cemeteries, columbariums, child care facilities, and school facilities as accessory uses.

RENDERER - The business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats,

fallow deer, red deer, horses, mules, or other equines. (Source: § 106-549.15)

RESEARCH FACILITY - Any place, laboratory, or institution at which scientific tests, experiments, or investigations are carried out, conducted, or attempted. (Source: NCGS 19A-23)

RESERVATION - Reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

RESIDENTIAL CARE FACILITY – A staffed facility for the care or treatment of the infirm, elderly, or children in a residential setting, as regulated by NCGS 131D, such as nursing homes, assisted living facilities, group homes, hospice care. This shall not include family care homes or halfway houses regulated by NCGS 122C (Source: NCGS 131D, 122C)

RESIDENTIAL CHILD-CARE FACILITY - A staffed premise with paid or volunteer staff where children receive continuing full- time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care. (Source: NCGS 131D-10.2)

RESIDENTIAL USE - Includes all uses listed as residential in the Use Matrix.

RESIDENT PLANT OR RESIDENT SPECIES - A native species or higher taxon of plant growing in North Carolina. (Source: NCGS 106-202.12)

RESORT - A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

RESOURCE EXTRACTION - The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RESTAURANT - An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

RE-SUBDIVISION - The changing of an existing parcel created by a plat and recorded with the Register of Deeds.

RETAIL - The sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS 105-164.3).

RETAIL ACCESSORY TO A MANUFACTURING USE – A small outlet store of less than 2,500 square feet for the sale of products manufactured on site and promotional products related to such items.

RETAILER - Every person engaged in the business of making sales of tangible personal property at retail, or peddling the same or soliciting or taking orders for sales, whether for immediate or future delivery, for storage, use or consumption. (Adapted from: North Carolina Sales and Use Tax Act, NCGS 105-164.3)

RETAINING WALL - A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

REVISION - "Revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other

land use status.

REZONING - An amendment to one (1) or more zoning districts to the Official Zoning Map. Also known as “map amendment”.

RIDGE - For purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS 74-49)

RIGHT-OF-WAY - 1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; 2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this Ordinance, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS 136-19.4, a right-of-way recorded by the Town for roads or streets, or a right- of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

RIPARIAN ECOSYSTEM - Living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek, or other body of water, either surface or subsurface.

RIVER - A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. (Source: NCGS 113A-33)

ROAD - A public or private highway, hard-surface road, dirt road, or railroad. (Source: NCGS 113A-33)

ROADSIDE STAND - An accessory structure for the seasonal retail sale of grown or produced food products on the lot.

ROADWAY - The improved portion of a street within a right-of-way and/or easement.

ROOF LINE - The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

SAFETY SERVICES - Any of the following uses or activities classified under NAICS 922 (Justice, Public Order, and Safety Activities); NAICS 92212 (Police Protection), NAICS 92216 (Fire Protection), or NAICS 56162 (Security Systems Services); but not including NAICS 9221 (Justice, Public Order, and Safety Activities); 92211(Courts); 92213 (Legal Counsel and Prosecution); 92214 (Correctional Institutions); or 92215 (Parole Offices and Probation Offices, including Emergency Medical Services). "Safety Services" does not include any warehouse or facility devoted to the maintenance of police or fire equipment, or any gun range or shooting range.

SANITARY LANDFILL - A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article. (Source: NCGS 130A-290)

SAWMILL - An operation or facility which has, as its predominant purpose, the sawing or planing of logs or trees into rough slabs. A "sawmill" is sometimes referred to as a "planing mill."

SAWMILL, ACCESSORY - A Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site.

SCENIC EASEMENT - A perpetual easement in land which (i) is held for the benefit of the people of North Carolina, (ii) is specifically enforceable by its holder or beneficiary, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in

question or of the areas affected by it. (Source: NCGS 113A-33). A "scenic easement" also includes a perpetual easement in land which:

- is held for the benefit of the people of North Carolina,
- is specifically enforceable by its holder or beneficiary, and
- limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.

(Source: North Carolina Trails System Act , NCGS 113A-85)

SCHOOL - An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools. Also includes any related accessory uses including after school care, sports facilities, school-related storage, and bus parking.

SCHOOL, BOARDING - An elementary school, middle school, or high school which provides lodging or dwelling for students or faculty on the same property.

SCHOOL, BUSINESS, TRADE, OR VOCATIONAL - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See NAICS 611).

SCHOOL, COLLEGE OR UNIVERSITY - An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

SCHOOL, ELEMENTARY - A school which includes all or part of the first through the eighth grade and which may have a kindergarten or other early childhood program. As an elementary school subset, a primary school may include early childhood programs, kindergarten, and first through fourth grades. (Source: NCGS 115C-75)

SCHOOL, HIGH - A school which includes all or part of ninth through twelfth grades, which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS 115C-75)

SCHOOL, MIDDLE – A school which includes all or part of sixth through ninth grades. Alternatively an intermediate school may include all or part of the fifth through ninth grades. (Source: NCGS 115C-75)

SCHOOL, UNION – A school that includes all elementary, middle, and high school grades. (Source: NCGS 115C-75)

SCHOOL, SECONDARY – A middle school or high school.

SCHOOL DISTRICT - Any school district as defined in NCGS 115C-69.

SCRAP AND SALVAGE SERVICES - An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

SCREENING - Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape Standards).

SEASONAL HIGH WATER TABLE - The highest level that groundwater, at atmospheric pressure, reaches in the

soil in most years (see15A NCAC 2H.1002, which is hereby incorporated by this reference).

SEDIMENT - Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS 113A-52)

SEDIMENTATION - The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

SEDIMENTATION ACT - The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

SEDIMENT AND EROSION CONTROL DEVICES - Sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

SEISMIC EFFECTS - Direct and indirect effects caused by an earthquake or man-made phenomena.

SENDING AREA - An area designated by this Ordinance as a sending area appropriate for the conveyance of transferable development rights from the area.

SENIOR HIGH SCHOOL - A school which embraces the tenth, eleventh and twelfth grades. (Source: NCGS 115C-75)

SENSITIVE AREAS - Critical Areas, slopes exceeding 3:1 (pre-development), critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable pursuant to the Environmental and Open Space Element of the Comprehensive Plan.

SEPTAGE - Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. The term septage includes the following:

- Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

- Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

- Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup.

- Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water- carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage.

(Source: NCGS 130A-290)

SEPTAGE MANAGEMENT FIRM - A person engaged in the business of pumping, transporting, storing, treating or

disposing septage. The term does not include public or community wastewater systems that treat or dispose septage. (Source: NCGS 130A-290)

SEPTIC TANK SYSTEM - A subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS 130A-334)

SERVICE LINES - Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

SERVICE STATION - A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

SERVICE YARD AND/OR ENTRANCE - An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

SETBACK - The distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected.

SETBACK, FRONT - The minimum horizontal distance between any Building or Structure and the Front Lot Line.

SETBACK LINE - A line measured from the property line or right-of-way line of a public street, as applicable. Also, see building line.

SETBACK, SIDE - The minimum horizontal distance between any building and the side property line.

SETBACK, REAR - The minimum horizontal distance between any building and the rear property line.

REQUIRED SETBACK - The distance required by Article 4 of this Ordinance between the building or other structure and the lot line or, for unsubdivided properties, the property line.

SEWAGE - Water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS 130A-334)

SEWAGE TREATMENT/DISPOSAL SYSTEM - Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS 162A-2)

SEWERS - Mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS 162A-2)

SEWER SYSTEM - Pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and

appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS 162A-2)

SEXUALLY ORIENTED DEVICES - Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device. (Source: NCGS 14-202.10)

SEXUALLY-ORIENTED BUSINESS - Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment. {Source: NCGS 160D-902; 14-190.13; 14-202.10}

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SHOULDER - The earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

SIDEWALK - The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIGN DEFINITIONS

A-FRAME SIGN - A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

ANIMATED SIGN – A sign with movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

BALLOON - A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

BANNER - A sign having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. Flags displayed on poles permanently mounted to the ground shall not be considered banners.

BUILDING FRONT - The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

CANOPY - A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as an awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies.

CANOPY SIGN - A sign that is suspended from, attached to, supported from, applied to, or constructed as part

of a canopy or awning.

CHANGEABLE COPY SIGN - A sign on which message copy is changed manually or electronically. Also known as a reader-board sign or message board sign.

FACADE - The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

FACSIMILE SIGN – A three-dimensional object placed as a freestanding sign, such as a chicken bucket, automobile (or automobile part), or human figure located in such a manner as to attract attention.

FENCE SIGN - A sign mounted on, attached to, or constructed as part of a fence or similar structure.

GRADE - The uppermost surface directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest Town or state street curb.

GROUND SIGN - A freestanding sign with its base or its supports mounted directly to the ground.

ILLUMINATION, INDIRECT - Illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

ILLUMINATION, INTERNAL - Illumination provided from a source located inside or within the face of the sign.

INFLATABLE SIGNS - A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

MANSARD - A steeply pitched roof, pitched at such an angle as to resemble a building wall.

MONUMENT SIGN – A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

OUTDOOR ADVERTISING (BILLBOARD) SIGNS - A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

PANEL - The primary surface of a sign that carries the sign message.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PORTABLE SIGN - Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable

structures such as trailers, tent signs, A-frame or T-shaped signs and signs placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

PROJECTING SIGN - A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

POLE SIGN – A ground mounted sign attached to a single post with a sign base is greater than 24 inches above grade. An encased pole sign is a sign in which the pole is wrapped in an encasement a minimum of 18 inches wide, and does not have a top-to-base ratio of greater than 3:1. The encasement matches the sign materials or the materials of the building located on the property.

PYLON SIGN- A ground mounted sign attached to two posts with the sign base is greater than 24 inches above grade. Pylon signs have posts that are encased by materials matching that of the building located on the property.

ROOF SIGN – Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

SIGN - Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle, or object.

SPINNER - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

STREAMER - A string or strip of miniature or full size pennants or flags which may or may not be suspended between two points.

TEMPORARY SIGN - A sign not intended to be displayed on a permanent basis.

VALANCE - A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

VEHICLE SIGN – See Portable Sign.

WALL SIGN - A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

WINDOW SIGN - A sign which is applied to the building glass area.

WIND-DRIVEN SIGN - Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

SIGNIFICANT ADVERSE IMPACT - Impacts from activities that result in or contribute to any of the following consequences:

1. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;
2. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;

3. Alteration of base flood elevations;
4. Alteration of existing hydrologic or aquatic systems;
5. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;
6. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

SITE EVALUATION - An investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106-802, Swine Farm Siting Act)

SILTATION - Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

SLAUGHTERHOUSE - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

SLEEPING UNIT - A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SLOPE - A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SLUDGE - Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

SQUARE - Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

SOCIAL ASSISTANCE – Government and non-profit institutional uses intended to provide financial or material assistance to those in need of temporary housing, food pantries, clothing closets, utility assistance, and similar uses.

SOLID MASONRY - Load-bearing or nonload-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross- sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

SOIL SURVEY - The Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

SOLID WASTE - Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional,

commercial and agricultural operations, and from community activities. The term does not include:

1. Fecal waste from fowls and animals other than humans.
2. Solid or dissolved material in
   - Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
   - Irrigation return flows.
   - Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92- 500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
4. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
5. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article. (Source: NCGS 130A-290)

SOLID WASTE DISPOSAL FACILITY - A facility for the purpose of treating, burning, compacting, composting, storing or disposing of solid waste. (Source: NCGS 159C-3)

SOLID WASTE DISPOSAL SITE - Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method. (Source: NCGS 130A-290)

SOLID WASTE MANAGEMENT FACILITY - Land, personnel and equipment used in the management of solid waste. (Source: NCGS 130A-290)

SOUND MANAGEMENT PROGRAM - A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS 105- 277.2).

SPECIAL CONCERN SPECIES - Any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106-202.12)

SPECIFIED ANATOMICAL AREAS - Means: 1.) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or 2.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Source: NCGS § 14-202.10)

SPECIFIED SEXUAL ACTIVITIES - Means: 1.) Human genitals in a state of sexual stimulation or arousal; 2.) Acts of human masturbation, sexual intercourse or sodomy; or 3.) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts. (Source: NCGS § 14-202.10)

SPOIL BANK - A deposit of excavated overburden or refuse. (Source: The Mining Act of 1971, NCGS § 74-49)

STABLE, COMMERCIAL - A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

STABLE, PRIVATE - A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

STAFF – Unless otherwise indicated, the staff of the Planning Department.

START OF CONSTRUCTION - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STATE HIGHWAY - Street or highway on the State Highway System.

STATE HIGHWAY SYSTEM - The system of streets and highways as described in NCGS 136-44.1. (Source: 19A NCAC § 20.0404).

STORM DRAINAGE FACILITIES - The system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER - The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS 143-213)

STORMWATER COLLECTION SYSTEM - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

STORMWATER RUNOFF - The direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

STORY - That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

STORY ABOVE GRADE - Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is: (1) More than 6 feet (1829 mm) above grade plane; (2) More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or (3) More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

STREAM - A watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS 143-215.52).

STREET - Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

STREET FRONTAGE - The distance for which a lot line of a lot adjoins a public street, from one lot line

intersecting said street to the furthest distance lot line intersecting the same street.

STREET LINE - A lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

STRIP DEVELOPMENT - A form of development characterized by the following:

- the primary uses are commercial or retail in nature;

- the development site takes direct access from an Arterial or Collector Road;
- the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and
- the site is characterized by substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURE – Anything constructed or installed either permanently or temporarily, the use of which requires a location on a parcel of land. This includes a fixed or movable building. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, and similar accessory construction. It does not include landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, HVAC units, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, or cemetery marker monuments.

STRUCTURE, MAIN OR PRINCIPAL - See "Building, Main or Principal."

STRUCTURE, PERMANENT - Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY - A moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure, and placed on a parcel of land for a period of time equal to one (1) year or less.

STUB-OUT (STUB-STREET) - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE or "SUBDIVIDE LAND" - The act or process of creating a Subdivision.

SUBDIVIDER - Any Person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION - All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development whether immediate or future, and all divisions of land involving the dedication of a new street or change in existing streets; provided, however, that the following shall not be included within this definition: (1) the combination or re-combination of portions of previously platted subdivided or 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 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 the opening of streets; and (4) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance; (5) the division of a tract into parcels in accordance with the terms of a probated will or in accordance with the intestate succession under Chapter 29 of the General Statutes.(Source: NCGS 160D-802)

SUBGRADE - The foundation layer of a street.

SUBSIDIARY - A person who is directly, or indirectly through one or more intermediaries, controlled by another person.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged-condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SURFACE, IMPERVIOUS - See Impervious Surface.

SURVEYOR - A land surveyor registered by the State of North Carolina.

SWALE - An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE - A pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

SWINE FARM - A tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS 106-802, Swine Farm Siting Act)

SWINE HOUSE - A building that shelters porcine animals on a continuous basis. (Source: NCGS 106-802, Swine Farm Siting Act)

TATTOO/BODY PIERCING PARLORS – An establishment that provides body art services such as tattoos, where ink is injected or inserted into the dermis layer of the skin, and body piercing or modification that result in holes in or permanent physical alteration to the skin or other human anatomy, excluding medical procedures performed in the office or clinic of licensed medical professional.

TAILORING/SEWING SERVICES – An establishment that provides the making, mending, or altering of clothing, drapes, or similar textile or leather items. This shall not include textile manufacturing.

TAXI, LIMOUSINE, CHAFFEUR SERVICES – A business that provides transportation services to individuals or group of passengers for a fee.

TAXIDERMY – An establishment that prepares, stuffs, and mounts the skins, antlers, or other body parts of deceased animals for preservation and display.

TELEVISION, RADIO AND FILM STATION- A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TEMPORARY - Unless otherwise specified, for a period of time less than or equal to one (1) year.

TEMPORARY HEALTH CARE STRUCTURE – A transportable residential structure, of no greater than 300 square feet, providing an environment facilitation a caregiver's provision of care for a mentally or physically impaired person as defined by NCGS 160D-914.

TEMPORARY USE - See Use, Temporary.

TEN-YEAR STORM - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions. (Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

THOROUGHFARE - A Major or Minor Thoroughfare or an arterial or collector street as identified on the Cabarrus-Rowan Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan (CTP).

THREATENED SPECIES - Any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

THROUGH LOT - See "Lot, Through."

TIRE COLLECTION SITE - A site used for the storage of scrap tires. (Source: NCGS 130A-309.53)

TIRE PROCESSING SITE - A site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS 130A-309.53)

TOBACCO, ELECTRONIC CIGARETTE, VAPE, & ACCESSORY STORES – Retail establishments primarily engaged in the sale of tobacco products, electronic cigarettes, or vaporizers that deliver nicotine or other substances into the body.

TOWNHOUSE - See "dwelling, single-family attached".

TOWN BOARD- Mount Pleasant Town Board of Commissioners. The "board" unless otherwise noted.

TOXIC WASTE - That waste, or combinations of wastes, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

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

TRAIL - Any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

- Park trail. -- A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 113, Article 2C.
- Designated trail. -- A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
- A State scenic trail, State recreation trail, or State connecting trail under NCGS 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
- Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail

that is not designated by the Secretary as a component of the State trails system
(Source: North Carolina Trails System Act, NCGS 113A-85)

TRANSFER STATION, HAZARDOUS - A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

TRANSIENT - Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to, hotels, motels and travel lodges.

TRANSIT SYSTEM - The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

TRANSIT STATION - Any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSIT FACILITY - All real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

TRANSIT TERMINAL - A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMISSION LINES - Electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRAVEL TRAILER - A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

TREATMENT WORKS - Any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devot4ed to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS 143-213).

TRUCK CAMPER - A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

TRUCK TRANSPORTATION TERMINAL & SUPPORT - A facility for truck loading and unloading and cargo storage. This includes support services such as maintenance and logistics.

TRUCK PARKING AREA - An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

TWENTY-FIVE YEAR STORM - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

UNCOVERED - The removal of ground cover from, on, or above the soil surface.

UNDERGROUND PRESSURIZED IRRIGATION SYSTEM - A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

UNDERLYING DISTRICT or UNDERLYING ZONING DISTRICT - A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

UNIQUE OR SPECIAL AREAS PARKS - Any unique or special area as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-8.

UNSUITABLE OR UNSTABLE SLOPE - An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

UPZONING - The reclassification of land from a Residential to a Non-residential Zoning District, or to a Zoning District which permits greater density or intensity that the current zoning classification of the property.

USE - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED - Any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE MATRIX - The schedule of permitted uses, conditional uses and accessory uses within each zoning district set forth in Table 4.6-1 of this Ordinance.

USE PERMITS - Approval, with appropriate stipulations, by the Governing Agency after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.

USE, QUASI-PUBLIC - Uses which are considered to be dedicated to public service or to culture. There uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

USE, TEMPORARY - A use that is established for one (1) year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 7.39 of this Ordinance.

USE, VARIANCE - A variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law.

USED OIL RECYCLING FACILITY - Any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS 130A-290)

UTILITIES - Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

UTILITY DISTRIBUTION LINES & APPURTENANCES – Any water, sewer, electrical, telecommunications lines within designated rights-of-way that provide essential services. This includes associated pump stations, substations, meter boxes, transformers, and similar appurtenances, but does not include treatment facilities, electric power generation, and wireless telecommunications towers.

