



**TOWN OF  
MOUNT PLEASANT**

**Unified Development Ordinance**

**As amended through December 9, 2019**







***UNIFIED DEVELOPMENT ORDINANCE  
Town of Mount Pleasant***

***TABLE OF CONTENTS***

<b>ARTICLE</b>		<b>PAGE</b>
1	GENERAL PROVISIONS .....	1-1
2	ADMINISTRATIVE AGENCIES .....	2-1
3	ZONING AND PERMITTING PROCEDURES .....	3-1
4	ZONING DISTRICTS AND DIMENSIONAL REGULATIONS .....	4-1
5	SUPPLEMENTAL USE REGULATIONS .....	5-1
6	SUBDIVISION REGULATIONS .....	6-1
7	LANDSCAPING AND BUFFERING STANDARDS .....	7-1
8	OFF-STREET PARKING AND PRIVATE DRIVEWAY STANDARDS .....	8-1
9	ENVIRONMENTAL PROTECTION REGULATIONS .....	9-1
10	INFRASTRUCTURE STANDARDS .....	10-1
11	DESIGN STANDARDS .....	11-1
12	SIGN REGULATIONS.....	12-1
13	NONCONFORMING USES & STRUCTURES AND VESTED RIGHTS.....	13-1
14	ADEQUATE PUBLIC FACILITIES .....	14-1
-	APPENDIX A - DEFINITIONS.....	A-1
-	APPENDIX B - SPECIFICATIONS FOR FORMS TO BE SUBMITTED .....	B-1
-	APPENDIX C - INFRASTRUCTURE DETAILS.....	C-1
-	APPENDIX D - SPECIFICATIONS FOR DRIVEWAY/ACCESSWAY DESIGN AND INSTALLATION .....	D-1



# **ARTICLE 1 GENERAL PROVISIONS**

*Summary: This Article provides an introduction to the structure and the legal framework of the Unified Development Ordinance (the “UDO”). The UDO combines the zoning and subdivision authority of the Town into one document. This Section recites applicable statutory authority, the applicability of the UDO to various uses and geographic areas of the Town and its incorporated areas, consistency with the Area Plans (the Comprehensive Plan), coordination with other regulations, the effective date, violations, and related matters.*

## **TABLE OF CONTENTS**

<b>SECTION</b>	<b>PAGE</b>
<b>1.1 GENERAL PROVISIONS .....</b>	<b>1-2</b>
<b>1.2 EXEMPTIONS AND SPECIAL CONSIDERATIONS.....</b>	<b>1-5</b>
<b>1.3 CONSISTENCY WITH COMPREHENSIVE PLAN .....</b>	<b>1-6</b>
<b>1.4 INTERPRETATION .....</b>	<b>1-7</b>
<b>1.5 EFFECTIVE DATE .....</b>	<b>1-8</b>
<b>1.6 VIOLATIONS .....</b>	<b>1-9</b>

## **1.1. GENERAL PROVISION.**

### **1.1.1. TITLE.**

**1.1.1.1.** This Ordinance shall be known and may be cited as the Unified Development Ordinance (hereinafter "the Ordinance"). This Ordinance may also be known and may be referred to as the "UDO."

### **1.1.2. PURPOSE.**

**1.1.2.1.** 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 unified 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 described in subsections 1.3 through 1.4 of this Section.

### **1.1.3. ZONING REGULATIONS.**

**1.1.3.1.** Zoning regulations are included in Articles 4-5 and 7-13. Pursuant to NCGS § 160A-381 et seq., the power of zoning is exercised in order to implement the *Comprehensive Plan*, and to:

- to lessen congestion in the streets;
- to secure safety from fire, panic, and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land;
- to avoid undue concentration of population;
- to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- to protect and/or to enhance the character of each zoning district and its peculiar suitability for particular uses;
- to conserve the value of buildings; and
- to encourage the most appropriate use of land throughout the planning areas.

### **1.1.4. SUBDIVISION REGULATIONS.**

**1.1.4.1.** Subdivision regulations are included in Article 6. Pursuant to NCGS § 160A-372, the power of subdivision control is exercised in order to:

- implement the *Comprehensive Plan* for the Town;
- provide for the orderly growth and development of the Town and for the efficient use of our resources (land, water,

roads, etc.);

- provide for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities;
- provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the neighborhood and/or for residents within the immediate area,
- 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 G.S. 136-66.11;
- provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding
- provide for the distribution of population and traffic that will enhance public health, safety, and the general welfare;
- provide that sufficient data is presented accurately by subdividers to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines;
- provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal or county policies and standards and, to assure compliance with these requirements, by requiring the posting of bonds or any other method that will offer guarantee of compliance;
- provide for the reservation of school sites in accordance with comprehensive land use plans approved by the Town and/or Cabarrus County School Board.
- require the preparation and recording of a plat whenever any subdivision of land takes place;
- provide that a developer may offer funds for the Town to acquire recreational land to serve the development or subdivision, including the purchase of land which may be used to serve more than one subdivision or development within the immediate area; and
- to provide that, in lieu of required street construction, a developer may be required to provide funds for the Town to construct roads that serve the neighborhood and these funds may be used for roads which serve more than neighborhood within the area.

**1.1.5. AUTHORITY.**

**1.1.5.1.** 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 UDO intends to use all powers provided by virtue of Article 19 of Chapter 160A (§§ 160A-360 to 160A-459) of the NCGS. The UDO 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.