UTILITY POLE - Pole used to support essential services such as power, telephone, or cable TV lines; or used to support street or pedestrian way lighting, typically located in public rights-of- way.

UTILITY FACILITIES - Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

UTILITY SERVICE YARDS - Buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

VALANCE - A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

VARIANCE - A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

VEGETATIVE BUFFER - An area of natural or established vegetation directly adjacent to surface waters through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE FILTER - An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE GROUND COVER - Wood bark, shredded or chipped wood (installed over an adequate matte of fabric weed barrier), sod, or live plants.

VEHICLE - Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ABANDONED OR JUNK - A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL - Any motor vehicle with a manufacturer's chassis rating greater than one (1) ton that is used for commercial purposes.

VEHICLE, MOTOR - A device, in, upon or by which any person or property is or may be transported or drawn upon a road or highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two (2) divisions:

- First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.
- Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second, and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

VEHICLE, RECREATIONAL - A vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters for recreation and travel. Examples are: travel trailers, campers, camping trailers, and motor homes. For purposes of measuring length, the trailer hitch and/or trailer tongue shall be excluded.

VESTED RIGHT- The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS 160D-108)

VETERINARIAN - A facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinarian establishment.

WALL, EXTERIOR - A wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

WAREHOUSING AND DISTRIBUTION, GENERAL - An establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

WAREHOUSING AND STORAGE - Buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties.

WASTE-RELATED USE - Any of the following, (see Use Matrix and this Appendix A for rules of interpretation: Concentrated Animal Feeding Operation or Animal Production; Demolition Landfill; Hazardous Waste facility; Land Clearing and Inert Debris Landfill; Materials Recovery Facility; Salvage Yard; Septic and Other Waste Management Service; Slaughter House; Solid Waste Disposal Facility (including any Landfill, Incinerator or Combustor); Hazardous Waste Collection facility; or Nonhazardous Waste Collection facility.

WASTEWATER - Any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

WASTEWATER COLLECTION SYSTEM - A unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-3).

WASTEWATER FACILITIES - Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WASTE REMEDIATION/JUNKYARD/SALVAGEYARD - A property which is maintained, operated, or used for storing, keeping, buying, selling, or remediating junk or scrap material, or for keeping an automobile graveyard. The term shall include garbage dumps and sanitary fills. A property which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by NCGS 136-143 which had been derived or created as a result of industrial activity shall be included in this definition. The term "Junkyard" includes any "Automobile Graveyard." An "Automobile Graveyard is any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any property upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS 136-143).

WASTEWATER SYSTEM - A system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS 130A-334).

WATERCOURSE - Any lake, river, stream, creek, or other body of water or channel having banks and bed through which water flows at least periodically.

WATER DEPENDENT STRUCTURES - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WATER FACILITIES - Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

WATER POLLUTION - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS 143-213).

WATER POLLUTION CONTROL FACILITY - Any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS 159C-3).

WATER POLLUTION CONTROL SYSTEM - A system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS 90A-46).

WATER SUPPLY SYSTEM - A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS 159G-3).

WATER SYSTEM - All plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of stormwater runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural stormwater and drainage systems of all types, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS 162A-2).

WATER SYSTEM IMPROVEMENTS OR SEWER SYSTEM IMPROVEMENTS - Such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS 162A-2).

WATER TREATMENT FACILITY - Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system. (Source: NCGS 90A-20.1).

WATERS - Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the Town. (Source: NCGS 143-212).

WATERSHED - A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS 143-213).

WET DETENTION POND - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

WHOLESALE & DISTRIBUTION – The sale of large quantities of goods to be retailed by others and the assembly and transport of such goods to retail outlets.

WIRELESS SUPPORT STRUCTURES – A new or existing structure, such as monopole, lattice, or guyed tower that is designed to support wireless telecommunications facilities, as defined by NCGS 160D-931.

WOODLAND - All forest areas, both timer and cut-over land, and all second-growth stands on areas that have at one time been cultivated. (Source: NCGS 113-57).

YARD - An open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202).

YARD, FRONT - A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

YARD, REAR - A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, REQUIRED - The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

YARD, SIDE - A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in Section 4.7 of this Ordinance. (See Figure in definition of "required setback.") An interior side yard is defined as the side yard adjacent to a common lot line.

ZERO LOT LINE - The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING CLEARANCE - The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this Ordinance.

ZONING DISTRICT - Any portion of the area of the Town in which the same Zoning regulations apply.

ZONING INSPECTOR - The Administrator or his duty authorized representative.

APPENDIX B
APPLICATION REQUIREMENTS

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B-1. GENERAL PROVISIONS.

- The Administrator shall promulgate submittal requirements, instructions for completing forms, and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications. Necessary forms for all applications for:
  - administrative permits;
  - applications for board of adjustment review;
  - applications for planning board review; and
  - applications for Town Board review.

- All such forms/applications shall be shall be maintained at the office of the Administrator.

B.2. MAJOR SUBDIVSION PLAT.

- ***General Requirements.***

  - Preliminary Plat - The subdivider shall submit twenty-five (25) folded copies of a preliminary subdivision plat to the Planning Department for processing and referral to affected agencies along with the appropriate subdivision plat review fee and application. One mylar should be submitted after approval has been granted by the Planning and Zoning Commission and all conditions placed on the plat have been satisfactorily met. Preliminary plats shall be prepared by a professional landscape architect, professional engineer, and/or registered land surveyor.

  - Final Plat -The subdivider shall submit five (5) folded copies with the appropriate subdivision review fee and application. If a Subdivision Improvement Agreement (letter of credit, cash escrow or surety bond) is required, subdivider shall submit all required information with application. Two mylars should be submitted after approval has been granted. Final plats shall be prepared by a professional landscape architect, professional engineer, and/or registered land surveyor.

  - Construction Plans - The subdivider shall furnish the Engineering Department ten (10) copies of all construction plans and specifications, prepared and endorsed by a certified professional engineer, licensed as such by the State of North Carolina. The construction plans shall delineate and describe in complete detail all aspects of grading, clearing, drainage and physical improvements proposed both on and off-site, as required in relation to the proposed subdivision.

- ***Requirements for a Sketch Plan.***

- Sketch plans shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch. Supporting information required by this section may allow for a larger scale.

- *Contents required.*

  1) Type of development.

  2) Name, address, and telephone number of developer and designer.

  3) Graphic and written scale.

  4) Proposed name of subdivision.

  5) Current Zoning and district lines.

  6) Total acreage of the site.

  7) Total number of proposed lots/units and the approximate location and dimensions of all proposed or existing lots.

  9) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

  10) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, the proposed subdivision or development area, together with its proposed utilities and street

system, and an indication of the probable future street system, and an indication of the probable future utilities and street and drainage system of the remaining portion of the tract.

11) Approximate topography.

12) Existing utilities available to the site and preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

- ***Requirements for Preliminary Plat***

- No specific size requirements apply to preliminary plats. Preliminary plats shall be prepared at a scale of one (1) inch equals one hundred (100) feet, or a scale for which one (1) inch equals a distance less than one hundred (100) feet. The preliminary plat shall depict or contain the information set forth below. Incomplete plans shall be returned to the subdivider without further review until revised and resubmitted, provided, however, that construction plans required as set forth in Section 301.42 may be submitted after approval of a preliminary subdivision plat by the planning and zoning commission when such approval is made subject to the submission of said construction plans and approval of same by the Director of Engineering.

- *Contents required.*

1) Legend--Title and revision number;

2) Location map showing relationship of subdivision to the city and surrounding area;

3) Tract boundaries shown by a heavy line including all bearings and distances;

4) Existing and proposed property lines, any structures, water courses, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100';

5) Lot lines and scaled dimensions, lot numbers;

6) Proposed street names, right-of-way and pavement widths, and typical cross-sections;

7) Existing streets on subject and adjoining properties including right-of-way and pavement width;

8) Proposed easements or rights-of-way other than for streets (e.g. for drainage, storm water detention, utilities, pedestrian ways, buffers); location, width and purpose;

9) Zoning classification and district lines on the tract and adjoining properties;

10) Names and PIN numbers of adjoining property owners and subdivisions both proposed and of record;

11) Site calculations, including:

(a) Total acreage,

(b) Number of lots in each phase,

(b) Total number of lots in the subdivision,

(d) Acreage in lots,

(e) Acreage in street rights-of-way,

(f) Linear feet of each individual street, and

(g) Anticipated date of final platting;

12) The location and size of parks, school sites, open space areas, etc. and their ownership;

13) Existing topography at a contour interval of two (2) feet;

14) Boundaries of floodways and one hundred-year flood plains; and

15) Proposed location of water and sanitary sewer systems.

16) Building Setbacks (in table format).

17) Proposed street names on the Street/Subdivision Name(s) Review Form. See Appendix C 4.2.15 also.

- ***Requirements for a Final Plat***

- *Contents required.*

1) Legend containing subdivision names, vicinity map, legal description including township, county and state, the date or dates of survey, the date of any revisions to plat, a north arrow and declaration, scale in feet per inch and bar graph, the name and address of the owner(s) and the name, address, registration number and seal of engineer, landscape architect and/or surveyor;

2) Exact boundary lines of tract in heavy line, full dimensions by lengths and bearings, and intersecting boundaries of adjoining lands;

3) Street names, right-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;

4) Accurate descriptions and locations of all monuments, markers, and control points;

5) Location, purpose, and dimensions of areas to be used for other than residential purposes;

6) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;

7) Boundaries of floodways and one hundred-year flood plains;

8) Lots numbered consecutively throughout the subdivision;

9) The names of owners of adjoining properties;

10) Building Setbacks (in table format).

11) Site calculations, including:

(a) Total acreage;

(b) Total number of lots;

(c) Acreage in lots;

(d) Acreage in street rights-of-way;

(e) Linear feet of each individual street;

12) The following certificates shall appear on all copies of the plat. Items (a) and (b) shall be signed when submitted. Items (c), (d), (e), and (f) will be signed when the plat is approved:

(a) *Certificate of ownership and dedication.*

I hereby certify that I am owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Mount Pleasant, and that I hereby submit this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate to public use all areas shown on this plat as streets, walks, parks, open space and easements, except those specifically indicated as private, and that I will maintain all such areas until accepted by the Town of Mount Pleasant, and further that I hereby guarantee that I will correct defects or failure of improvements in such areas for a period of one year commencing after a certificate of approval has been executed by the city, or after final acceptance of required improvements, whichever occurs later.

_____
Owner

(b) *Certificate of Survey and Accuracy.*

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description, etc.) (other); that the error of closure as calculated by latitudes and departures is 1:_____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with General Statute 47-30, as amended.

Witness my hand and seal this _____ day of _____, A.D., 19_____

_____
Surveyor or Engineer

_____
License or Registration Number

(e) *Certificate of final plat approval.*

It is hereby certified that this plat is in compliance with the Subdivision Regulations of the Town of Mount Pleasant, and therefore this plat has been approved by the Mount Pleasant Town Board, or their designated review committee, subject to its being recorded with the Cabarrus County Register of Deeds within 30 days of the date below.

_____ _____

Date Director of Planning

(f) *Certificate of water and sewer connection fee payment.* ****Only applicable if receiving services through the City of Concord.***

I hereby certify that all water and sewer connection fees for the _____ Subdivision have been paid, or that the fees are not applicable since preliminary plat approval occurred prior to June 28, 1996.

_____ _____

Date Finance Director

(g) *Plat Review Officer Certificate (as required by 47-30.2)*

State of North Carolina
County of Cabarrus

I, _____, Review Officer of Cabarrus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____

Review Officer

(h) *Statement of Active Open Space* (if applicable, see § 6.5.3.6.4) - Active open space improvements as defined in § 6.5.3.6.4 of the UDO shall be required for this plat and shall equal a total minimum financial investment of 200% of the pre-development tax value for the amount of dedicated land from the parcel from which the open space is being dedicated as required.

B.3. MINOR SUBDIVISION PLAT.

- ***General Requirements.***

- Final Plat - The subdivider shall submit five (5) folded copies of a minor subdivision plat or conveyance plat to the Administrator for processing, along with the appropriate subdivision plat review fee and application. If a Subdivision Improvement Agreement (letter of credit, cash escrow or surety bond) is required due to incomplete installation of utility extensions, subdivider shall submit all required information with application. Two (2) mylars should be submitted after approval has been granted. Final plats shall be prepared by a professional landscape architect, professional engineer, and/or registered land surveyor.

- Construction Plans (if applicable) - If utility extensions are required, the subdivider shall furnish the Engineering Department ten (10) copies of all construction plans and specifications, prepared and endorsed by a certified professional engineer, licensed as such by the State of North Carolina. The construction plans shall delineate and describe in complete detail all aspects of grading, clearing, drainage and physical improvements proposed both on and off-site, as required in relation to the proposed subdivision.

- ***Requirements for a Sketch Plan.***

- Sketch plans shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch. Supporting information required by this section may allow for a larger scale.

- *Contents required.*

8) Type of development.

9) Name, address, and telephone number of developer and designer.

10) Graphic and written scale.

11) Proposed name of subdivision.

12) Current Zoning and district lines.

13) Total acreage of the site.

14) Total number of proposed lots/units and the approximate location and dimensions of all proposed or existing lots.

13) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

14) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, the proposed subdivision or development area, together with its proposed utilities and street system, and an indication of the probable future street system, and an indication of the probable future utilities and street and drainage system of the remaining portion of the tract.

15) Approximate topography.

16) Existing utilities available to the site and preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

17) Proposed street names on the Street/Subdivision Name(s) Review Form, if necessary. See Appendix C, 4.2.15 also.

- ***Requirements for a Final Plat.***

- *Contents required.*

1) Legend containing subdivision names, vicinity map, legal description including township county and state, the date or dates of survey, the date of any revisions to plat, a north arrow and declaration, scale in feet per inch and bar graph, the name and address of the owner(s) and the name, address, registration number and seal of engineer, landscape architect and/or surveyor;

2) Exact boundary lines of tract in heavy line, full dimensions by lengths and bearings, and intersecting boundaries of adjoining lands;

3) Street names, right-of-way lines and the location and dimensions of all easements;

4) Accurate descriptions and locations of all monuments, markers, and control points;

5) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angels, radius, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;

6) Boundaries of floodways and one-hundred-year (100-year) floodplains;

7) Lots numbered consecutively throughout the subdivision;

8) The names of owners of adjoining properties;

9) Building Setbacks (in table format).

10) Site calculations, including:

(a) Total acreage, and

(b) Total number of lots; and

11) The following certificates shall appear on the plat. Items (a), (b) and (c) shall be signed when submitted. Item (d) will be signed when plat is approved.

(a) *Certificate of ownership and dedication.*

I hereby certify that I am owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Mount Pleasant, and that I hereby submit this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate to public use all areas shown on this plat as easements, except those specifically indicated as private, and that I will maintain all such areas until accepted by the Town of Mount Pleasant, and further that I hereby guarantee that I will correct

defects or failure of improvements in such areas for a period of one year commencing after a certificate of approval has been executed by the city, or after final acceptance of required improvements, whichever occurs later.

_____
Owner

(b) *Certificate of survey and accuracy.*

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, Book _____, Page _____, etc.) (other); is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____, that this map was prepared in accordance with General Statute 47-30 as amended.

Witness my hand and seal this _____ day of _____ A.D., 19_____.

_____
Surveyor or Engineer

_____
License or Registration Number

Upon approval of the minor subdivision final plat, by the planning services director and town public works director or designee, the following signed certificate shall be shown on each copy of the plat reflecting such approval:

(c) *Certificate of final plat approval.*

By authority of the Town of Mount Pleasant Subdivision Regulations, this final plat for the _____ Subdivision is hereby approved.

_____ _____
Date Director of Planning

(d) *Certificate of water and sewer connection fee payment.* **** only applicable if receiving service through Concord.***

I hereby certify that all water and sewer connection fees for the _____ Subdivision have been paid, or that the fees are not applicable since preliminary plat approval occurred prior to June 28, 1996.

_____ _____
Date Finance Director

(e) *Plat Review Officer Certificate (as required by 47-30.2)*

State of North Carolina
County of Cabarrus

I, _____, Review Officer of Cabarrus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____
Review Officer

- ***Requirements for a Conveyance Plat (optional for minor plats)***

- A conveyance plat is a simple, clear sketch prepared by a registered surveyor which shows a proposed property division. It shows the relationship of the parcel(s) being subdivided to the original property. The conveyance plat must include the following information:

- *Contents required.*

1) Title Block. The title block shall contain the words "conveyance plat" and shall include the township, parcel identification number, subdivision name, date, scale, name and address of owners and name and address of registered land surveyor. The title block shall be located at the bottom righthand corner of the plat.

2) Survey. The boundary lines on the tract to be subdivided shall be determined by an accurate survey prepared, sealed and signed by a registered land surveyor. The survey shall be drawn in accordance with G.S. 47-30.

3) Streets. Location and labeling of all streets which adjoin property.

4) Zoning. Current zoning of the property.

5) Structures. Location and description of all existing structures on the property.

6) Adjacent Ownership. Name, address, and parcel identification number of adjacent property owners.

7) Size. The conveyance plat may not be larger that 81/2 by 14 inches (8 ½" by 14").

8) Vicinity Map. A vicinity map, valid north arrow and original surveyor seal and signature to meet the requirements of the North Carolina Surveyors Standards and Practices.

9) Include all contiguous holdings of the owner including land in common ownership with an identification of the portion which is proposed to be subdivided; Be accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page where each conveyance to the present owner is recorded with the Register of Deeds. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, and a complete list of all directors, officers, and stakeholders of each corporation owning more than five per cent (5%) of any class of stock.

B.4. MAJOR SITE PLANS (Conditional District Rezonings/Conditional Use Permits).

- *Contents required:*

  - A description of the proposed development including proposed uses and coverage.
  - The following data, when such data is applicable to a given development plan:
    1. Total number of dwelling units, by development phase;
    2. Residential density and units per acre;
    3. Total floor area and floor area ratio for each type of use;
    4. Total area in open space;
    5. Total area in developed recreational open space; and
    6. Total number of off-street parking and loading spaces.
  - A Plot Plan as defined in Appendix B, with the following additions:
    1. The location and widths of existing and proposed streets, drives, entrances, sidewalks, paths and any other pedestrian and vehicular circulation systems.
    2. Size and/or types of yards as required by Article 7.
    3. Location for all ground-mounted signs (and lighting).
    4. The location, acreage, category and type of improvements for passive and active (if required) open space.
    5. Location of solid waste containers including proposed design provisions for screening.
    6. If phased project, a general development phasing schedule including the sequence for each phase and approximate size, in area, of each phase.
    7. Noted area, if any, or undisturbed land which is to remain as such.
    8. Delineation of all areas of special flood hazard as defined in Section 4.14 and/or wetlands areas as defined in Appendix A.
    9. Location and size, in acres, of any proposed school sites.
  - Submission of an architectural plan consistent with the provisions of this Appendix B.
  - A preliminary Utility Plan which includes the following information:
    1. The location of existing public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, streams, swamps, parks, cemeteries, bridges, or irrigation ditches water and sewer lines, and natural gas lines.
    2. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal. Indicate approximate location of proposed lines or systems.
    3. Indicate preliminary provisions for collecting and discharging surface water drainage.
  - It is understood that the information provided above will be used by the Administrator to determine if adequate facilities are available to support the proposed development as set forth in Article 14 of the Ordinance.
  - Number of copies to be submitted shall be specified on the application, as it may vary subject to the appropriate board(s) that may review the plan.