**1.1.6. APPLICABILITY.**

**1.1.6.1.** The Ordinance shall apply to all public buildings 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 the jurisdiction of the Town pursuant to NCGS § 160A-360. Pursuant to NCGS § 160A-392,

each provision of this UDO is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions. The Planning Department (hereinafter known as the "Department") of the Town can be contacted for further information about the use of this Ordinance.

**1.1.6.2.** 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.

**1.1.7. BUILDING AND LAND USE.**

**1.1.7.1.** 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.

**1.1.8. PERMITS AND CERTIFICATES.**

**1.1.8.1.** 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.

**1.1.9. FEES.**

**1.1.9.1.** 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.

**1.1.10. SEVERABILITY.**

**1.1.10.1.** 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. EXEMPTIONS AND SPECIAL CONSIDERATIONS.**

### **1.2.1. PUBLIC LANDS AND PUBLIC ENTERPRISES.**

**1.2.1.1.** Pursuant to NCGS § 160A-392, 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.

### **1.2.2. VESTED RIGHTS.**

**1.2.2.1.** The provisions of this UDO shall not apply to:

- a validly approved statutory vested right (including currently effective site specific development plan or preliminary plat approved pursuant to NCGS § 160A-385.1 prior to the effective date of this Ordinance provided); or
- 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)]

### **1.3. CONSISTENCY WITH COMPREHENSIVE PLAN.**

#### **1.3.1. GENERALLY**

Pursuant to NCGS § 160A-383, 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 UDO will reflect those amendments.

#### **1.3.2. COMPREHENSIVE PLAN DEFINED.**

The Comprehensive Plan shall be that as defined in Appendix A of this Ordinance.

#### **1.3.3. AMENDMENTS TO TEXT.**

Any amendment to the UDO must conform to the goals of the Comprehensive Plan. Any amendment to the zoning map must be consistent with the future land use map contained in the applicable Comprehensive Plan and/or the purpose statement for the zoning district found in section 4.3.

## **1.4. INTERPRETATION OF THE PROVISIONS OF THIS ORDINANCE.**

### **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.

### **1.4.2. 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.

## **1.5. 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. (Source: NCGS § 160 A-79(d). Unless clearly subordinated to another ordinance, regulation, resolution, or express policy, this Zoning Ordinance 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 Zoning Ordinance full force and effect. 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 § 1.2.2.1, the provisions of this UDO shall not apply to a validly approved and currently effective site specific development plan.

## **1.6. VIOLATIONS OF THIS ORDINANCE.**

### **1.6.1. APPLICABILITY.**

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

**1.6.1.2. Appeal.** An appeal of a violation or decision of the Administrator, shall be to the Board of Adjustments in accordance with § 2.2.2.1 of this Ordinance.

### **1.6.2. TYPES OF VIOLATIONS.**

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance:

**1.6.2.1.** To place any use, structure, or sign upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.

**1.6.2.2.** It is a Class I misdemeanor to subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of an unapproved plat. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town may bring an action for injunction of:

- Any illegal subdivision
- Transfer of land
- Conveyance of land
- Sale of land

**1.6.2.3.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Ordinance. This section is not intended to address legal nonconforming uses or structures. Article 13 of this Ordinance shall regulate expansions or other alterations to legal nonconforming uses or structures.

**1.6.2.4.** To engage in any subdividing, development, construction, remodeling or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.

**1.6.2.5.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

**1.6.2.6.** To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

**1.6.2.7.** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.

**1.6.2.8.** To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.

**1.6.2.9.** To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance.

**1.6.2.10.** To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this Ordinance, or for which the permit, approval, permission, or other authorization has lapsed. This section is not intended to address legal nonconforming uses or structures. Article 13 of this Ordinance shall regulate expansions or other alterations to legal nonconforming uses or structures.

**1.6.2.11.** To otherwise undertake any development or to establish any use in a manner which does not comply with this Ordinance.

**1.6.3. CONTINUING VIOLATIONS.**

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

**1.6.3.2.** 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 § 1.6 this Ordinance, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

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

**1.6.4. CIVIL REMEDIES AND ENFORCEMENT POWERS.**

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:

**1.6.4.1. Withhold Permit.** The administrator may withhold all permits or approvals if there is:

- a repeat violation of this Ordinance as set forth in § 1.6.5.2; or
- there is a condition or qualification of approval granted by the Planning and Zoning Board or the Town Board that has not been met.

The Administrator may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected repeat violation of this Ordinance. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.

**1.6.4.2. Revoke Permits.** Any Development Permit or other form of authorization required under this Ordinance may be revoked for any reason set forth in § 1.6.1 and in NCGS § 160A-422. The revocation hearing shall be conducted in accordance with § 3.1.10 of this Ordinance.

**1.6.4.3. Stop Work.** With or without revoking permits, the Administrator may stop work on any land or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with the power to stop work pursuant to NCGS § 160A-421. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed.

**1.6.4.4. Revoke Plan or Other Approval.** Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Administrator may, upon notice

to the applicant and other known parties in interest (including any holders of building permits affected), revoke the plan approval pursuant to G.S. 160A-422. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

**1.6.4.5. Injunction and Abatement.** This UDO may be enforced by any means or any remedy provided for in NCGS § 160A-175 and 160A-389. An action for injunction of any illegal subdivision, transfer, conveyance, or sale of land may be prosecuted by the Administrator or his designee pursuant to NCGS § 160A-375.

**1.6.4.6. Other Remedies.** The Administrator, Town Board, Planning and Zoning Board and the Board of Adjustment shall have such other remedies as are, and as may be from time to time, provided by North Carolina law for the violation of zoning, subdivision, sign or related Ordinance provisions.

**1.6.5. PENALTIES FOR VIOLATION.**

**1.6.5.1. First Offense.** 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. An appeal of the Administrator’s decision shall be allowed as prescribed under § 1.6.1.2. 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 (21<sup>st</sup>) 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. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in § 1.6.4.

**1.6.5.2. Repeat Offense.** 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 § 1.6.5.1. 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 (7<sup>th</sup>) 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. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in § 1.6.4.

**1.6.6. OTHER POWERS.**

In addition to the enforcement powers specified in this Section, the Town Board may exercise any and all enforcement powers granted by North Carolina law.

**1.6.7. REMEDIES CUMULATIVE.**

The remedies and enforcement powers established in this Article shall be cumulative, and the Town may exercise them in any order.

**1.6.8. ENFORCEMENT PROCEDURES.**

**1.6.8.1. Non-Emergency Matters.** In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the Administrator shall give notice of the nature of the violation to the property owner or any applicant for any relevant permit in the manner hereafter stated as prescribed in § 1.6.5.1 and 1.6.5.2. Notice shall be

given in person, by Certified Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

**1.6.8.2. 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.

# **ARTICLE 2 ADMINISTRATIVE AGENCIES**

*Summary - This Article describes the various agencies involved in administration of the UDO. The jurisdiction, powers, and duties of each agency are described. These agencies include: the Planning Department, the Board of Adjustment, the Town Board, the Planning and Zoning Board, and the Historic Preservation Commission.*

## **TABLE OF CONTENTS**

<b>SECTION</b>	<b>PAGE</b>
<b>2.1 PLANNING DEPARTMENT AND PLANNING ADMINISTRATOR.....</b>	<b>2-2</b>
<b>2.2 BOARD OF ADJUSTMENT .....</b>	<b>2-3</b>
<b>2.3 PLANNING AND ZONING BOARD .....</b>	<b>2-5</b>
<b>2.4 TOWN BOARD .....</b>	<b>2-7</b>
<b>2.5 HISTORIC PRESERVATION COMMISSION .....</b>	<b>2-8</b>

## **2.1. PLANNING SERVICES AND DEVELOPMENT SERVICES DEPARTMENTS AND THEIR ADMINISTRATORS.**

### **2.1.1. ESTABLISHMENT OF PLANNING DEPARTMENT.**

Pursuant to NCGS § 160A-361, the Town hereby establishes the Planning Services and Development Services departments of the Town. These departments shall perform the planning, zoning, and development functions for the Town and shall provide technical support and guidance for action on all plan and ordinance amendments and on applications for development approval. These departments shall perform other functions as may be requested by the Town Board or authorized by this Ordinance.

### **2.1.2. ESTABLISHMENT OF OFFICE OF PLANNING ADMINISTRATOR.**

The Town hereby establishes the Office of the Planning Administrator (the “Administrator”) as a function of the Planning Services Director and the Office of the Zoning Administrator (the “Administrator”) as a function of the Development Services Director. The Administrators are charged with the authority and the duty to enforce this Ordinance. The Administrators are authorized to establish and delegate when appropriate Department standards of operation and procedures consistent with the intent of this Ordinance. The Administrators or their delegates may also consult with other officials, boards or agencies with needed technical expertise. "Administrator" shall include staff authorized by the Planning Administrator and/or the Zoning Administrator.

### **2.1.3. APPEALS FROM THE DECISION OF THE ADMINISTRATOR.**

Appeals from the decisions of the Zoning Administrator in which it is alleged there is an error in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance shall be made to the Board of Adjustment in accordance with § 3.8. Appeal from the decisions of the Planning Administrator in which it is alleged there is an error in an order, requirement, decision, or determination made by the Planning Administrator in the enforcement of the Ordinance shall be made to the Planning and Zoning Board.

### **2.1.4. INSPECTION.**

Pursuant to § 160A-411, the Zoning Administrator is hereby designated the Zoning Inspector and the Planning Administrator is hereby designated as the Subdivision Inspector for the Town. The Inspectors are 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. 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.

### **2.1.5. ENFORCEMENT.**

The Administrator may hereby commence an action to enforce the provisions of this Ordinance pursuant to NCGS § 160A-389, and § 1.6 of this Ordinance.

## **2.2. BOARD OF ADJUSTMENT.**

### **2.2.1. ESTABLISHMENT.**

Pursuant to NCGS § 160A-388, there is hereby established the Board of Adjustment of the Town of Mount Pleasant. In accordance with § 2.3 of this Ordinance, the Planning and Zoning Board shall act in the capacity of the Board of Adjustment, in addition to its capacity as planning agency.