B.5. MINOR SITE PLANS **(Administrative permits).**

See applications for the appropriate jurisdiction.

B.6. LANDSCAPING AND MAINTENANCE PLAN.

- *Contents Required:*

- A general landscaping delineation indicating the treatment of materials used for open space, landscaped buffers and common ownership (Minimum scale of 1" = 40').

- Planting areas drawn to scale with a list of the botanical and common names, number, and size of all plants designated for each area.

- Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan.

- Location and width of landscaped buffer strips, including height of berms.

- Location and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering systems is encouraged)..

B.7. GRADING AND CONSERVATION PLAN.

- *Contents Required:*
  - The plan shall have a minimum scale at 1" = 40' with 2' contour intervals.
  - The plan may be on the same or on a separate plan sheet from the site plan and shall consist of one or more plan sheets showing:
    - topographic information showing existing features and conditions and proposed clearing and grading; and
    - the extent, location, and type of proposed fill materials.
    - proposed cuts and fills required by the location of all building structures and streets and roads.
    - The plan shall show the degree to which the proposed development will preserve existing features on the site. This shall include features such as healthy desirable trees, shrubs and other vegetation, waterways, vistas, and historic sites.
  - For the purposes of obtaining a Grading Permit (Section 3.2 of this Ordinance), Plan may also include information as required for a Flood Prevention Plan (see below).

B.8. ARCHITECTURAL PLANS **(as required for this Ordinance*).**

* This shall not include requirements for submission of a Building Permit.

- The architectural plans shall depict architectural details of the proposed development and shall consist of:
  - Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project;
  - A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;
  - An exterior building materials inventory; and
  - any covenant or dedication establishing an architectural review board.

B.9. FLOOD PREVENTION PLAN.

- A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to 4.14.6 of this Ordinance. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

- The plot plan required by this section must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to 4.14.6 of this Ordinance.

- Where base flood elevation data is provided as set forth in 4.14.6 of this Ordinance or section 38-57(10) of this section, the application for a development permit within the flood hazard area shall show:

    - The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and

    - If the structure has been floodproofed in accordance with § 4.14.18.4, the elevation (in relation to mean sea level) to which the structure was floodproofed.

- Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade.

- Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

- When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in § 4.14.18.4.

- A floor elevation of floodproofing certification is required after the lowest floor is completed. Within 21 calendar days of establishment of the lowest floor elevation of floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

B.10. WATERSHED VARIANCE.

- A site plan, drawn to a scale of at least 1" = 40', indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north arrow, name, and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

- A complete and detailed description o the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Planning and Zoning Board in considering the application.

- The Zoning Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Zoning Administrator prior to a decision by the Planning and Zoning Board. Such comments shall become a part of the record of proceedings of the Planning and Zoning Board.

B.11. TRAFFIC IMPACT STUDIES.

A). **PREPARATION.** The applicant shall furnish the full rationale, from an engineer licensed by the State of North Carolina to perform such studies, to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal for the subdivision streets involved.

B). **CONTENTS.** Traffic Rezoning Analysis or Traffic Impact Report shall contain information addressing the factors listed below.

1) SITE DESCRIPTION: he report shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the vicinity which will influence future traffic conditions. For a Rezoning Traffic Analysis, a description of potential uses to be evaluated shall be provided. For a Traffic Impact Report, a description of the proposed development including a access plans, staging plans and an indication of land use and intensity, shall be provided.

2) STUDY AREA: The report shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The geographic area under study shall extend not less than one-half mile from the site.

3) EXISTING TRAFFIC CONDITIONS: The report shall contain a summary of the data utilized in the study and an analysis of existing traffic conditions, including:

   a) traffic count and turning movement information, including the source of and date when traffic count information was collected;
   b) correction factors that were used to convert collected traffic data into representative average daily traffic volumes;
   c) roadway characteristics, including the design configuration of existing or proposed roadways, existing traffic control measures (speed limits, traffic signals, or traffic calming measures) and existing driveways and turning movement conflicts in the vicinity of the site; and
   d) identification of the existing Level of Service for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Commission, or comparable accepted methods of evaluation. Level of Service should be calculated for the weekday peak hour and, in the case of uses generating high levels of weekend traffic, the Saturday peak hour.

4) HORIZON YEAR(S) AND BACKGROUND TRAFFIC GROWTH. The report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved by the Engineer, the impact of development shall be analyzed for the year after the development is completed and 10 years after the development is completed.

5) TRIP GENERATION, TRIP REDUCTION AND TRIP DISTRIBUTION. The report shall summarize the projected a.m. and p.m. peak hour and average daily trip generation for the proposed development and illustrate the projected trip distribution of trips to and from the site and should identify the basis of the trip generation, trip reduction and trip distribution factors used in the study.

6) TRAFFIC ASSIGNMENT: The report shall identify projected roadway segment, intersection or driveway traffic volumes, with and without the proposed development, for the horizon year(s) of the study;

7) IMPACT ANALYSIS: The report shall address the impact of projected horizon year(s) traffic volumes relative to each of the applicable traffic service factors listed in paragraph 61.526 and shall identify the

methodology utilized to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.

8) MITIGATION /ALTERNATIVES: The report shall identify alternatives for achieving the traffic service standards listed in Article 14 and in addition shall:

- identify where additional right of way is needed to implement mitigation strategies;
- identify suggested phasing of improvements where needed to maintain compliance with traffic service standards; and
- identify the anticipated cost of recommended improvements.

C). PROCEDURES.

1) The applicant or his designated representative shall contact the Public Works Director or their designee and the Administrator to establish whether a traffic study is needed and to define the parameters for the study. Following preparation of any traffic study, copies of the study report shall be submitted to the Administrator for distribution to staff of the roadway jurisdictions involved in the construction and maintenance of public roadways serving the development. A conference between the staff and applicant shall be held within 10 days to discuss the content and findings of the report and determine the need for any supplemental study or analysis.

2) When the Public Works Director or their designee and Administrator have determined that the content of the report adequately addresses the applicable Traffic Service Standards of Article 14 and purposes as listed in Article 14, a finding shall be made that the traffic impact study is complete and proceedings on any application that was stayed pending completion of a traffic analysis can resume.

D). REPORT FINDINGS.

1) When staff and the applicant concur that the technical analysis is complete , the report shall be forwarded to the platting authority at its next regular meeting. Negotiations with the platting authority, if needed, shall be held, and a Subdivision Improvement Agreement detailing the applicant's responsibilities and the City's responsibilities for implementing any mitigation measures shall be prepared, and what, if any, improvements may be assessed against other benefited properties.

2) If staff finds that the proposed development will not meet applicable service level standards, staff shall recommend one or more of the following actions on the associated development application, as may be needed:

- Reduce the size, scale, scope or density of the development to reduce traffic generation;
- Divide the project into phases and authorized only one phase at a time until traffic capacity is adequate for the next phase of development;
- Dedicate right-of-way for street improvements;
- Construct new streets;
- Expand the capacity of existing streets;
- Redesign ingress and egress to the project to reduce traffic conflicts;
- Alter the use and type of development to reduce peak hour traffic;
- Reduce background (existing) traffic;
- Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
- Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation; or
- Recommend denial of the application for development for which the TIR is submitted.

B.12. PLOT PLAN

- *Contents Required:*

    - Location of structure(s), including but not limited to all proposed decks, steps, or other similar structural improvements
    - Building setbacks
    - Location of off-street parking areas
    - Location of 100-year floodplain

B.13. SIGN PACKAGES

- *Contents Required:*

    - Facades drawings of buildings and where the sign(s) are proposed on those buildings.
    - Placement of freestanding signs on the site plan.
    - Materials used.
    - Method of illumination.
    - Dimensions of signs.
    - Definition of all applicable sign types.
    - Drawings of freestanding signs with dimensions.
    - Any other information identified by the Planning and/or Zoning Department for clarification purposes on behalf of enforcement and permitting efficiency.

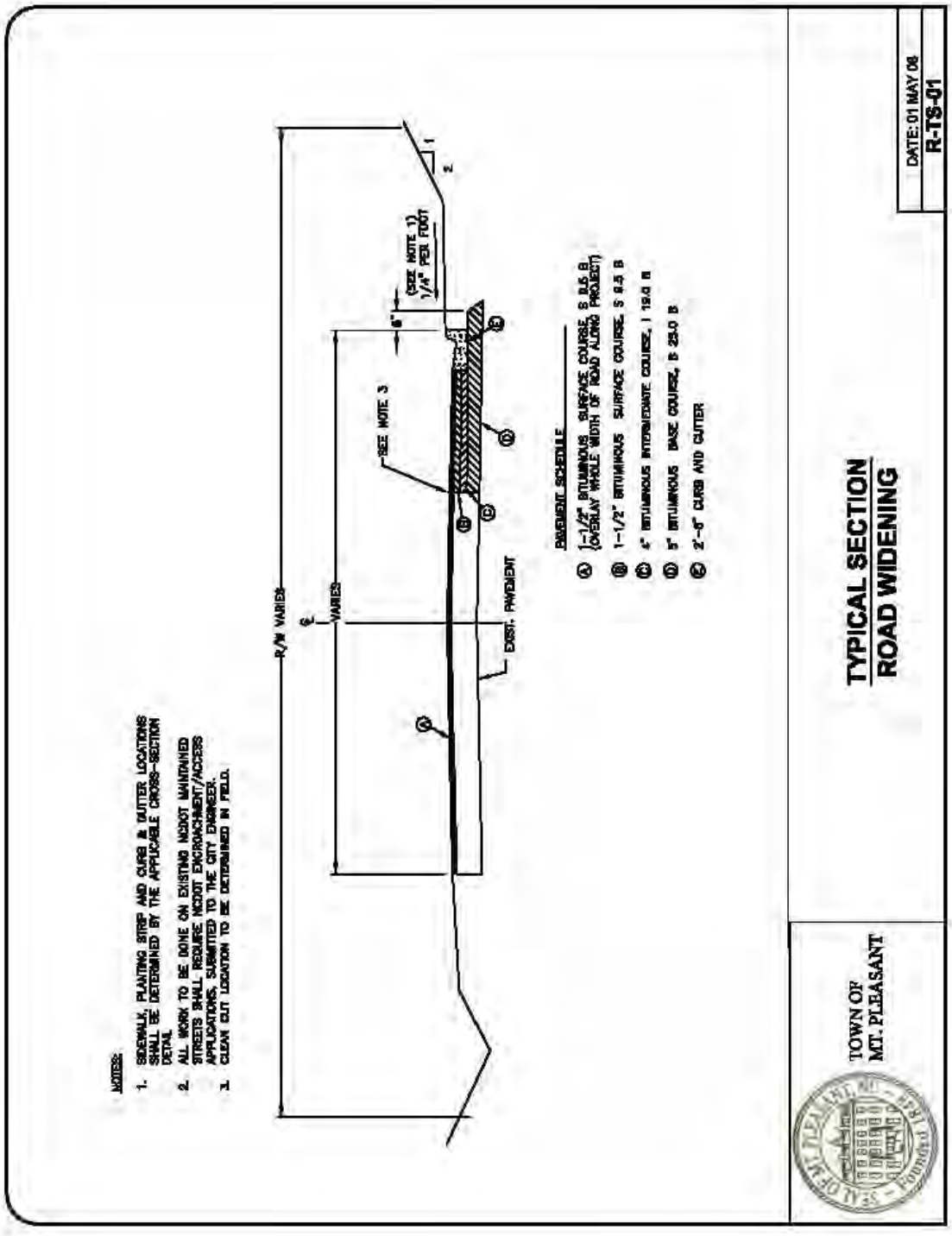
APPENDIX C
Infrastructure Details

Table of Contents

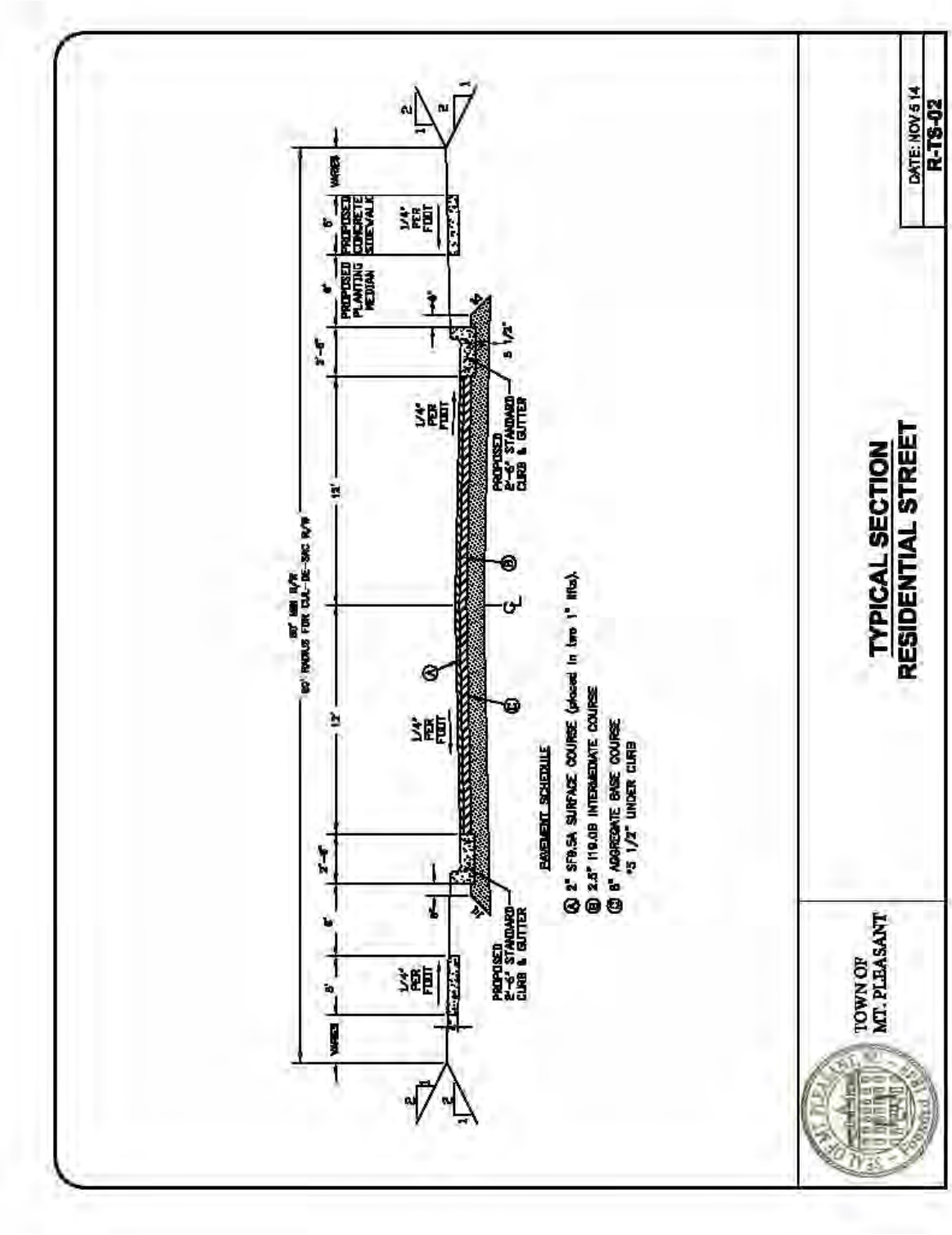
C.1 STANDARD DETAILS AND CROSS-SECTIONS DRAWINGS C-1

C.1. STANDARD DETAILS AND CROSS-SECTION DRAWINGS.

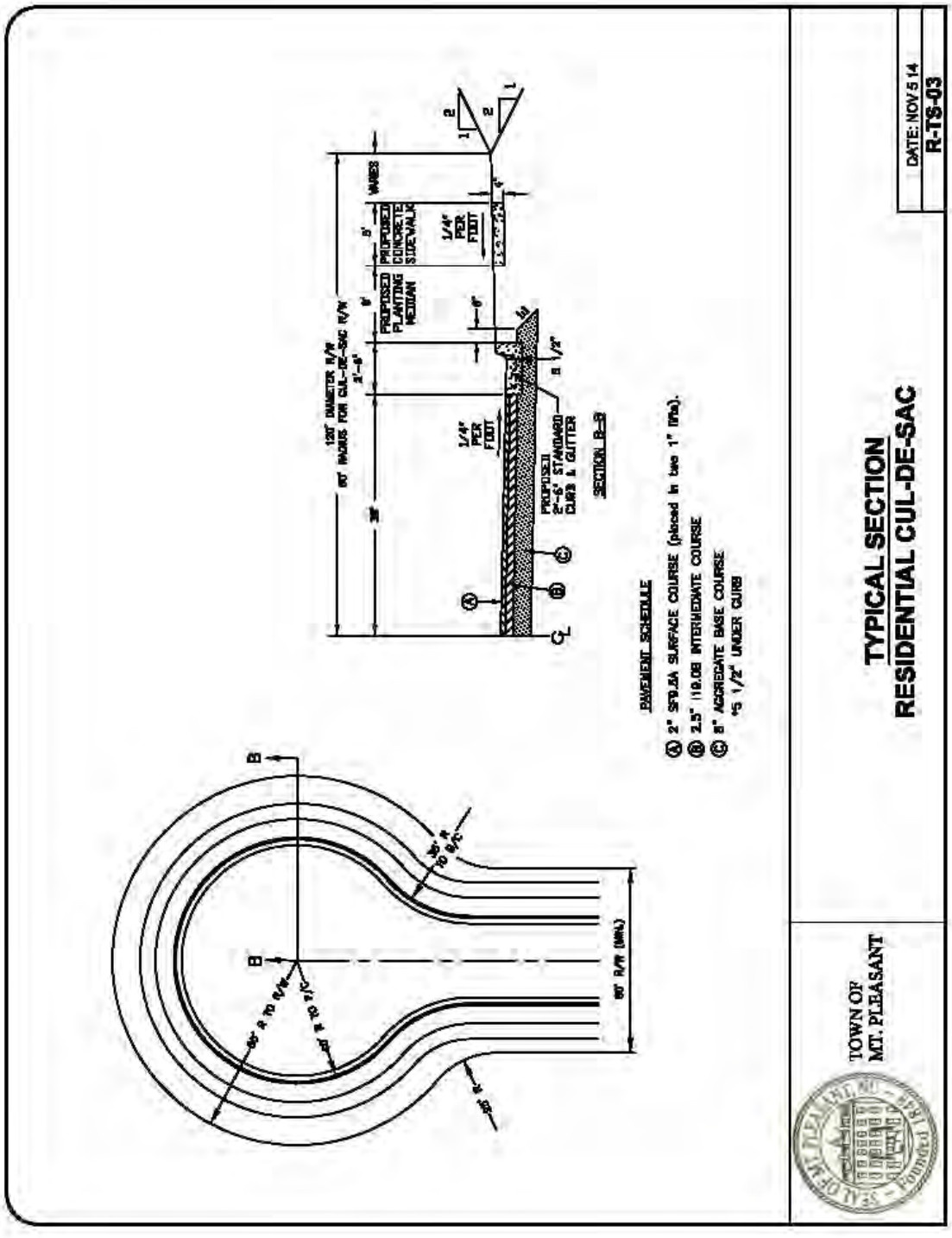
Drawing No. 1:


NOTES:
1. SIDEWALK, PLANTING STRIP AND CURB & GUTTER LOCATIONS SHALL BE DETERMINED BY THE APPLICABLE CROSS-SECTION DETAIL
2. ALL WORK TO BE DONE ON EXISTING NCDOT MAINTAINED STREETS SHALL REQUIRE NCDOT ENCROACHMENT/ACCESS APPLICATIONS, SUBMITTED TO THE CITY ENGINEER.
3. CLEAN CUT LOCATION TO BE DETERMINED IN FIELD.
R/W VARIES
℄
VARIES
EXIST. PAVEMENT
SEE NOTE 3
(SEE NOTE 1)
1/4" PER FOOT
6"
2
1
PAVEMENT SCHEDULE
(A) 1-1/2" BITUMINOUS SURFACE COURSE, S 9.5 B (OVERLAY WHOLE WIDTH OF ROAD ALONG PROJECT)
(B) 1-1/2" BITUMINOUS SURFACE COURSE, S 9.5 B
(C) 4" BITUMINOUS INTERMEDIATE COURSE, I 19.0 B
(D) 5" BITUMINOUS BASE COURSE, B 25.0 B
(E) 2'-6" CURB AND GUTTER
TYPICAL SECTION
ROAD WIDENING
TOWN OF
MT. PLEASANT
DATE: 01 MAY 06
R-TS-01

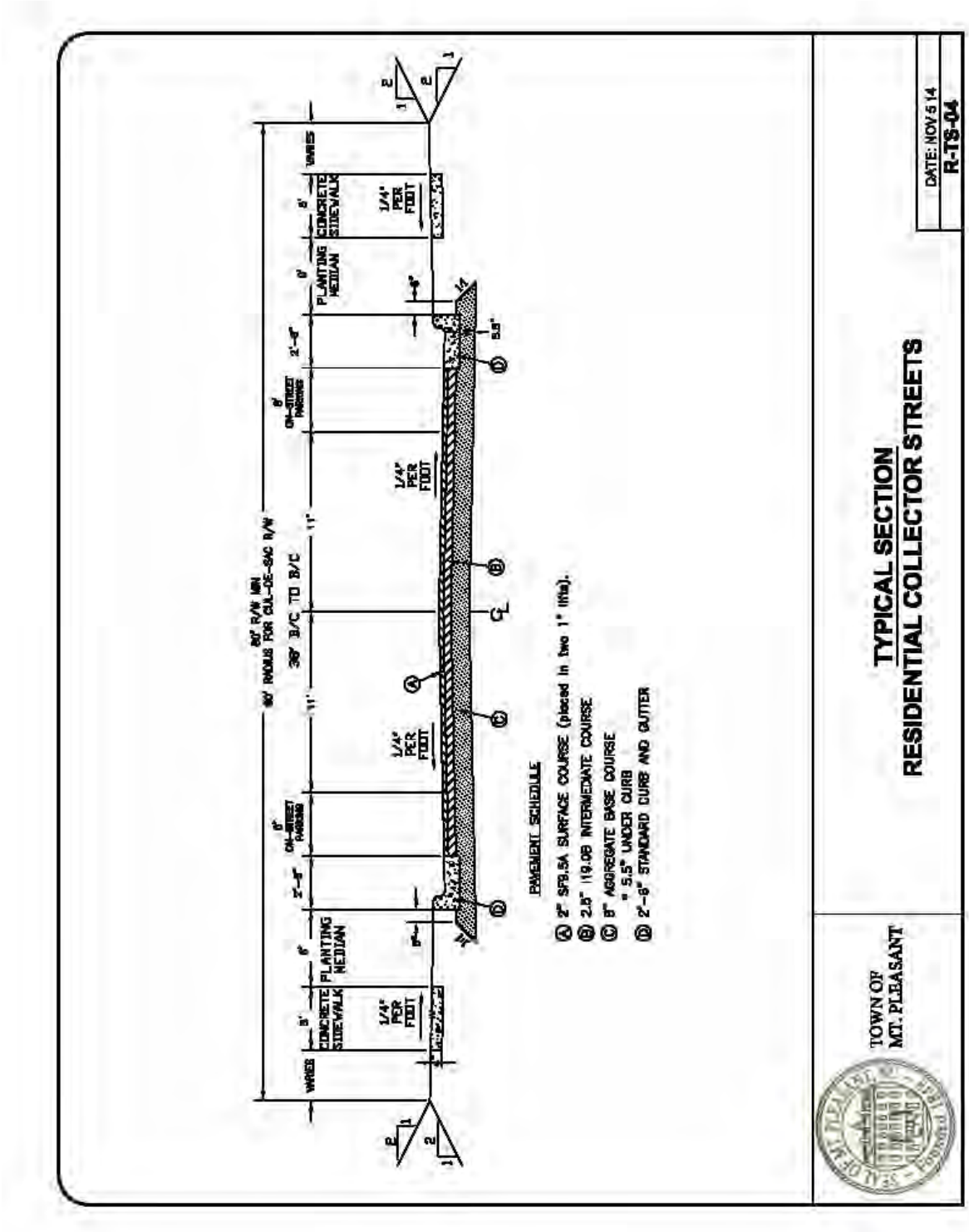
Drawing No. 2:


TYPICAL SECTION
RESIDENTIAL STREET
DATE: NOV 5 14
R-TS-02
TOWN OF
MT. PLEASANT
PROPOSED PLANTING MEDIAN
PROPOSED CONCRETE SIDEWALK
PROPOSED 2'-6" STANDARD CURB & GUTTER
PAVEMENT SCHEDULE
2" SF9.5A SURFACE COURSE (placed in two 1" lifts).
2.5" I19.0B INTERMEDIATE COURSE
8" AGGREGATE BASE COURSE #57 1/2" UNDER CURB

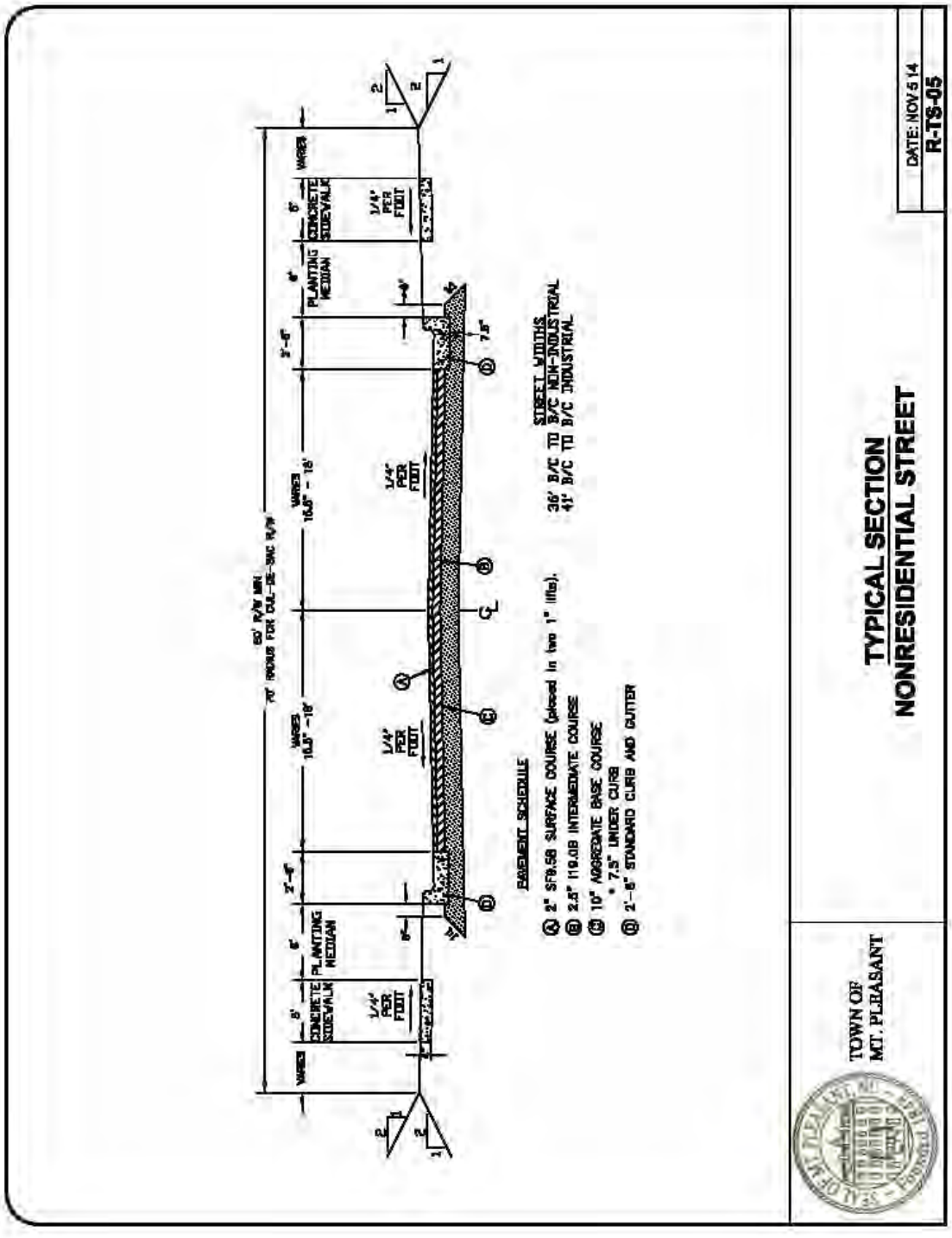
Drawing No. 3:


TYPICAL SECTION
RESIDENTIAL CUL-DE-SAC
DATE: NOV 5 14
R-TS-03
TOWN OF
MT. PLEASANT
PAVEMENT SCHEDULE
A 2" SF9.5A SURFACE COURSE (placed in two 1" lifts).
B 2.5" I19.0B INTERMEDIATE COURSE
C 8" AGGREGATE BASE COURSE
#5 1/2" UNDER CURB
PROPOSED 2'-6" STANDARD CURB & GUTTER
SECTION B-B
PROPOSED PLANTING MEDIAN
PROPOSED CONCRETE SIDEWALK
WIDES
1/4" PER FOOT
1/4" PER FOOT
60' R/W (MIN.)

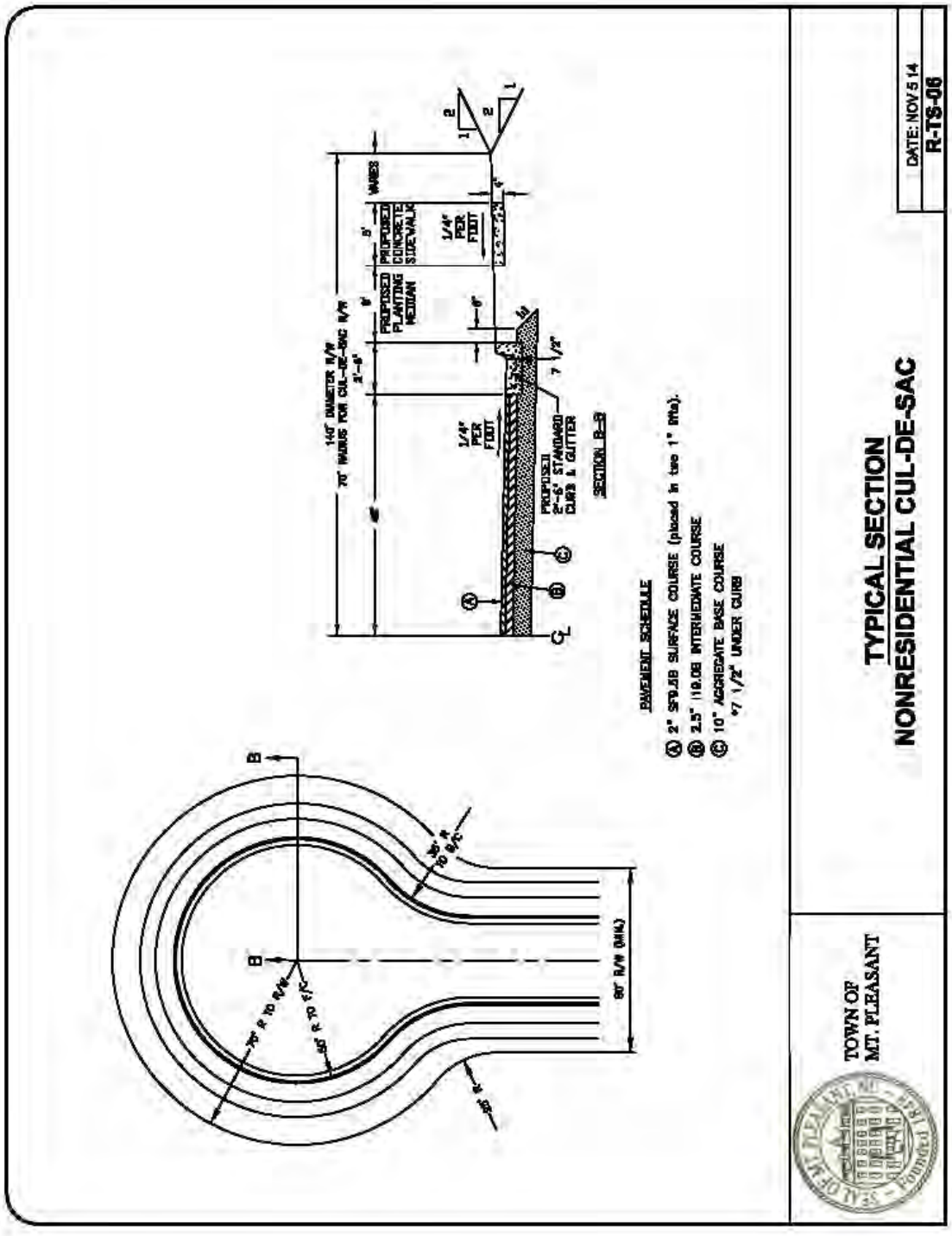
Drawing No. 4:


TYPICAL SECTION
RESIDENTIAL COLLECTOR STREETS
DATE: NOV 5 14
R-TS-04
TOWN OF
MT. PLEASANT
80' R/W MIN
80' RADIUS FOR CUL-DE-SAC R/W
36' B/C TO B/C
VARIES
CONCRETE SIDEWALK
PLANTING MEDIAN
ON-STREET PARKING
1/4" PER FOOT
PAVEMENT SCHEDULE
A 2" SP9.5A SURFACE COURSE (placed in two 1" lifts).
B 2.5" I19.0B INTERMEDIATE COURSE
C 8" AGGREGATE BASE COURSE
* 5.5" UNDER CURB
D 2'-6" STANDARD CURB AND GUTTER

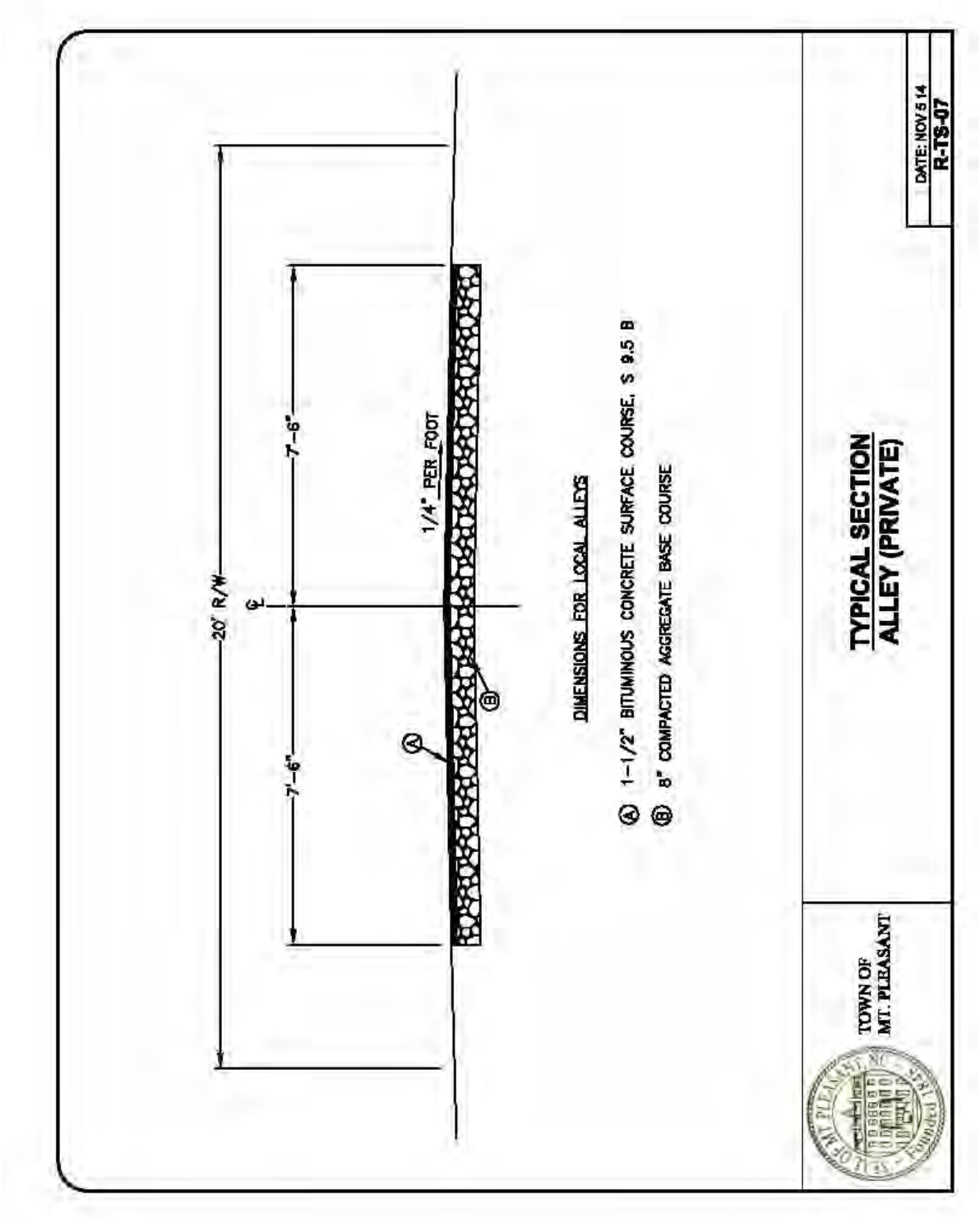
Drawing No. 5:


TYPICAL SECTION
NONRESIDENTIAL STREET
TOWN OF
MT. PLEASANT
DATE: NOV 5 14
R-TS-05
STREET WIDTHS
36' B/C TO B/C NON-INDUSTRIAL
41' B/C TO B/C INDUSTRIAL
PAVEMENT SCHEDULE
2" S9.5B SURFACE COURSE (placed in two 1" lifts).
2.5" I19.0B INTERMEDIATE COURSE
10" AGGREGATE BASE COURSE
* 7.5" UNDER CURB
2'-6" STANDARD CURB AND GUTTER
PLANTING MEDIAN
CONCRETE SIDEWALK
1/4" PER FOOT
VARIES
7.5"

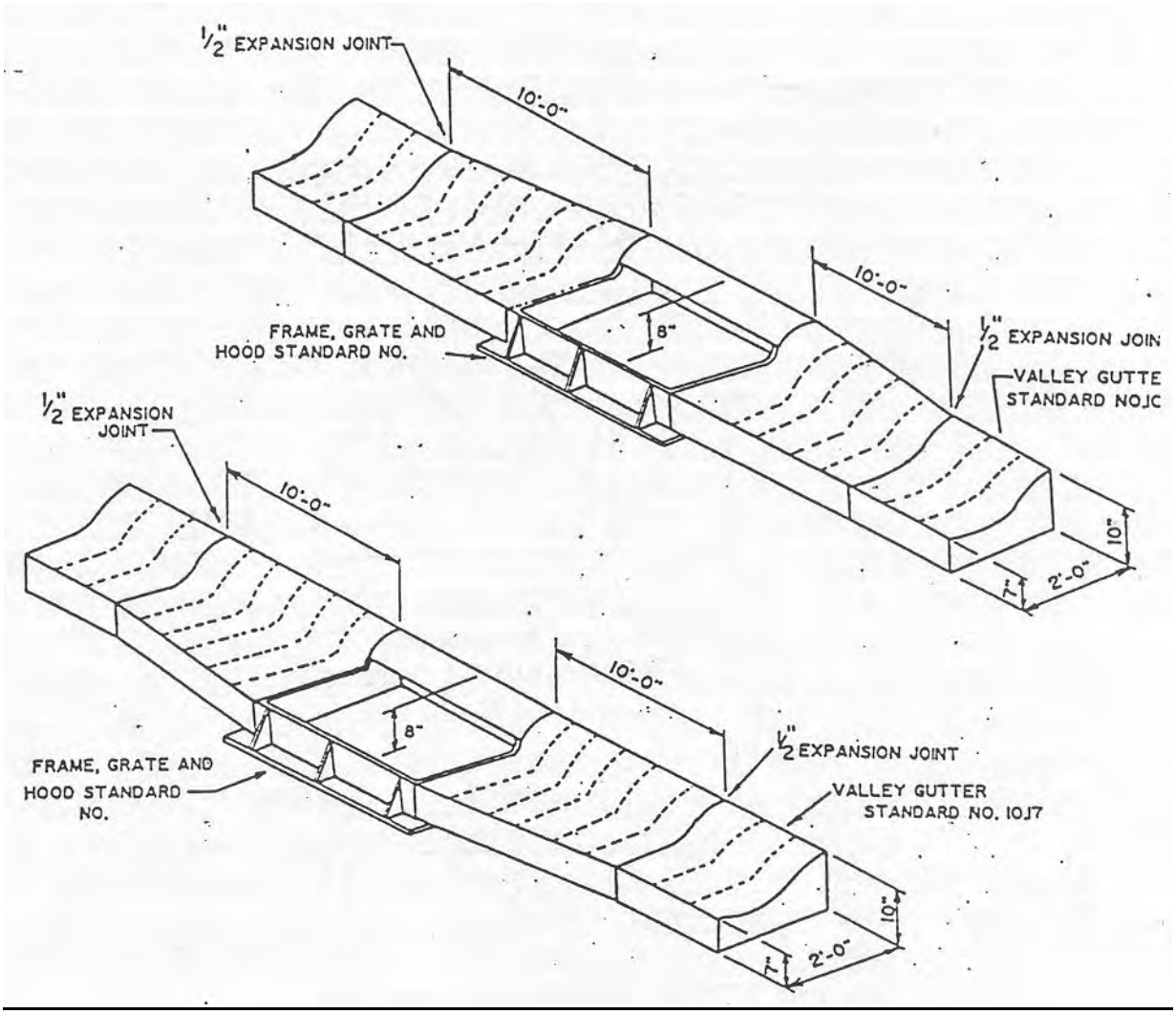
Drawing No. 6:


TYPICAL SECTION
NONRESIDENTIAL CUL-DE-SAC
DATE: NOV 5 14
R-TS-06
TOWN OF
MT. PLEASANT
PAVEMENT SCHEDULE
A 2" S9.5B SURFACE COURSE (placed in two 1" lifts).
B 2.5" I19.0B INTERMEDIATE COURSE
C 10" AGGREGATE BASE COURSE
*7 1/2" UNDER CURB
SECTION B-B
PROPOSED 2'-6" STANDARD CURB & GUTTER
PROPOSED PLANTING MEDIAN
PROPOSED CONCRETE SIDEWALK
WIDES
1/4" PER FOOT
7 1/2"
80' R/W (MIN)

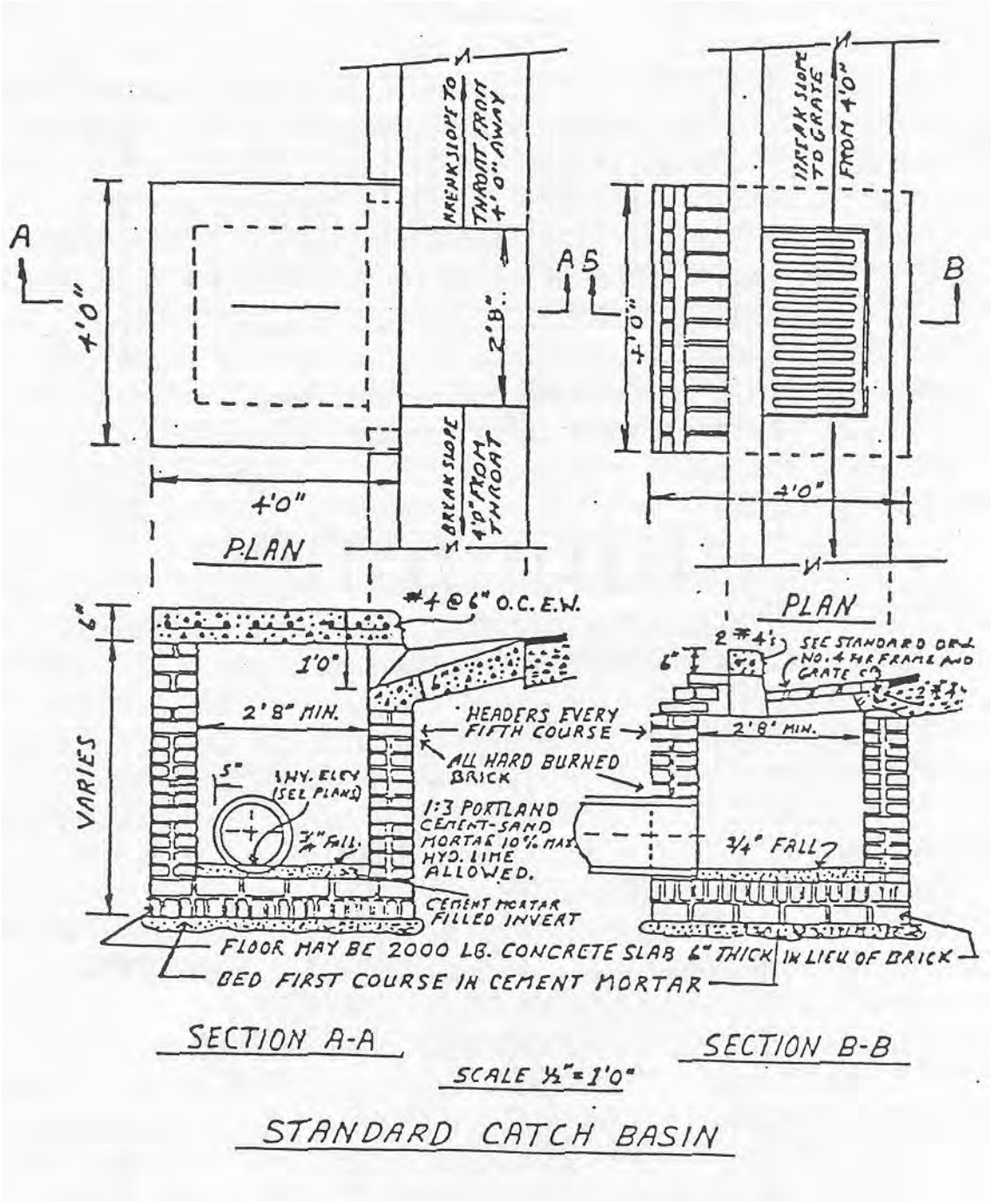
Drawing No. 7:


20' R/W
7'-6"
7'-6"
1/4" PER FOOT
A
B
DIMENSIONS FOR LOCAL ALLEYS
A 1-1/2" BITUMINOUS CONCRETE SURFACE COURSE, S 9.5 B
B 8" COMPACTED AGGREGATE BASE COURSE
TYPICAL SECTION
ALLEY (PRIVATE)
TOWN OF
MT. PLEASANT
DATE: NOV 5 14
R-TS-07

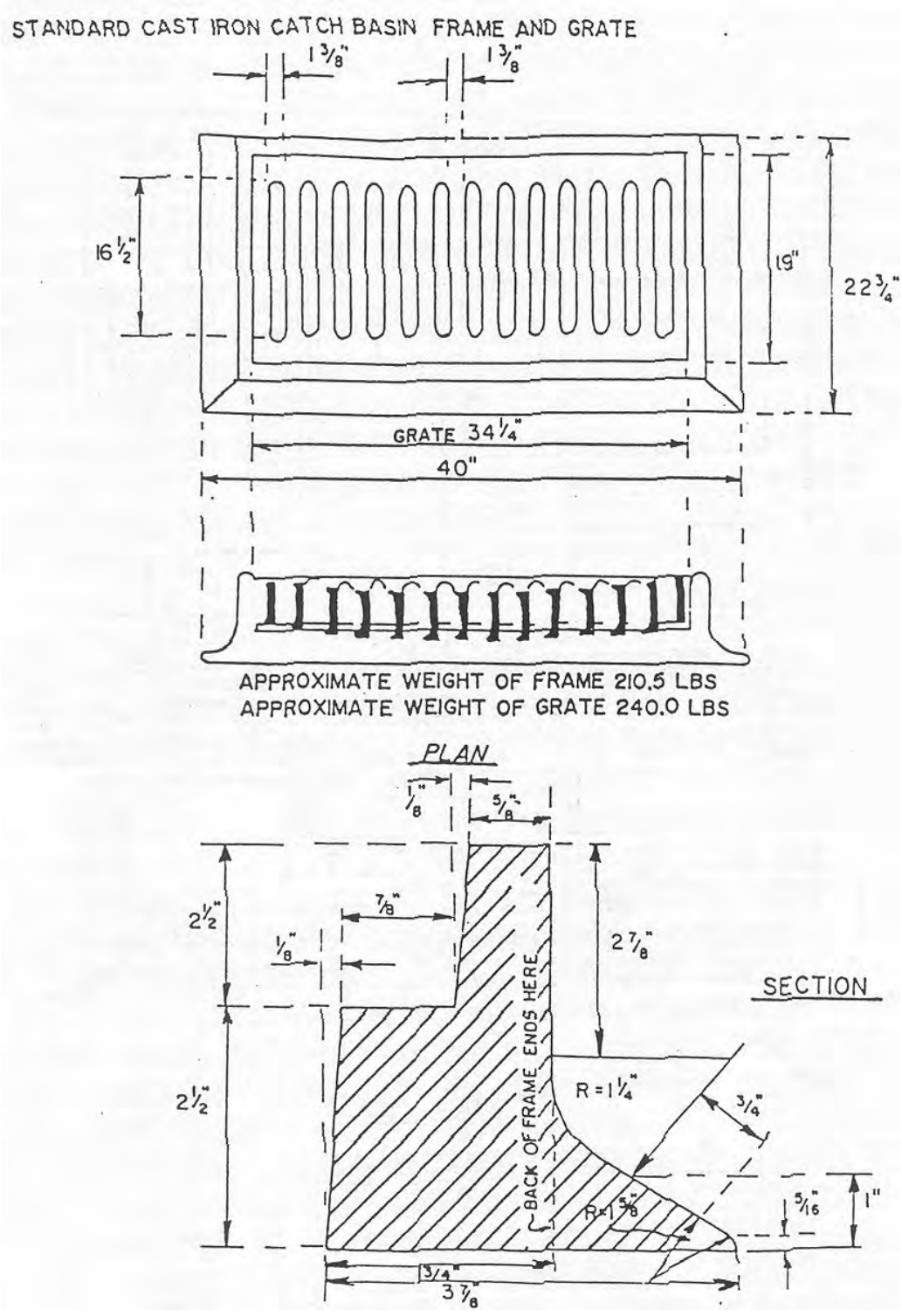
Drawing No. 8:


1/2" EXPANSION JOINT
10'-0"
10'-0"
FRAME, GRATE AND HOOD STANDARD NO.
8"
1/2" EXPANSION JOIN
VALLEY GUTTE STANDARD NOJC
1/2" EXPANSION JOINT
10'-0"
10"
2'-0"
1'
10'-0"
8"
1/2" EXPANSION JOINT
FRAME, GRATE AND HOOD STANDARD NO.
VALLEY GUTTER STANDARD NO. 10J7
10"
2'-0"
1'

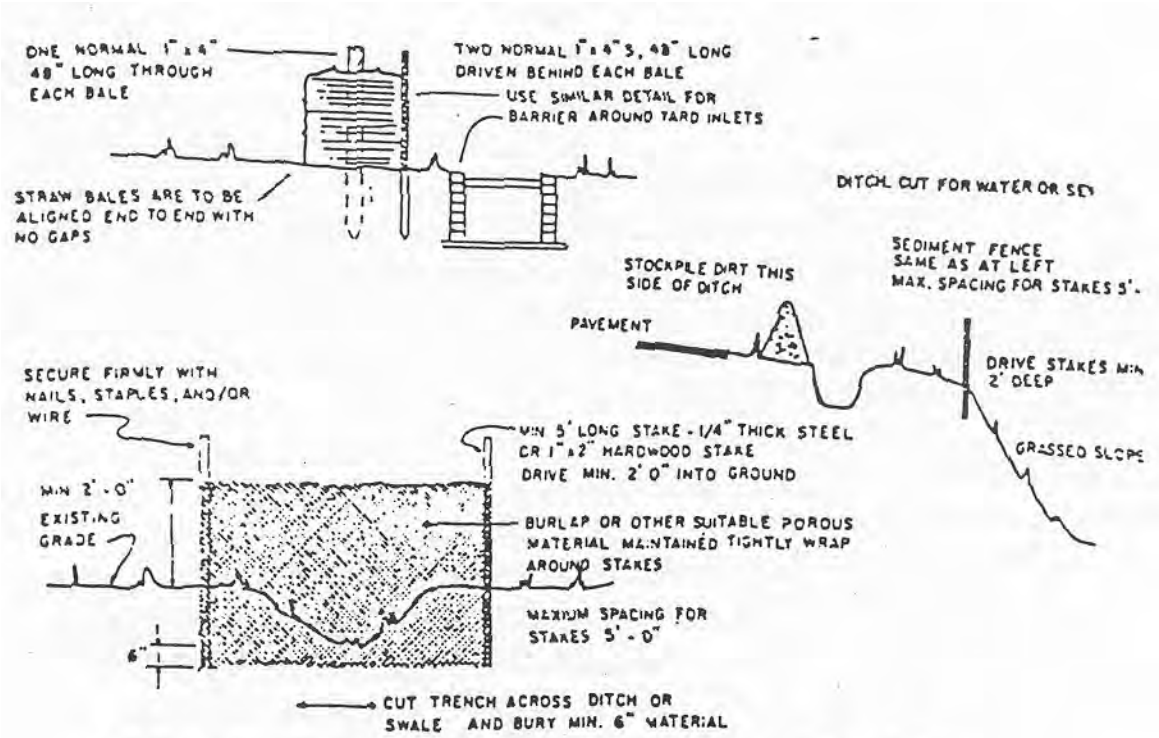
Drawing No. 9:


A
4'0"
BREAK SLOPE TO THROAT 4'0" AWAY
2'8"
BREAK SLOPE 4'0" FROM THROAT
4'0"
PLAN
A
5
4'0"
BREAK SLOPE TO GRATE FROM 4'0"
B
4'0"
PLAN
#4 @ 6" O.C. E.W.
6"
1'0"
2'8" MIN.
VARIES
5"
INV. ELEV (SEE PLANS)
3/4" FILL
HEADERS EVERY FIFTH COURSE
ALL HARD BURNED BRICK
1:3 PORTLAND CEMENT-SAND MORTAR 10% MAX. HYD. LIME ALLOWED.
CEMENT MORTAR FILLED INVERT
FLOOR MAY BE 2000 LB. CONCRETE SLAB 6" THICK IN LIEU OF BRICK
BED FIRST COURSE IN CEMENT MORTAR
2 #4's
SEE STANDARD DRWG. NO. 4 FOR FRAME AND GRATE
6"
2'8" MIN.
3/4" FALL
SECTION A-A
SECTION B-B
SCALE ½"=1'0"
STANDARD CATCH BASIN

Drawing No. 10:



Drawing No. 11:



SEDIMENT FENCE / STRAW BALE LINE

1 GENERAL DESCRIPTION - TO BE USED DURING THE INSTALLATION OF ALL WATER AND SEWER MAINS ALONG ROAD SHOULDERS OF ANY HIGHWAY ROAD SYSTEM.

2 CONTROL STRUCTURES INDICATED ON PLANS ARE TO BE INSTALLED PRIOR TO ANY DIGGING OR DISRUPTION OF VEGETATION. CONTRACTOR SHALL MAINTAIN ALL ROADSIDE DRAINAGE DITCHES FREE OF SEDIMENT.

3 CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES IN A SATISFACTORY MANNER BY REMOVING SEDIMENT OR REPLACING STRUCTURE IF REQUIRED BY RESIDENT INSPECTOR OR STATE AUTHORITIES. OTHER MEASURES MAY BE REQUIRED DEPENDING ON LOCAL WEATHER OR GROUNDWATER CONDITIONS.

4 CONTRACTOR SHALL REMOVE ALL WASTE MATERIAL AND EROSION STRUCTURES FROM PROJECT AFTER COMPLETION OF PROJECT.

5 USE RIP-RAP WHERE REQUIRED ON ANY DISTURBED STREAM BANKS. CONTRACTOR SHALL PLAN WORK SO THAT STOCKPILES OF EARTH ARE NOT SUBJECT TO WASHING INTO ANY STREAM OR DRAINAGE STRUCTURE BY EITHER NORMAL SURFACE DRAINAGE OR FLOODING OF THE STREAM.