### **2.2.2. POWERS AND DUTIES.**

**2.2.2.1.** Pursuant to NCGS § 160A-388, the Board of Adjustment shall have the following powers, duties and authority:

- 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 (NCGS § 160A-388(b)).
- To hear and decide on applications for variances from the terms of the zoning ordinance pursuant to § 3.7 of this Ordinance and NCGS § 160A-388(d). The Board shall have the authority to place conditions, including time limits, on variances.
- To approve, approve with conditions, or deny applications for conditional use permits.
- 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 (NCGS § 160A-388(c)).
- The Board of Adjustment shall exercise such other powers as may be granted by this Ordinance.

**2.2.2.2. Quasi-judicial Procedures.** The consideration of any appeal, variance, conditional use permit or interpretation, as provided above, shall be in accordance with the quasi-judicial procedures as set forth in § 3.1.7 and § 3.7 of this Ordinance.

**2.2.2.3.** 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.

**2.2.2.4.** 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.

**2.2.2.5. Limitations of Board.** The Board of Adjustment shall not have power, jurisdiction, or authority to consider any of the following:

- Make any changes in permitted uses on any zoning classification or zoning district.
- Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

### **2.2.3. MEMBERSHIP.**

**2.2.3.1.** The Town Board shall appoint five (5) persons to the Board of Adjustment/Planning and Zoning Board as provided in NCGS § 160A-388 and § 2.3 of this Ordinance. The membership shall include proportional representation for extraterritorial areas, as provided in NCGS § 160A-362. 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.

**2.2.3.2.** Members may be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the appointing Board or by intergovernmental agreement.

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

**2.2.3.4.** 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.

**2.2.3.5.** 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.

**2.2.3.6. Recording Secretary.** 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.

**2.2.3.7. Staff.** The Administrator shall be the professional staff of the Board of Adjustment.

## **2.3. PLANNING AND ZONING BOARD.**

### **2.3.1. ESTABLISHMENT.**

Pursuant to NCGS § 160A-361, 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.**

**2.3.2.1.** The Planning Board shall provide an advisory function to assist in making decisions pertaining to amendments to the Comprehensive Plan and this Ordinance, and applications for development approval. The Planning Board shall have the following powers and duties:

- To exercise any of the powers and/or duties assigned pursuant to NCGS § 160A-361 including, but not limited to, the preparation of a comprehensive plan;
- To prepare amendments to the plan and its elements and to submit the amendments to the Town Board;
- To initiate, hear, review, make decisions or recommendations to the Town Board on applications for amendments to the text of this Ordinance.
- As prescribed in Section 3.3 to hear, review, and make a final decision (by a vote of at least three-fourths of the Planning Board) on applications for amendments to the Official Zoning Map.
- To hear, review, approve and or disapprove all applications for major subdivision approval in accordance with the rules and regulations established in Article 6; and
- To adopt bylaws, policies, procedures, and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Planning Board. All bylaws, policies, procedures, and regulations shall be consistent with this Ordinance and shall be approved by the Town Board before taking effect.

### **2.3.3. MEMBERSHIP.**

**2.3.3.1.** The Town Board shall appoint and provide compensation for five (5) persons to the Planning and Zoning Board as provided in this Ordinance. The membership shall include proportional representation for extraterritorial areas, as provided in NCGS § 160A-362. 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.

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

**2.3.3.3.** Members shall be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Town Board.

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

Board.

**2.3.3.5.** At an annual organizational meeting, the members of the Planning 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 Board shall elect a temporary chair to conduct the meeting.

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

**2.3.3.7.** If any member of the Planning Board shall fail to attend three (3) regular meetings of the Planning 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.

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

**2.3.3.9.** The Administrator shall serve as the professional staff of the Planning Board.

**2.3.3.10.** No meeting of the Planning 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 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 Board.

**2.3.4. MEETINGS, HEARINGS AND PROCEDURES.**

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

**2.3.4.2.** If a matter is postponed due to lack of a quorum, the chair of the Planning Board shall continue the meeting to the next Board meeting. The recording secretary shall notify all members and all appropriate parties of the date of the continued meeting.

## **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. 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:

- To initiate, adopt, and amend a Comprehensive Plan.
- To initiate amendments to the text and map of this Ordinance and the Comprehensive Plan;
- To review recommendations of the Planning and Zoning Board, and make final decisions on applications for amendments to the text of this Ordinance.
- To hear, review, and approve, conditionally approve, or deny amendments to the Official Zoning Map after a recommendation of the Planning and Zoning Board has been submitted pursuant to NCGS § 160A-387. In accordance with § 3.3 of this Ordinance, such amendments shall only be heard by Town Board if:
  - the amendment was denied by Planning and Zoning Board;
  - the amendment was approved, but the affirmative votes represented less than three-fourths of the Board; or
  - a decision of the Planning and Zoning Board has been made pursuant to § 3.3 of this Ordinance and an appeal has been filed.
- 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.