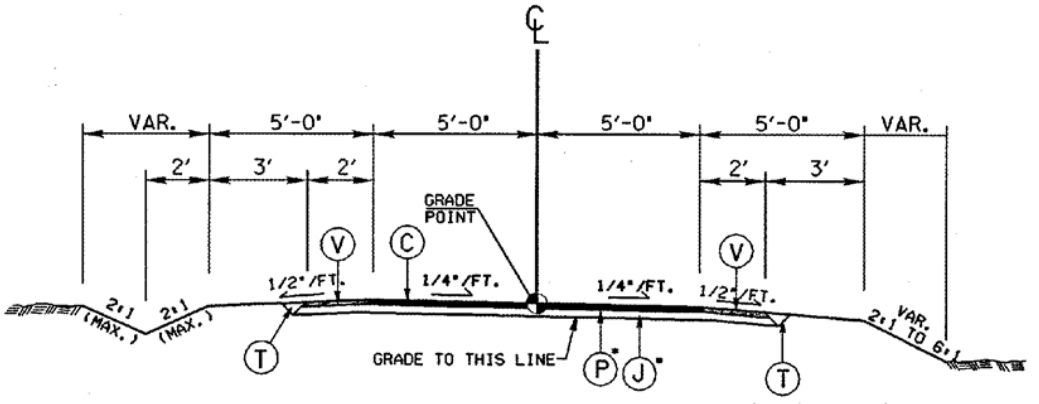
6 ALL AREAS NOT TO BE PAVED OR GRAVELED ARE TO BE GRASSED WITHIN 30 DAYS OF BACKFILL AS REQUIRED BY EROSION CONTROL REGULATIONS.

7 BEFORE RESEEDING ANY DISTURBED AREA, CONTACT LANDSCAPE SUPERVISOR, DEPT. OF TRANSPORTATION, DISTRICT OFFICE - ALBEMARLE, N.C. (TELE. 1-704-982-1010)

Drawing No. 12:

TYPICAL SECTION OF ASPHALT MULTI-USE PATH
8-FOOT MINIMUM (10-FOOT SHOWN)

(With 2-Ft Crushed Stone Shoulder)



TYPICAL SECTION
WITH 2-FT. SELECT MATERIAL SHOULDERS

PAVEMENT SCHEDULE	
C	PROP. APPROX. 2" BIT. CONC. SURFACE COURSE, TYPE SF 9.5 A, AT AN AVERAGE RATE OF 110 LBS. PER SQ. YD. IN EACH OF TWO LAYERS.
J	PROP. 6" AGGREGATE BASE COURSE.
P	PRIME COAT AT THE RATE OF 0.35 GAL. PER SQ. YD.
T	EARTH MATERIAL
V	PROPOSED APPROXIMATE 2" OF SELECT GRANULAR MATERIAL.

NOTE: ALL PAVEMENT EDGE SLOPES ARE 1:1.

APPENDIX D
Rights-of-Way Regulations and Design Standards for Driveways, Drainage, and Utility Construction

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D-1 Purpose of the Driveway Ordinance 2
D-2 Driveway Permit Application Procedure 2
D-3 Definitions 3
D-4 When a Driveway Permit is Required 4
D-5 Plan Submission Requirements 4
D-6 Permit Fee 5
D-7 Inspections 5
D-8 Driveway Design Standards 5
D-9 Roadside Drainage Requirements 9
D-10 Street and Utility Repairs 10
D-11 Use and Protection of Property 11
D-12 Standard Detail Drawings 13

D-1. PURPOSE OF DRIVEWAY ORDINANCE.

Applicability. This Appendix D shall apply to all driveways or access points planned to connect to a Town maintained street. This provisions of this Appendix shall regulate only that portion of a private driveway that connects to a public and extends to the edge of a public right-of-way. The regulation of private driveways on private property is subject to the standards of Article 8 of this Ordinance.

- The safety and efficiency of a roadway is impacted by the amount and type of interference experienced by the vehicles moving on it. Some interference may result from other vehicles on the roadway, moving in either the same or the opposite direction. The major form of interference, however, is from vehicles entering, leaving, or crossing the roadway at intersecting streets and driveways. In order to reduce interference with traffic flow, minimize accidents and assure the best overall utilization of the roadway by the motoring public, it is necessary to regulate vehicles entering and leaving roadside developments and intersecting streets.

- The Town of Mount Pleasant recognizes the legal rights of the abutting property owners to have access to their property. However, it must also consider the right of other roadway users to travel with relative safety and freedom interference. Since these rights are at times in conflict, it is the Town's responsibility to reconcile and, to the extent feasible, satisfy the needs and desires of all roadway users.

- To accomplish this, the critical areas of driveway location, design and operation must be addressed. The Town of Mount Pleasant has therefore adopted this driveway ordinance to establish standards for the location and design of driveways providing access from public roadways to developments on abutting property. This ordinance has been established to meet the following objectives.

  (a) To provide maximum safety and protection to the public through the regulation of vehicles entering and exiting public streets and,
  (b) To provide a uniform ordinance for the design, location, operation and construction of driveways throughout the Town, and,
  (c) To provide owners of abutting property with the maximum service feasible, consistent with the safe and efficient use of Town streets.

- The Town's intent is to further increase safety and decrease congestion along specified major thoroughfares. In order to accomplish these objectives, certain goals have been identified. These goals are:

  (a) To prohibit driveways within a certain distance of intersecting streets unless alternate access is not available,
  (b) To decrease the number of driveways along major thoroughfares, and
  (c) To increase the distance between adjacent driveways along major thoroughfares.

- This Appendix D is to be administered by the Town of Mount Pleasant Public Works Director and/or his/her designee(s). The issuance of a Driveway permit as prescribed by this Appendix D shall be issued by the Mount Pleasant Public Works Director /or his/her designee(s).

D-2. DRIVEWAY PERMIT APPLICATION PROCEDURE.

- The procedure for driveway permit application differs according to the type of use of a particular parcel, tract or development.

- Driveway permits for "new" detached, single-family residential construction are not required, however they must meet the standards of this ordinance. For existing single family residential development, modifications to the driveways will require a driveway permit. The Department will attempt to accommodate these applicants on

a walk-in-basis.

- To apply for a driveway permit for a commercial, industrial or multi-family residential development, two (2) copies of an adequate site plan showing all required information must be submitted to the Public Works Director or their designee. A minimum of three (3) working days is required for the initial review of the site plans.

- In that the permit issued under this ordinance is actually a permit for use of public rights-of-way, the permitting process also applies to any and all work or activity performed in the public right-of-way other than normal daily vehicular and pedestrian traffic. Such uses include but are not limited to street and sidewalk cuts, and private street intersections with public streets. Please consult the Public Works Director or their designee for information about permit requirements for any of these activities.

- The North Carolina Department of Transportation (NCDOT) is required to review all connections to state system streets. This includes both driveway and street connections, with the exception of single family residential drives, which are exempt from state review requirements. State system streets are those streets within the Town for which the state retains the ultimate responsibility. However, the more restrictive Driveway Ordinance (NCDOT or Town of Mount Pleasant) shall apply.

- Driveway permits on state system streets, within the Town limits of Mount Pleasant, should be submitted to the Town of Mount Pleasant for the initial review. Upon the Town of Mount Pleasant's approval, the site plans and NCDOT driveway permit forms will be forwarded to NCDOT for their approval.

- Any questions concerning the application procedure or the requirements of this ordinance should be directed to the the Town of Mount Pleasant Department of Public Works.

D-3. DEFINITIONS.

- For the purpose of this Appendix D, the following definitions shall apply;

    - **Access:** Ingress and egress to property bordering on public roadways.
    - **Apron:** The paved area between the gutter flow line of the roadway and the sidewalk section.
    - **Commercial driveway:** A driveway providing vehicular access to property used for purposes other than residential.
    - **Corner clearance:** The distance measured along the right-of-way line from the intersection of the projected right-of way lines to the nearest edge of the driveway approach.
    - **Curbline:** The inside face of curb and gutter.
    - **Curb return:** That section of radius or flare on a driveway between the gutter flow line and the abutting property.
    - **Driveway:** An area on private property providing access for motor vehicles to a public right-of-way.
    - **Driveway angle:** The acute angle between the driveway centerline and the curbline.
    - **Driveway approach:** The improved area between the roadway of a public street and private property intended to provide access for motor vehicles to a well-defined area on private property.
    - **Driveway width:** The width of the driveway measured at the right-of-way parallel with the roadway centerline.
    - **Frontage:** The length of property adjoining the street right-of-way of a single property, tract, or development area between the side property lines.
    - **Outside sidewalk line:** The line generally parallel to the right-of-way line and lying along the edge of the sidewalk section nearest the street right-of-way line.
    - **Residential driveway:** A driveway providing vehicular access to property used for residential purposes.

This includes driveways for single family, duplex and triplex uses.

- **Right-of-way:**The land within legally defined property boundaries whose title rests with the Town or state and is designated or intended for use as a public street or road way.
- **Side clearance:** The distance measured along the street right-of-way line from the nearest side property corner to the nearest edge of the driveway approach.
- **Sidewalk:** An area on public or private property where pedestrians walk or stand, generally parallel to the edge of the street, roadway or face of curb.
- **Sidewalk section:** That portion of a driveway between the outside sidewalk line and the driveway apron.
- **Spacing:** The closest distance between two driveways, measured along the right-of-way line from edge of drive to edge of drive.

- **Conformance prerequisite to site plan approval.** Driveway approaches hereinafter constructed in the Town on public streets and roadways shall be designed and constructed in conformance with this article. It shall be unlawful for any person to construct, cut, break out, or remove any curb along a street or alley except as authorized by the provisions of this article. Failure to construct any driveway approach(es) in conformance with the provisions of this article or failure to correct or remove any existing driveway approach(es) found to be nonconforming may result in the removal of the driveway approach(es) by the Town, at the property owner's expense.

D-4. PERMIT REQUIRED.

(a) No person, firm, or corporation shall remove, alter, or construct any curb,driveway approach, gutter,pavement, or perform any other improvement in any public street or other property owned by or dedicated to the Town without first obtaining a permit from the Public Works Director or their designee authorizing such improvements.

(b) A driveway permit is required prior to the issuance of a building permit for new construction, additions,or changes in use.

(c) Existing driveways shall not be altered within the right-of-way until a permit is obtained. The maintenance of driveways located in or on the right-of-way shall be the responsibility of the property owner.

(d) Failure to secure a permit as described herein or failure to construct the driveway to Town standards or failure to correct or remove existing nonconforming driveway approaches is a violation of the Code of Ordinances and a penalty of fifty (50) dollars per day may be imposed on the owner after a thirty (30) day written notification has been given by the Public Works Director or their designee. If the driveway is not removed or brought into compliance within thirty (30) days, the person, firm or corporation doing the original work shall be denied further permits to work on public streets within the Town limits of Mount Pleasant.

(e) In unusual circumstances minor variations of the minimum requirements may be permitted, based on sound traffic engineering principles, after an engineering investigation by the Public Works Director or their designee.

(f) No variation in the number and/or width of driveways shall be permitted.

D-5. PLAN SUBMISSION REQUIREMENTS.

(a) No permit shall be issued until there is two copies of the plans filed with the Public Works Director or their designee for his approval Two (2) copies of plans showing the location and dimensions of all proposed improvements.

(b) Four (4) additional plans will be required for driveway approaches to state highway system streets within the corporate limits, and Six (6) NCDOT Driveway Permit forms.

(c) A minimum of three (3) working days shall be required for the initial review of the site plan by the Public Works Director or their designee.

(d) Information that must be shown on plans submitted shall include:

(1) location of the property, including street name and address;

(2) the character of the present and future property use and the current zoning;
(3) location of all existing and proposed buildings;
(4) pavement and right-of-way width;
(5) for commercial and/or industrial facilities, the proposed location of off-street loading and unloading facilities.
(6) interior parking arrangements and traffic circulation patterns, and number of spacing required;
(7) location of existing utilities, retaining walls,storm drainage facilities,poles, and other physical features which affect the driveway location;
(8) all existing driveways, property lines, and driveways to be closed
(9) all proposed driveways, including all parcels reserved for future development.
(10) location of existing and proposed sidewalks, curbs, and wheelchair ramps on or adjacent to the property.
(11) driveways on the opposite side of the street;
(12) all existing and/or required turn lanes and transition tapers;
(13) proposed median openings with storage lanes and transition tapers;
(14) location of all easements;
(15) north arrow;
(16) scale, not greater than1"=10' or less than l”=40',1"=20' is preferred;
(17) major developments may require a traffic study prepared by a transportation professional. Such studies shall include trip generation, existing and proposed traffic assignments, complete demographics of the development, and other information helpful in evaluating the proposed development.

D-6. PERMIT FEE.

- Fees for permits shall be fixed from time to time by the Town Board. A copy of the fee schedule is on file in the office of the Town Clerk and in the Department of Public Works.

D-7. INSPECTIONS.

- Once the permit is duly issued, the supervisor on the driveway construction site shall keep the permit available for on-the-job inspection by authorized personnel of the Town.

- The applicant shall request an inspection by the Public Works Director or their designee 24 hours in advance of any concrete pouring. The Public Works Director or their designee or his authorized representative shall have the authority to require the immediate stoppage of work not performed under the requirements of this article.

- In the event of failure to comply with the provisions of this article or the term of the permit or in the case of faulty workmanship or materials, the Town may remove the non-complying driveway at the property owner’s expense.

D-8. DRIVEWAY DESIGN STANDARDS.

Driveway Width

- The width, in feet, or a driveway approach and curb return flare or radius shall be within the minimum and maximum limits as specified below:

Land Use/Driveway Type	Driveway Width, Ft.		Flare/Radius, Ft.	
	Minimum	**Maximum**	**Minimum**	**Maximum**
Residential-Single Family	12	20	1	3
Multi-family	24	36	10	30
Commercial/Industrial	24	36	5	10
Commercial/Industrial one-way	15	20	5	10
Private Street Entrance	24	48	30*	30*
Street Type Driveway	24	36	10	30

* radius only

- All driveway approach widths shall be measured at the street right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns.

- The width and radius of street type driveways and width of private street entrances shall be determined by the Public Works Director within the limits of this ordinance.

- Single-family and duplex developments on individual lots of record shall be exempt from these standards. However, driveways associated with these uses shall not be located within any site triangles.

Number and spacing of driveway approaches

- Driveways shall be allocated and spaced as outlined below, provided all other requirements of this article are met.

Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and intersecting Streets
Local Streets	40 feet	60 feet
Collector Streets	120 feet	120 feet
Major and Minor Thoroughfares	400 feet	250 feet

- Note: Access separation between driveways shall be measured from inside edge to inside edge of driveway. Access separation between a driveway and intersecting street shall be measured from the nearest edge of the driveway to the intersecting right-of-way lines. The maximum number of driveways allowed for any parcel prior to subdivision of property shall be three and shall meet the minimum spacing requirements of this ordinance.

Driveway Design

- All driveway approaches shall be a concrete apron section ("ramp" type), except that street type driveway entrances may be required to public or private developments that have parking spaces for two hundred (200) or

more vehicles or when special conditions exist as determined by the Public Works Director or their designee. The concrete apron shall be installed to the right-of-way line or at least 10 feet from the edge of the roadway and/or back of curb.

- **Medians and Islands.** Medians or islands may be permitted for street type driveways and private street entrances only, upon approval of the Public Works Director and subject to the following conditions:

  (a) The raised median or island shall be constructed on private property to the rear of the right-of-way line;
  (b) The minimum width of the median or island as measured nearest the right-of-way line(excluding the nose) shall be six (6) feet or as required by the Director of Streets and Traffic Engineering,
  (c) The minimum length shall be fifty (50) feet;
  (d) For street type driveways with a median or island, the combined width of pavement of the separated driveway segments shall not exceed forty-eight (48) feet;
  (e) Medians and islands shall not be permitted for ramp-type driveways.

- Ramp type driveway approaches may use either a standard drop curb opening or curb radius from the street curb to the inside sidewalk line. If a curb radius used, the top elevation of the curb radius must be held level with the elevation of the street curb, and the driveway apron must be raised to meet the elevation of the curbline at the inside
  sidewalk line.

- Driveway approaches shall cross the sidewalk area at the sidewalk grade established by the Public Works Director or their designee. The sidewalk shall be constructed separately from the driveway apron. The driveway angle shall be ninety (90) degrees, unless engineering considerations dictate otherwise, as approved by the Public Works Director or their designee .

- Where special pedestrian or vehicular hazards may be encountered, driveway approaches may be restricted to one-way operation. Such driveways shall be clearly signed and marked as one-way driveways using pavement arrows and directional signs. Failure to erect and maintain such signs or the failure to use these driveways in accordance with the signing and marking shall be considered a violation of this article.

Location of driveway approaches

- All driveway approaches shall have a minimum side clearance as specified below:

Land Use	Minimum Side Clearance
Single Family Residential	5 feet
All others	10 feet

- All driveway approaches shall have a minimum corner clearance of sixty (60) feet.

- At street intersections where the radius is sixty (60) feet or more, driveway approaches may encroach upon either end of the radius for a distance up to five (5) percent of the total length of the arc of the curb radius, thereby leaving at least ninety-five (95) percent of the arc length of the radius free from driveway encroachment, provided that all other requirements of this article are met.

- No driveway approach shall be permitted to encompass any municipal facility, including but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, and sewer cleanouts. The driveway approach must be located a minimum of 3 feet from any such facility.

- Landowners of adjacent property, may, by written mutual agreement, construct a joint driveway to service both

properties provided that all other requirements of this article are met with the exception of the side clearance restriction.

Specifications

- All work done and all materials used In the construction of driveway approaches shall conform to the current "Standard Specifications for Concrete Sidewalk and Driveway Approaches, Town of Mount Pleasant" as established by the Public Works Director or their designee.

Existing driveway approaches

- Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction and such driveway approaches shall be subject to the provisions of this article.

- When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, or when the driveway is nonconforming, the owner of the abutting property shall, at his expense, replace all necessary curbs, gutters, and sidewalks, or correct all nonconforming features within thirty (30) days after written notice from the Public Works Director or their designee. Failure to do so may result in a penalty being imposed as

  described in Section titled Permit Required.

Turn lanes, tapers, deceleration lanes

- Turn lanes, tapers, and/or deceleration lanes may be required by the Public Works Director or their designee where it is anticipated that the volume of traffic using the proposed driveway(s) or street(s) may significantly interfere with the flow of traffic on the abutting public street. Request for turn lanes, deceleration lanes and transition tapers shall be considered as part of the driveway permitting process and must be shown on the submitted site plans, in addition to the other required site plan elements.

- Dedication and construction of turning lanes to serve one or more entrances into a development shall be required in any conditional use, special use, or driveway permit or subdivision approval for a use or development which is adjacent to a two-lane public street with average daily traffic (AT) exceeding five thousand (5000) vehicles per day, or a four-lane or larger public street with AT exceeding ten thousand (10,000) vehicles per day, if any one of the following conditions are also present:

  (a) The use of development requires Fifty (50) or more off-street parking spaces.
  (b) The use of development will generate more than (100) trips during the peak hours of 7-9 AM, 11AM-1PM, and 4-6PM. Data shall be based on the Institute of Transportation Engineers Manual titled "Trip Generation" and based upon the highest land use permitted by the zoning classification as affected by any restrictions imposed by any conditional use permit, special use permit, or other legally enforceable restriction.
  (c) The use of development, as it may be affected by such restrictions, is reasonably expected to generate more than twenty-five (25) truck (more than 13,000 G.V.W.) trips per day through a single driveway.
  (d) The use or development, as it may be affected by such restrictions, creates special safety or traffic conditions due to limited sight distance and/or posted speeds in excess of thirty-five (35) miles per hour along the adjacent public street. Such conditions shall be determined in writing by the Public Works Director or their designee.
  (e) The use of development consists of at least fifty (50) attached or detached residential dwelling units.

- The Public Works Director or their designee may require additional side clearance to accommodate the required turn lanes, deceleration lanes and/or tapers.

- The cost of all required turn lanes, deceleration lanes and transition tapers shall be paid for by the property owners. Property owners shall not be entitled to any claims or reimbursement for expenditures involved in construction on public rights-of-way. All construction improvements required herein shall be the property of the Town of Mount Pleasant.

Standards for Directional Signs and Pavement Markings for Designated Entrance and Exit Driveways

- The driveway ordinance imposes strict limitations on the number, location, and spacing of driveways on designated major thoroughfares; however, it allows for two one-way driveway approaches to be considered as a single driveway approach provided that the approaches are clearly signed and marked using directional signs and pavement arrows. Other provisions of the ordinance require signs and markings where special pedestrian or vehicular hazards necessitate the one-way operation of driveways. The following standards apply to all instructional or directional signs and pavement markings used to designate private driveways as entrance and exists.

- **Sign Standards.**
  - Location: At a minimum, one double faced sign shall be located on private property at least 10 feet back from the curb to the right of each driveway approach. Additional signs may be placed on the opposite side of the approach. The sign should not be blocked from view by vegetation or other obstacles.
  - Size: The area of the sign shall be no less than 3 square feet and no more than 6 square feet.

  - Letters:
    - Minimum letter size, uppercase: 6" (8" preferred)
    - Minimum letter size, lowercase: 4" (6" preferred)
    - Letters shall be black or white on a reflectorized or illuminated background of contrasting color. The first letter of each word shall be uppercase.

    - Copy Material: Only the words “Enter” and “Exit” or “In” and “Out” with the appropriate arrow shall be used. Arrow dimensions shall be a minimum of 6" long with a shaft width of at least 2". The arrow head shall be at least twice as wide as the shaft. Business logos may be used but shall not exceed 33 1/3 of the sign area.

Pavement Arrows.

- Location: A sufficient number of pavement arrows designating the appropriate direction of traffic shall be installed in the driveway approach and driveway so that they are clearly visible from the street.

- Size: Pavement arrows shall be a minimum of 8 feet in length and shall conform in size and proportion to the standards set forth in the Manual on Uniform Traffic

Control Devices (MUTCD).

- All signs and markings shall be installed and maintained by the property owner.

Policy Regarding the Use of Asphalt Paving for Driveway Aprons and Approaches

- The Public Works Director or their designee has recognized the need for an established policy regarding the installation of asphaltic concrete driveway aprons in lieu of Portland cement concrete driveway aprons, and as a result has established, in consultation with the Town Public Works Director, the following policy.

- The use of asphalt is permitted for the construction of a driveway apron or approach if and only if that apron or approach meets the following criteria:

    1. (a) the adjoining public street is unpaved or constructed of stone only,

    OR

    (b) the adjoining public street is constructed of asphalt ribbon pavement

    AND

    2. The pavement design to be used in the construction of the driveway apron or approach is approved by the Town Public Works Director or their designee.

- Under NO circumstances is asphalt paving permitted on any driveway apron or approach where the adjoining public street is constructed with granite curbing or concrete curb and gutter.

D-9 ROADSIDE DRAINAGE REQUIREMENTS.

A well functioning roadside drainage system is important to maintaining the structural integrity of the roadway and

providing a safe driving surface during storm events. Roadside drainage is accomplished using either a ditch system including adequately sized and constructed driveway pipes, a curb and gutter system with well designed curb inlets and drainpipe system, or some combination of both systems. Modifications to existing drainage systems must be evaluated and approved by the Town of Mount Pleasant prior to construction, and are permitted as a part of the right-of-way construction permit system.

Piping Existing Ditches

The design and cost for piping existing roadside ditches is the responsibility of the property owner unless it is included as part of a neighborhood capital improvement project funded by the Town of Mount Pleasant. Piping ditches will only be allowed if the following criteria are achieved.

- The hydraulic capacity of the existing ditch system will not be reduced or diminished.
- The culvert pipe shall be of size adequate to carry the anticipated flow in the ditch as determined by the Town of Mount Pleasant and shall not be smaller than 15-inches inside diameter.
- The flow from and to adjacent properties will not be inhibited.
- All pipe materials and installation meet Town of Mount Pleasant and NCDOT standards. No pipe with broken joints or other defects is allowed.
- A swale can be maintained over the pipe to prohibit sheet flow of water from the property onto the road surface, and adequate inlet grates are included in the design and installation. In no case shall the construction cause water to flow across the pavement, or to pond on the shoulders or in the ditch, or result in erosion within the right-of-way.
- A minimum cover of 8-inches can be maintained over the top of the pipe. If vehicular traffic will cross the pipe, a minimum cover of 24-inches must be maintained, or Class IV reinforced concrete pipe must be utilized.
- Pipe installation must be inspected by the Town prior to back-filling the pipe and inlet boxes.
- All grates and frames shall meet NCDOT standards for traffic bearing, and must be pre-approved by the Town of Mount Pleasant.
- Drainage collected by ditches, gutters, or pipes on private property shall not be discharged into the road drainage system unless expressly approved by the Town of Mount Pleasant. The applicant may be required to submit a drainage study to the Town justifying the drainage system proposed and the pipe or sewer sizes to be

used. Natural drainage laws and practices must be observed.

Pipe Construction Options

All commercial or industrial sites are responsible for the design, construction and cost associated with all drainage improvements in accordance with these regulations. All residents have two options for construction of the ditch pipe, once a permit has been issued. The Town will contract with a licensed contractor following payment of all estimated costs associated with the project to the Town by the owner. The project will then be completed based upon the Contractor's schedule. The second option is for the resident to hire a licensed contractor who will complete the project according to the submitted plans. The contractor will be responsible to schedule inspection by the Town prior to placing any backfill into the excavation, so that all pipe joints, bedding, and inlet construction can be inspected. Failure to obtain the proper permit and/or inspection may result in the pipe being removed at the owner's expense.

Acceptable Piping Materials

All pipe located within the street right-of-way must be reinforced concrete pipe or high density polyethylene plastic pipe, double-walled corrugated pipe with a smooth interior, meeting ASHTO M294 Type S (smooth interior – corrugated interior) that has been approved by the NCDOT for use in secondary and subdivision road systems. No corrugated metal pipe is allowed. Approved HDPE pipe includes the following, but documentation on other manufactures will be reviewed for consideration.

1. Advanced Drainage System (ADS) N-12 HDPE pipe
2. Hancor Hi-Q HDPE pipe

Acceptable Grates and Frames

All grates and frames must be cast iron and must meet Town of Mount Pleasant and NCDOT standards. Each casting shall be permanently imprinted with the image of a fish and the following statement: "Dump No Waste! Drains to Rivers."

D-10 STREET AND UTILITY REPAIRS.

Operations requiring the cutting and removal of roadway and sidewalk surfaces or operations interfering with the normal flow of vehicular or pedestrian traffic shall be subject to the guidelines set forth in Part VI of the Manual of Uniform Traffic Control Devices Handbook.

Prior to cutting of the street, sidewalk or curb and gutter, a street cut permit is required to be obtained from the Public Works Director or their designee. The Public Works Department will be responsible for installing the final layer of asphalt or concrete for each cut. No street cut permits will be issued for streets that have been resurfaced within the last two years, unless there is an emergency situation or other physical constraints and approved by the Public Works Director or their designee.

Cost of replacing the asphalt, concrete or other materials and other related costs such as street cleaning, sidewalk cleaning, etc. as a result of the above described work will be paid by the grantee of the permit. A copy of the permit must be kept at the job location.

Street cuts and sidewalks should be completely repaired in an expedient manner. Cuts must be filled with stable material (asphalt, concrete or approved equal) to within 1 ½ inches of finished grade within 3 days of initial work. Finished roadway surfaces, sidewalks and curbs must be restored within 30 days of initial work.

If circumstances justify, the Public Works Director or their designee may grant an extension of these time requirements.

D-11 USE AND PROTECTION OF PROPERTY.

Use and protection of property

- Rights-of-way of streets may not be used for private or commercial purposes. The area to which the driveway provides access shall be sufficiently large to store any vehicles using the driveway completely off the right-of-way and must be of sufficient size to allow the necessary function to be carried out completely on private property.

- Except for driveway approaches to residences, a six (6) inch raised curb shall be constructed a minimum distance of three (3) feet behind the street right-of-way line in the vicinity of street corners, sidewalk safety zones, entrance driveways and other points in such a manner as to prevent vehicles from crossing sidewalks other than by means of a driveway as herein prescribed, to prevent vehicular overhang on the right-of-way and to provide for proper drainage and control of water on private property.

- Parking areas and loading areas shall be constructed and properly curbed so that all movements to park and un-park, and load and unload will take place back of or within property lines. In the central business area, the Public Works Director or their designee is hereby granted the authority to waive requirements set forth in this subsection after all

  engineering investigation and provided the following conditions are present:

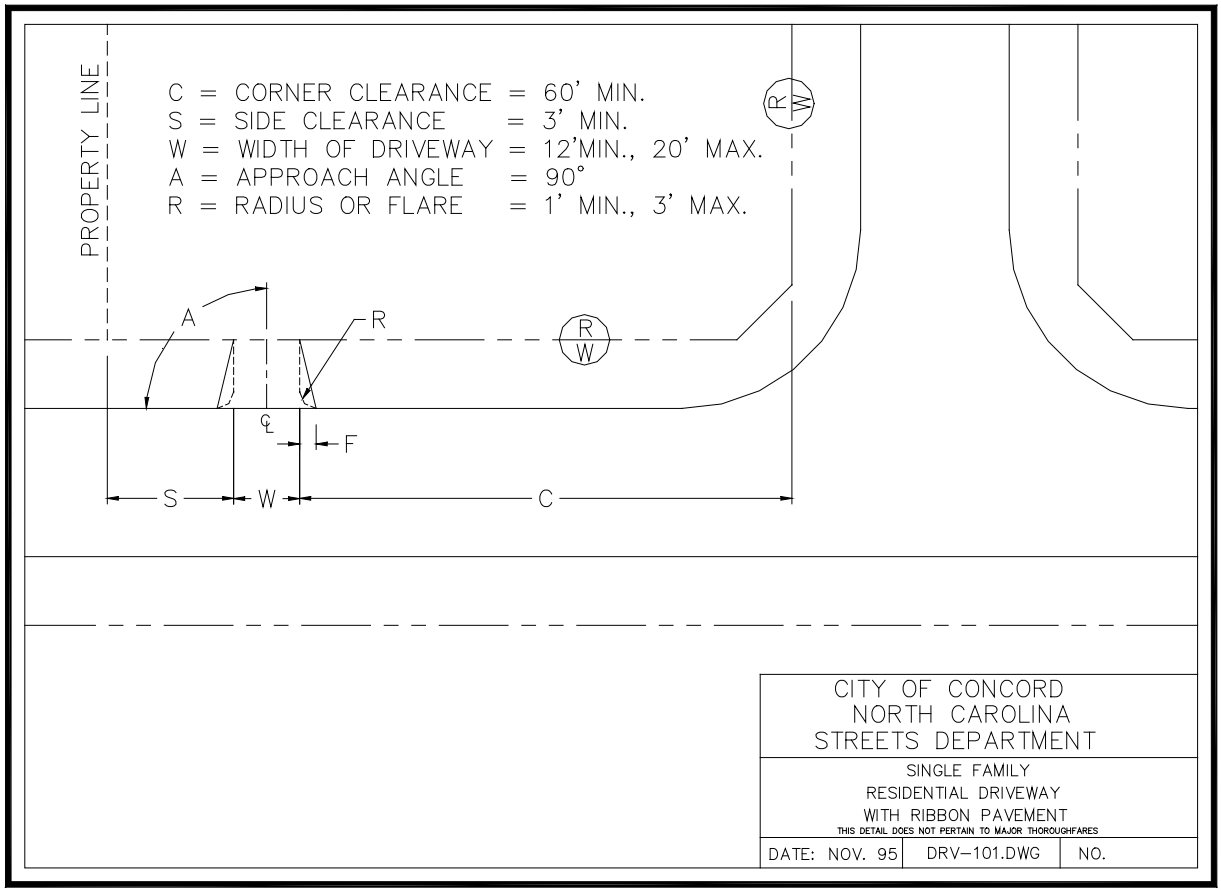
  (a) The area is within the parking exempt area of the Town;
  (b) The waiver requested arises from peculiar physical conditions not ordinarily existing in other areas of the Town;
  (c) Due to the nature or operation of the business on the applicant's property the requirements of the above causes unnecessary hardship;
  (d) The waiver requested is not against the public interest, safety, convenience, and general welfare; and
  (e) The granting of the waiver will not adversely affect the rights of adjacent property owners.

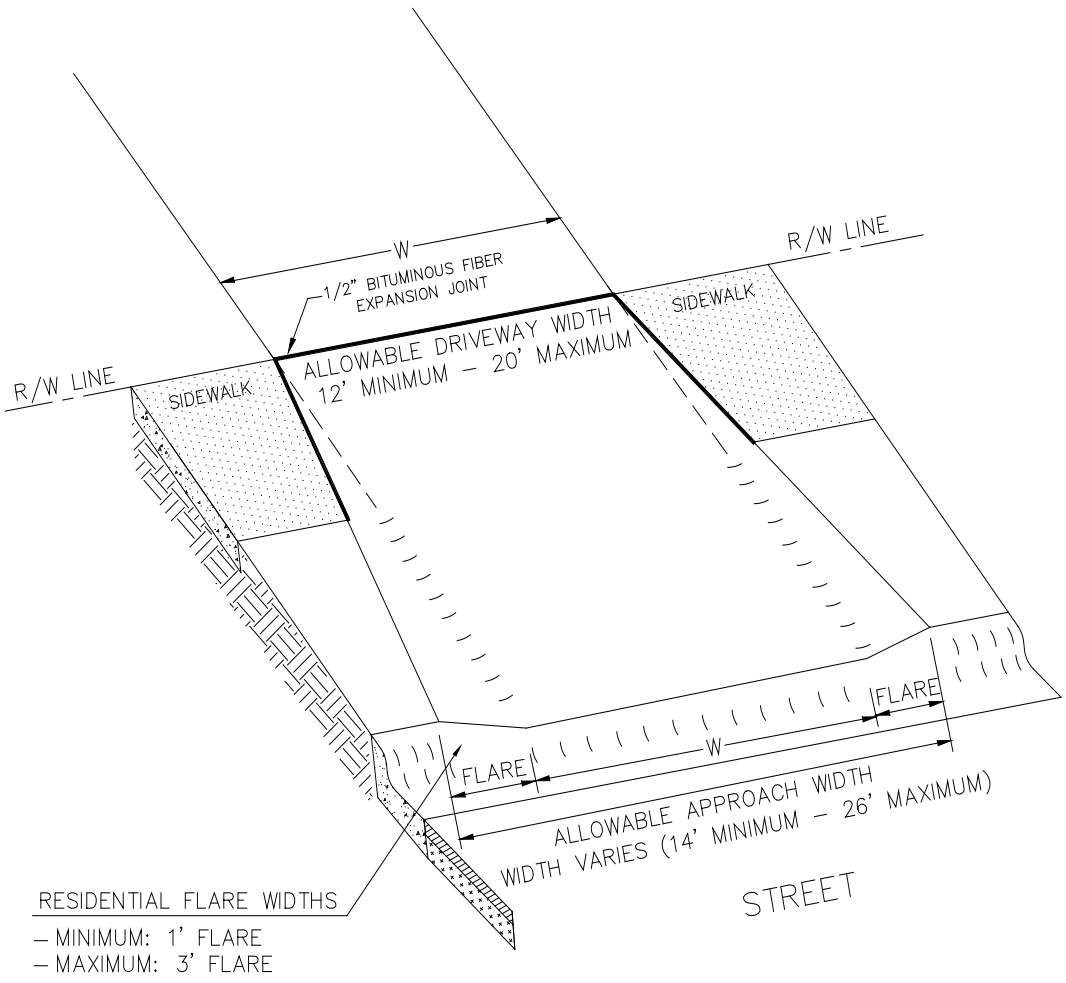
- Except as may be provided for under the Concord City Code, Part II, Chapter 8, Motor Vehicles and Traffic, no part of the right-of-way or the area between the curb or edge of pavement and the property line shall be used to place private signs, fences, wall post lights, or any other item. All such items shall be placed on private property in such a manner as not to interfere with vehicular or pedestrian traffic or visibility.

Protecting the public from injury

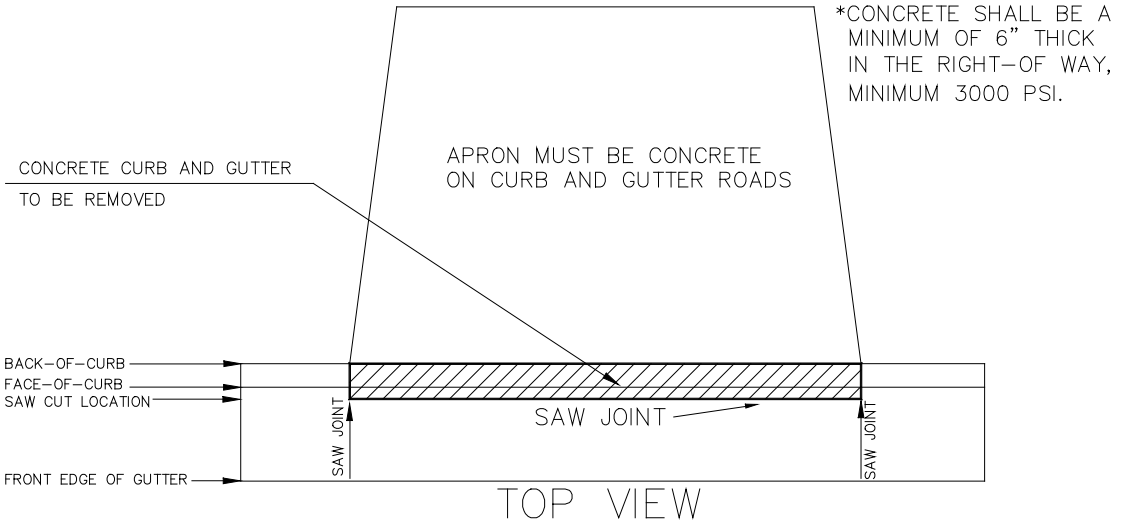
- Whenever any person or firm shall do or undertake any of the items set forth in this article it shall be the duty of such person(s) to protect from harm and damage all persons or vehicles which may be using any street, sidewalk, right-of-way or other public area where such work is in progress. To that end, all persons or firms shall erect and maintain suitable barricades, signs, lights, flares and other appropriate warning devices at the proper locations where such work is in progress in accordance with the current policy and regulations for street construction and maintenance operations within the Town of Mount Pleasant, as established by the Public Works Director or their designee and in accordance with the Manual on Uniform Traffic Control Devices for Street and Highways.