## **2.5. HISTORIC PRESERVATION COMMISSION.**

### **2.5.1. ESTABLISHMENT.**

Pursuant to NCGS § 160A-400.7, there is hereby established the Mount Pleasant Historic Preservation Commission, hereafter referred to as the Historic Preservation Commission or Commission, to consist of five 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.**

**2.5.2.1.** 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 Part 3C, Article 19 of Chapter 160A of the General Statutes of the State of North Carolina including, but not limited to, the following:

- recommend to the Planning and Zoning 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”;
- recommend to the Town 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;
- review and act upon (grant or deny) applications for Certificate of Appropriateness requests for alterations, demolition, or new construction within historic districts, or for the alteration or demolition of designated landmarks in accordance with Section 4.12.10 of this Ordinance;
- give advice to property owners concerning the treatment of the historical and visual characteristics of properties located within the districts, such as color schemes, gardens and landscaping features, and minor decorative elements;
- propose to the Town Board changes to this or any related ordinance; propose new ordinances or laws relating to the historic districts, historic landmarks, or the development of the historical resources of the Town of Mount Pleasant and its environs;
- cooperate with other Town of Mount Pleasant boards or commissions or with agencies of the Town or other governmental units; offer or request assistance, aid, guidance, or advice concerning matters under its purview;
- publish information about, or otherwise inform, the owners of property within the districts of any pertinent matters. Such information may be in the form of guidelines, handbooks, pamphlets, brochures, etc;
- conduct an educational program with respect to historic districts and landmarks within its jurisdiction;
- undertake programs of information, research, or analysis relating to any matters under its purview;
- report violations of this ordinance or related ordinances to the Planning Director responsible for enforcement;
- assist Town of Mount Pleasant staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis;
- acquire by any lawful means, the fee or any lesser included interest, including options to purchase properties within established districts or any properties designated as landmarks:

- to hold, manage, preserve, restore, and improve the same
- to exchange or dispose of the property by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions
- to secure appropriate rights of public access and promote the preservation of the property;
- accept funds granted to the Commission from private or nonprofit organizations;
- contract, with the approval of the Town Board, for services or funds from the State of North Carolina and agencies or departments of the United States government;
- recommend to the Town Board and the State of North Carolina structures, sites, objects, or districts worthy of national, state or local recognition;
- negotiate at any appropriate time with the owner of a building, structure, site, area, or object for its acquisition or its preservation when such action is reasonable, necessary, or appropriate;
- establish guidelines under which the Planning Director or his designee may approve minor modifications on behalf of the Commission. No application shall be denied without first being considered by the Commission;
- conduct public hearings on applications for Certificates of Appropriateness where the Commission deems that such a hearing is necessary;
- organize itself and conduct its business by whatever legal means it deems proper; and
- exercise such other powers and perform such other duties as are required elsewhere by this Ordinance, the General Statutes of North Carolina, or by the Town Board.

**2.5.3. MEMBERSHIP.**

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

**2.5.3.2.** 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.

**2.5.3.3.** 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 General Statute 143-33B.

**2.5.3.4.** 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.

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

**2.5.3.6.** An annual report shall be prepared and submitted by June 30 of each year to the Town Board. Such report shall include a comprehensive and detailed review of the activities, problems, and actions of the Commission, as well as any budget requests and/or recommendations.

**2.5.3.7.** 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.

**2.5.3.8.** on shall be public record.

# **ARTICLE 3 ZONING AND PERMITTING PROCEDURES**

## *TABLE OF CONTENTS*

<b>SECTION</b>	<b>PAGE</b>
<b>3.1. GENERAL PROCEDURES. ....</b>	<b>3-2</b>
<b>3.2. ADMINISTRATIVE PERMITS. ....</b>	<b>3-6</b>
<b>3.3. ZONING MAP AMENDMENTS. ....</b>	<b>3-11</b>
<b>3.4. CONDITIONAL ZONING (CZ) DISTRICTS. ....</b>	<b>3-15</b>
<b>3.5. CONDITIONAL USE PERMITS. ....</b>	<b>3-18</b>
<b>3.6. SITE PLAN REVIEW. ....</b>	<b>3-21</b>
<b>3.7. APPEALS AND VARIANCES. ....</b>	<b>3-27</b>
<b>3.8. ZONING TEXT AMENDMENTS. ....</b>	<b>3-29</b>

### **3.1. GENERAL PROCEDURES.**

#### **3.1.1. APPLICATION PROCESS AND OFFICIAL FILING DATE.**

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.

**3.1.1.1. 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.

**3.1.1.2. Application Materials.** Current application materials shall be made available in the Planning Department offices. Such applications shall be filed in advance of any public hearing or public meeting required pursuant to this Ordinance or the NCGS. The Administrator may establish a schedule to file any Application for Development Approval that requires action by the Planning & Zoning Board or the Town Board. The schedule shall provide adequate time for notice and/or publication consistent with Section 3.1.5 of this Ordinance. Completed applications shall be filed according to any published schedule of the Planning Department.

#### **3.1.2. PLANNING & ZONING BOARD.**

The Planning & Zoning Board shall hold regularly scheduled public hearings to receive and review public input on those items required by this Ordinance and the NCGS. On those items where it has review authority, the Board shall recommend that the Town Board approve, approve with conditions (if applicable), or deny applications. On items it has final decision authority, the Board shall approve, approve with conditions (if applicable), or deny applications. The Administrator will submit the proposed item to the Town Board for its consideration.

#### **3.1.3. 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.

#### **3.1.4. TOWN BOARD.**

The Town Board shall hold regularly scheduled public hearings to act upon all items required by this Ordinance and the NCGS to be considered by the Town Board. The Town Board shall decide whether or not to approve, approve with conditions (if applicable), or deny such applications.

#### **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.

**3.1.5.1.** Unless provided for otherwise, the notice given for legislative and advisory proceedings, including amendments to this Ordinance, or the Official Zoning Map, shall be provided as set forth in NCGS Section 160A-364, and 160A-384.