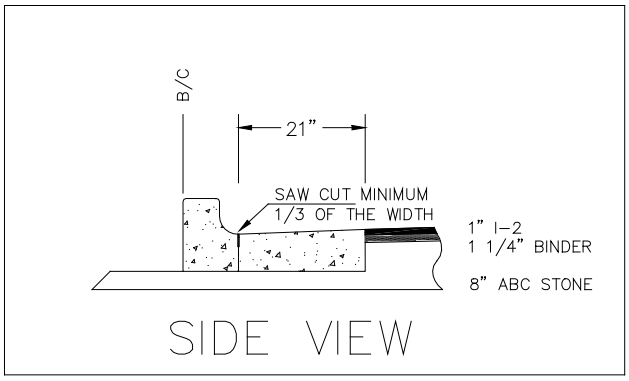
D-12 STANDARD DETAIL DRAWINGS.





CITY OF CONCORD NORTH CAROLINA STREETS DEPARTMENT		
STANDARD DETAIL DRAWING TYPICAL WALK AND DRIVEWAY APPROACH DESIGN		
DATE: AUG. 92	DRV–102.DWG	NO.

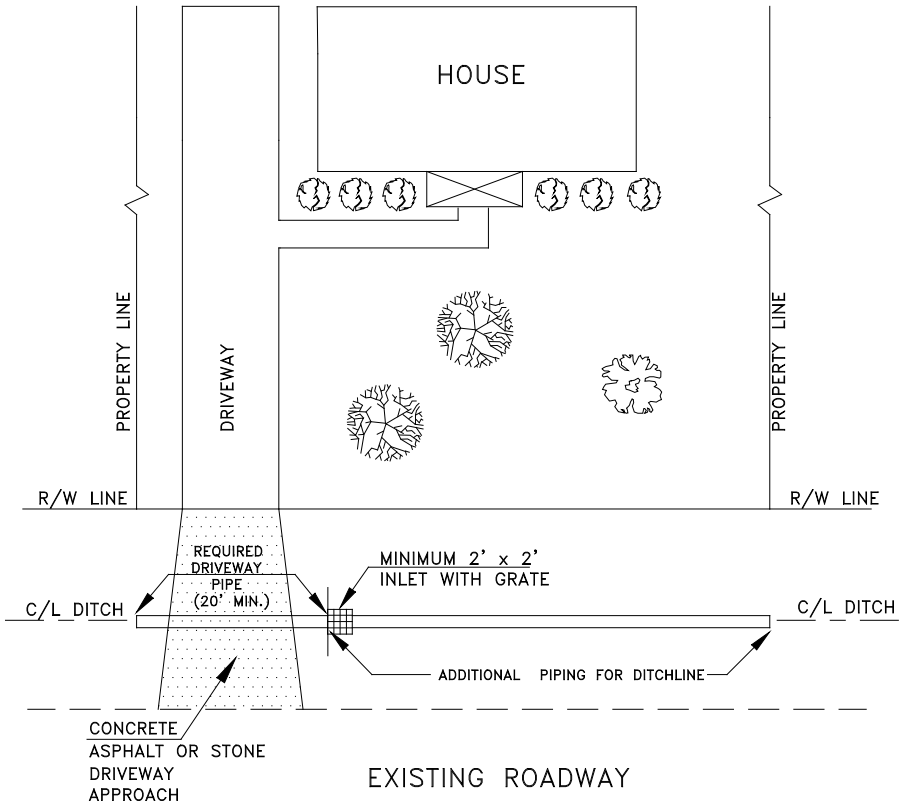


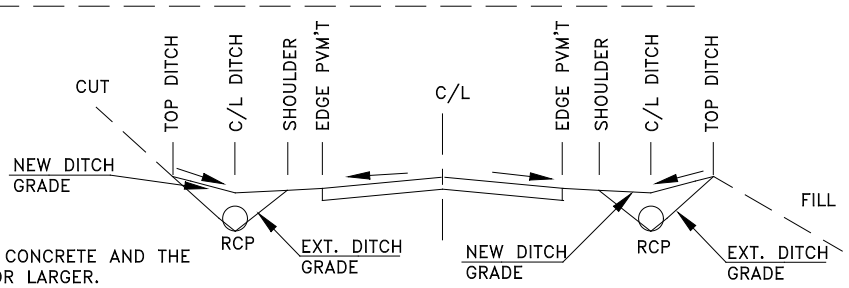


NOTES:

- ANY DAMAGED GUTTER PLATE SHALL BE COMPLETELY REMOVED AND REPLACED WITH NEW CONCRETE.
- ON STREETS WITH A CUL-DE-SAC, THE SAW CUT SHALL BE PERPEN-DICULAR TO THE FACE OF THE CURB & GUTTER.

CITY OF CONCORD NORTH CAROLINA STREETS DEPARTMENT		
STANDARD DETAIL DRAWING CONCRETE CURB & GUTTER DRIVEWAY INSTALLATION CUT		
DATE: APRIL 94	DRV-103.DWG	NO.





TYPICAL SECTION

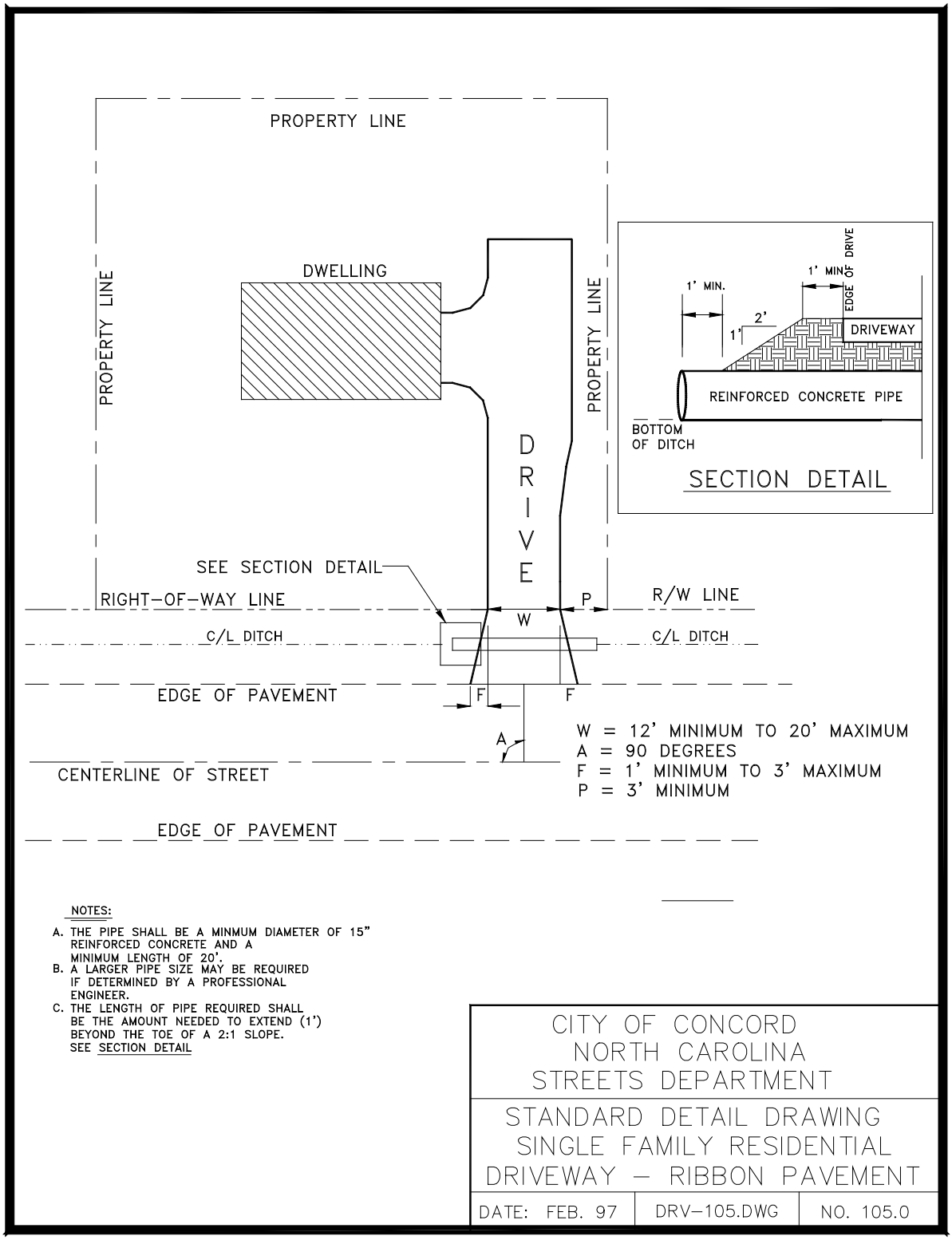
NOTES:

- ALL PIPE SHALL BE REINFORCED CONCRETE AND THE MINIMUM SIZE SHALL BE (15") OR LARGER.
- AN INLET SHALL BE PROVIDED IN THE CENTER OF THE LOT IF THE LOT FRONTAGE IS (100') OR LESS. IF THE LOT FRONTAGE IS GREATER THAN (100') AN INLET SHALL BE INSTALLED AT INTERVALS OF (75').
- THE PIPE SHALL BE SIZED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA.
- THE REQIRED AMOUNT OF PIPE TO BE PLACED UNDER THE DRIVEWAY PIPE SHALL BE AN AMOUNT SUFFICIENT TO ACHIEVE A (2:1) SLOPE FROM THE END OF THE APPROACH TO THE END OF THE PIPE.
- CONCRETE MINIMUM = (6"), 3000 PSI
- ASPHALT MINIMUM = (4"ABC , 2" SURFACE ASPHALT)
- STONE MINIMUM = (6"ABC)

CITY OF CONCORD
NORTH CAROLINA
STREETS DEPARTMENT

STANDARD DETAIL DRAWING
DITCH–LINE PIPING FOR
RIBBON PAVEMENT ROADS

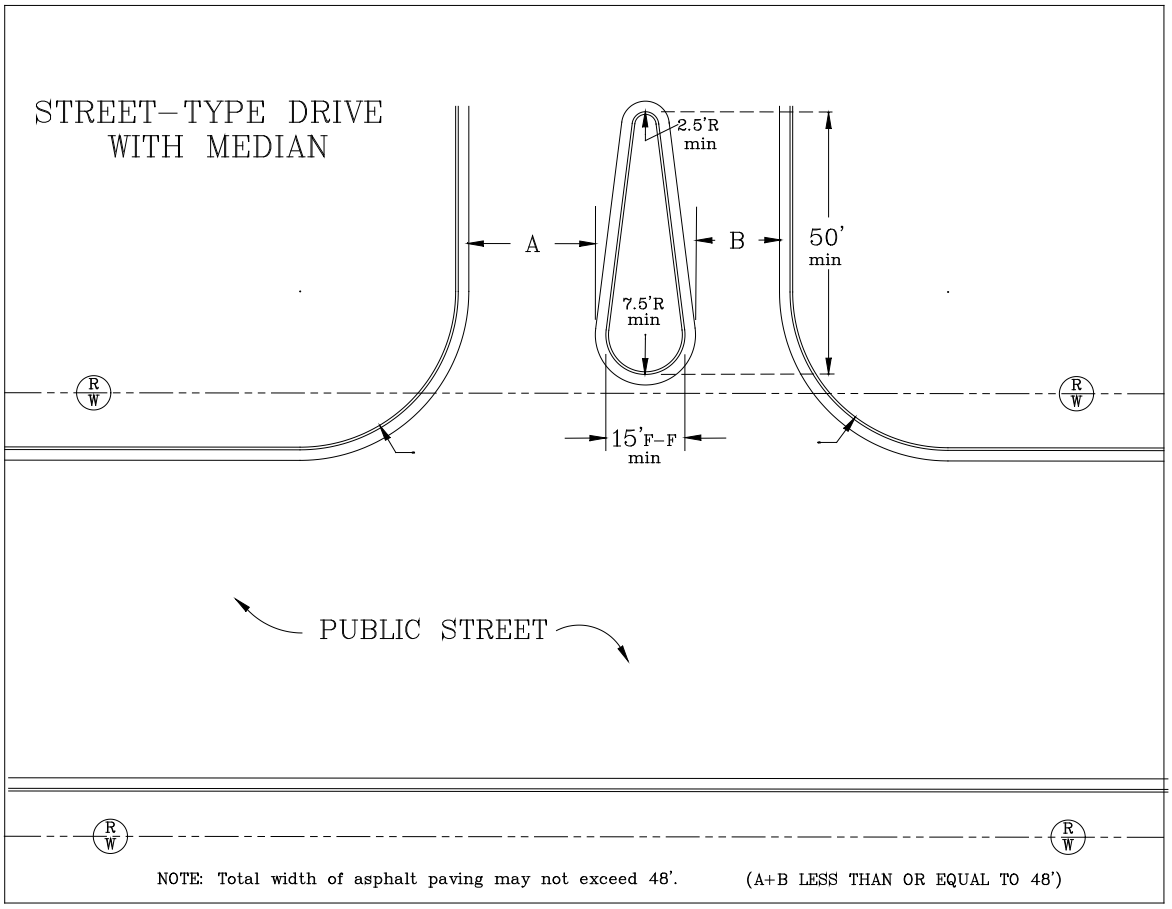
DATE: FEB. 97	DRV–104.DWG	NO. 104.0

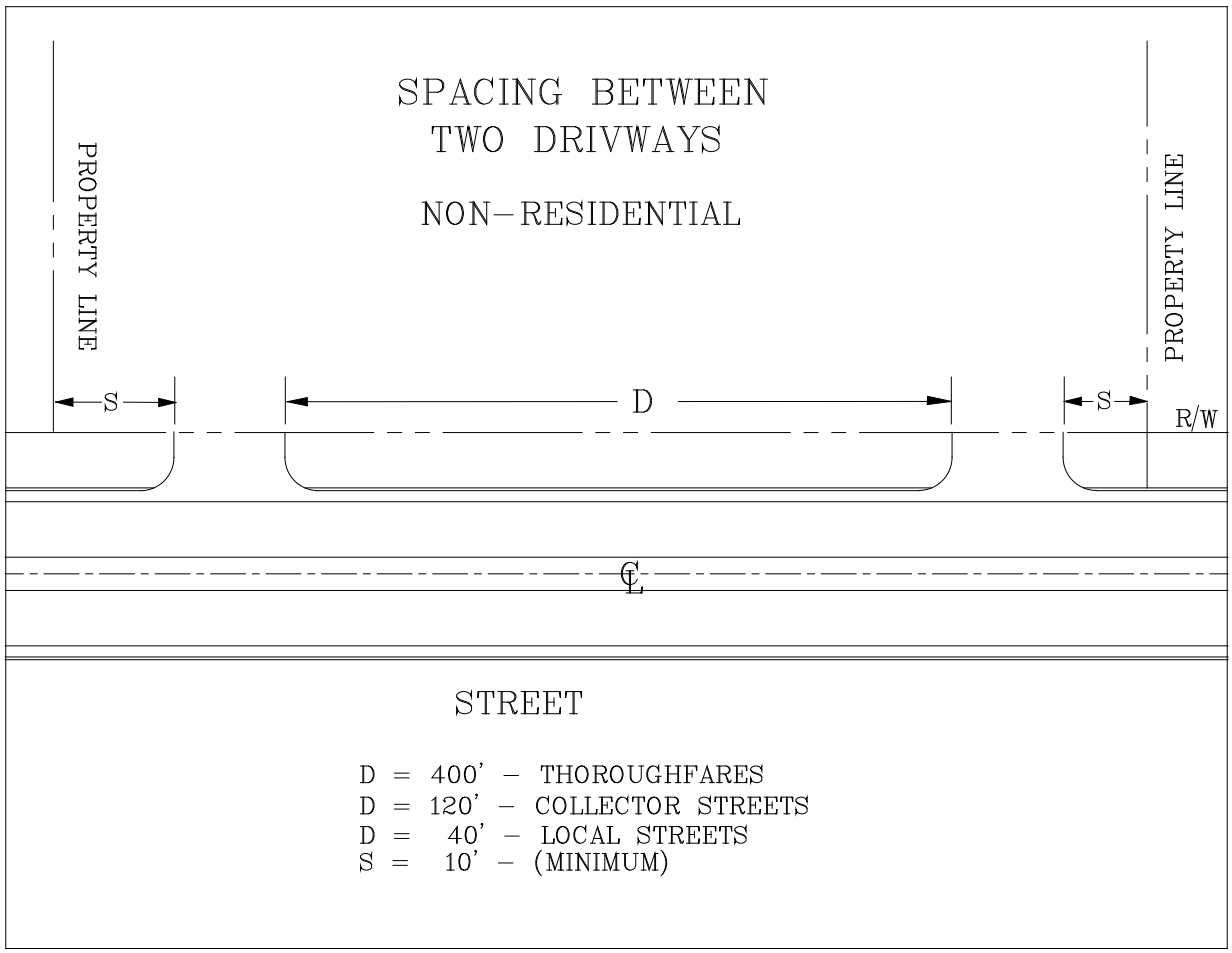


NOTES:

A. THE PIPE SHALL BE A MINMUM DIAMETER OF 15" REINFORCED CONCRETE AND A MINIMUM LENGTH OF 20'.
B. A LARGER PIPE SIZE MAY BE REQUIRED IF DETERMINED BY A PROFESSIONAL ENGINEER.
C. THE LENGTH OF PIPE REQUIRED SHALL BE THE AMOUNT NEEDED TO EXTEND (1') BEYOND THE TOE OF A 2:1 SLOPE. SEE SECTION DETAIL

CITY OF CONCORD NORTH CAROLINA STREETS DEPARTMENT		
STANDARD DETAIL DRAWING SINGLE FAMILY RESIDENTIAL DRIVEWAY – RIBBON PAVEMENT		
DATE: FEB. 97	DRV-105.DWG	NO. 105.0


STREET–TYPE DRIVE
WITH MEDIAN
2.5'R
min
A
B
50'
min
7.5'R
min
R
W
15'F–F
min
PUBLIC STREET
NOTE: Total width of asphalt paving may not exceed 48'.
(A+B LESS THAN OR EQUAL TO 48')


SPACING BETWEEN
TWO DRIVWAYS
NON-RESIDENTIAL
PROPERTY LINE
PROPERTY LINE
S
D
S
R/W
℄
STREET
D = 400' - THOROUGHFARES
D = 120' - COLLECTOR STREETS
D = 40' - LOCAL STREETS
S = 10' - (MINIMUM)