**3.1.5.2.** The adjacent property owners to a quasi-judicial hearing will be given a notice of hearing (by the Administrator) not less than 15 days before the hearing. The notice shall state the date, hour, place, and nature of the hearing, shall list the particular sections of this Ordinance involved, and shall give a short and plain statement of the

application. Notice shall be given by first-class mail.

**3.1.5.3.** No notice shall be required for an administrative permit issued pursuant to Section 3.2 of this Ordinance unless otherwise provided by this Ordinance or by law.

**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 conditional 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. QUASI-JUDICIAL PUBLIC HEARING PROCEDURES.**

**3.1.7.1. Applicability.** The provisions of this subsection apply to any application for a conditional 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, conditional 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. *See Lancaster County v. Mecklenburg County*, 334 N.C. 496, 434 S.E.2d 604 (1993).

**3.1.7.2. Rulemaking Authority.** The Planning & Zoning Board and the Town Board may adopt general rules which apply to quasi-judicial public hearings. These public hearings may relate to a conditional use permit or to a proceeding before the Board of Adjustment.

**3.1.7.3. Conduct of Hearing.** Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, its name and mailing address. The hearing shall be conducted in accordance with the procedures set forth in NCGS Section 160A-388.

**3.1.8. ADMINISTRATIVE DECISIONS.**

**3.1.8.1. Applicability.** 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. *Lancaster County v. Mecklenburg County*, 334 N.C. 496, 434 S.E.2d 604 (1993).

**3.1.8.2. Processing Procedures.** The procedures for processing administrative permits, such as zoning clearance permit and certificates of compliance, conveyance plats, and final plats are set forth in the sections of this Ordinance pertaining to such permits.

**3.1.9. LEGISLATIVE AND ADVISORY HEARINGS.**

**3.1.9.1. Purpose.** 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, amendments to this Ordinance (including Zoning provisions of this Ordinance and the Zoning Map), and applications for a Planned Unit Development.

**3.1.9.2. Notice.** Notice of hearing shall be provided in accordance with NCGS Chapter 160A-384.

**3.1.9.3. Conduct of Hearing.** Testimony may be presented by any member of the public, but need not be submitted under oath or affirmation. The decision-making body may establish a time limit for testimony.

**3.1.9.4. Record of Proceedings.** The body conducting the hearing shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with NCGS Chapter 132. The Administrator will provide the record upon request by application and payment of a fee set by the Town Board (to cover duplication costs.)

**3.1.9.5. Neighborhood Meeting Required.** The Town will not accept an application for development approval 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
- applicant submits a summary report indicating results of meeting.

The Administrator may act as a facilitator if requested by the Applicant in order to avoid *ex parte* contacts. No member of the decision-making entity may participate in a neighborhood meeting. The applicant may conduct additional neighborhood meetings prior to the hearing at his discretion.

**3.1.10. REVOCATION OF PERMIT OR APPROVAL.**

**3.1.10.1. 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 3.1.10.2, below.

**3.1.10.2. 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.

**3.1.10.3. 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 NCGS Section 160A-422.

**3.1.10.4. 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.

**3.1.10.5. 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 PERMITS.**

### **3.2.1. PURPOSE.**

The purpose of this Section is to prescribe procedures for permits which do not require quasi-judicial or legislative notice or a public hearing. A public hearing is not required for permits set forth in this Section for one or more of the following reasons:

- If required, public hearings have already been conducted relating to the permit application. The permit application procedure was designed to ensure that the proposed use complies with a previously approved subdivision plat, site plan, specific plan, comprehensive plan amendment, or conditional district rezoning (e.g., zoning clearing, certificate of occupancy).
- The proposed use is permitted by right in the applicable zoning district (e.g., zoning clearance, certificate of occupancy).

### **3.2.2. APPLICABILITY.**

The provisions of this Section shall apply to the following any site plan or final site plan or required administrative permit as set forth in Section 3.6 of this Ordinance. Administrative permits include:

- a zoning clearance permit (see below)
- certificate of compliance (see below)
- temporary certificate of compliance (see below)
- grading permit (see below)
- temporary use permit (see Art. 5)
- home occupation permit (see Art. 5)
- sign permit (see Art. 12)
- special flood hazard area development permit (see Art. 4)
- erosion and sedimentation control permits (see Art. 9)

### **3.2.3. PROCEDURES.**

All development permits applicable to a proposed development must be issued in accordance with the provisions of this Ordinance, prior to any development activity. Permits are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards, and laws and to ensure consistency with the Comprehensive Plan and policies of the Town .

### **3.2.4. ZONING CLEARANCE PERMIT.**

**3.2.4.1. Application.** 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 clearance permit must be obtained from the Zoning Department and a building permit obtained from the Cabarrus County Building Inspections Department. The following standards apply to new construction:

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

**3.2.4.1.2.** 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.

**3.2.4.2. Grading.** A Grading Permit shall be required in accordance with Section 3.2.7.

**3.2.4.3. Exceptions.** The provisions of this section shall not apply to any legal nonconforming use established in accordance with the provisions of Article 8 of this Ordinance.

**3.2.4.4. Procedures.** (See Figure 3.2-1)

**3.2.4.4.1.** The Applicant shall file a complete application on a prescribed form for a Zoning Clearance Permit with the Administrator. If Site Plan review is required in accordance with Section 3.6 of this Ordinance, the approved site plan must be submitted with the application for a zoning clearance. If the proposed development or development activity is not subject to site plan review pursuant to Section 3.6, a plot plan must be filed for review as illustrated in Figure 3.2-1. The requirements for a plot plan are set forth in Appendix B.

**3.2.4.4.2.** 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.

**3.2.4.5. Approval Criteria.** The zoning clearance permit shall be issued by the Administrator only if the application complies with all pertinent provisions of this Ordinance, and any approved conditional use permit, conditional district rezoning, or site plan.

**3.2.4.6. Validity.** The zoning clearance permit shall be valid for its established use if:

- The use is in compliance with applicable codes
- A building permit has been obtained by the applicant within (6) months of issuance of the zoning clearance permit

If six (6) months elapse without the issuance of a building permit, the zoning clearance permit shall expire. Resubmission of plans and materials and an application for a new zoning clearance permit, including applicable fee(s), shall be required for any approved project that did not commence construction within that six (6) month period.

**3.2.5. CERTIFICATE OF COMPLIANCE.**

**3.2.5.1. Application.** 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.

**3.2.5.2. Procedures.**

**3.2.5.2.1.** 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 Clearance 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.

**3.2.5.2.2.** 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.

**3.2.5.2.3.** 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.

**3.2.5.2.4. Approval Criteria.** 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.

**3.2.5.2.5. Validity.** The certificate of compliance shall be valid for its granted use as long as 1.) the use is in compliance with applicable codes and 2.) the property or structure is used, erected, changed, converted, altered, or enlarged in the stated manner.

**3.2.5.2.6. Performance Guarantee.** 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 150% 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. TEMPORARY CERTIFICATE OF COMPLIANCE.**

**3.2.6.1.** 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 3.2.5. The procedures for issuance of a temporary certificate of occupancy shall be in the same manner as set forth for certificates of compliance in Section 3.2.5.2.

**3.2.7. ZONING GRADING PERMITS.**

**3.2.7.1. Application.** 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 Grading Permit has been issued by the Administrator.

**3.2.7.2. Coordination with Erosion Control.** A Zoning Grading Permit shall not be issued until sedimentation and erosion control permit has been issued as set forth in Section 9.1, if applicable.

**3.2.7.3. Approval Criteria.** The zoning grading permit shall be issued by the Administrator only if the application complies with the standards of Appendix B and as referenced below:

- the provisions for floodplain protection as prescribed in Section 4.14 of this Ordinance;

- the provisions for vegetation protection and retention as prescribed in Section 3.2.7.6 below; and
- as required by any approved conditional use permit, conditional district rezoning, or site plan.

**3.2.7.4. Exemption.** A Zoning Grading Permit shall not be required for the following:

- agricultural uses, as defined in Table 4.6-1;
- single-family detached homes; or
- land disturbing activities that do not disturb more than one (1) acre of land.

**3.2.7.5. Validity.** The zoning grading permit shall be valid for one year. Resubmission of plans and an application for a new zoning grading permit, including applicable fee(s), shall be required upon expiration of zoning grading permit.

**3.2.7.6. Vegetation Protection and Retention.** Zoning Grading plans shall be designed to preserve existing trees and vegetation to the greatest extent possible and shall seek to incorporate existing significant stands of trees as well as individual trees. Certain excavation techniques used by utility companies and others can cause removal of vital roots, change drainage patterns and create conditions that could kill trees and plant materials or make them more susceptible to disease and deterioration. The intent of these regulations is to recognize the need to alter the landscape during site development activities while setting out standards necessary to ensure tree preservation to the greatest extent possible.

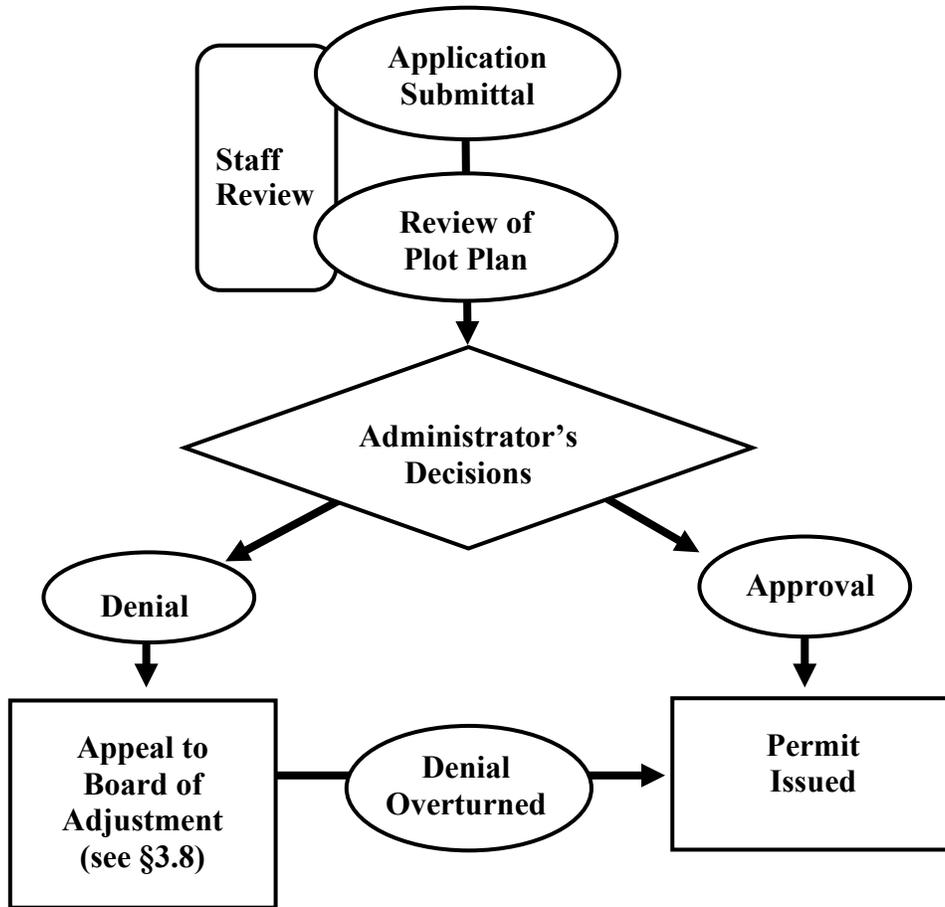
**3.2.7.6.1. General Requirements.** Existing trees and vegetation that are to be preserved should be protected from all construction activities including installation and/or replacement of utilities, earthwork operations, movement and storage of equipment and materials and dumping of toxic materials. Tree and vegetation protection techniques shall be shown in the Zoning Grading Plans and shall be in conformance with standard practices set forth in Appendix B of this Ordinance.

**3.2.7.6.2.** The Administrator shall use the guidelines below to assist in determining the approval of a Zoning Grading Permit. Vegetation should be removed if:

- the vegetation prevents the reasonable development of a property and without its removal, development of the land will be prevented;
- the vegetation poses a safety hazard to pedestrians or vehicles, buildings or structure;
- the vegetation imposes a disruption or potential disruption of utility services;
- the vegetation prevents access to property; or
- the vegetation is diseased or will become diseased due to infectious disease, insect infestation, wind or ice storm, or fire and poses a threat to the safety and welfare of the public, vehicles, structures or buildings.

**Figure 3.2-1 – ADMINISTRATIVE PERMIT REVIEW PROCESS\***

**\*Includes only administrative permits applications that are not required to obtain site plan approval as set forth in § 3.7 of this Ordinance.**



### **3.3. ZONING MAP AMENDMENTS.**

#### **3.3.1. PURPOSE.**

The purpose of this Section is to establish uniform procedures for processing changes to the Official Zoning Map ("rezonings").

#### **3.3.2. INITIATION OF A ZONING MAP AMENDMENT.**

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

- applications for Conditional Zoning (CZ) district rezoning as set forth in Section 3.4 may be initiated only by petition;
- applications for third party rezonings may not be permitted unless a petitioner obtains Planning & Zoning Board sponsorship.

**3.3.2.2.** An amendment to the Official Zoning Map (a "Rezoning") may be initiated by filing an application with the Administrator. Before any application is accepted by the Planning Department, the applicant must meet with the Administrator. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning amendment request. During the conference, the administrator will identify the submittal requirements. Neighborhood meetings are required pursuant to Section 3.1.9.5 of this Ordinance.

#### **3.3.3. ZONING TEXT AMENDMENTS.**

An amendment to the text of this Ordinance is regulated in accordance with Section 3.8 of this Ordinance.

#### **3.3.4. ZONING MAP AMENDMENT PROCESS.**

The purpose of this Section is to provide a procedure for streamlining the review of rezoning applications as permitted by special legislation.

**3.3.4.1. Delegation.** 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.

#### **3.3.4.2. Procedures for Review.**

**3.3.4.2.1.** Zoning Amendment applications shall be submitted for review by the appropriate reviewing departments and a hearing scheduled for the next available meeting of the Planning & Zoning Board. Notice of the public hearing shall be provided as set forth in Section 3.1.5 of this Ordinance. The zoning amendment review process is illustrated in Figure 3.3-1.

**3.3.4.2.2. Statement of Consistency With Comprehensive Plan(s).** Prior to adopting or rejecting any zoning map amendment the Planning & Zoning Board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest.

**3.3.4.2.3. Decision.** The Planning & Zoning Board may render a final decision regarding a zoning amendment by vote of at least three-fourths 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 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.

**3.3.4.2.4.** 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.

**3.3.4.2.5. Written Recommendation of Planning & Zoning Board.** 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.

**3.3.4.2.6** 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. If an amendment is forwarded to the Town Board of Commissioners for review for any reason OTHER than appeal, 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. 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. 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.

**3.3.5. APPROVAL CRITERIA.**

Whenever the public necessity, safety, or general welfare justifies such action, and after obtaining the recommendation by the Planning & Zoning Board, the Town Board may change zoning district boundaries. The Planning & Zoning Board and Town Board may consider the following questions, at a minimum, in reviewing an application for a rezoning.

**3.3.5.1.** The size of the tract in question.

**3.3.5.2.** 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.

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

- Whether 1.) the proposed rezoning is compatible with the surrounding area, or 2.) there will be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning, or 3.) parking problems, or 4.) 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.
- Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development.
- Compliance with the adequate public facilities criteria as set forth in this Ordinance.
- The zoning districts and existing land uses of the surrounding properties.
- Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification.
- Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability

and character.

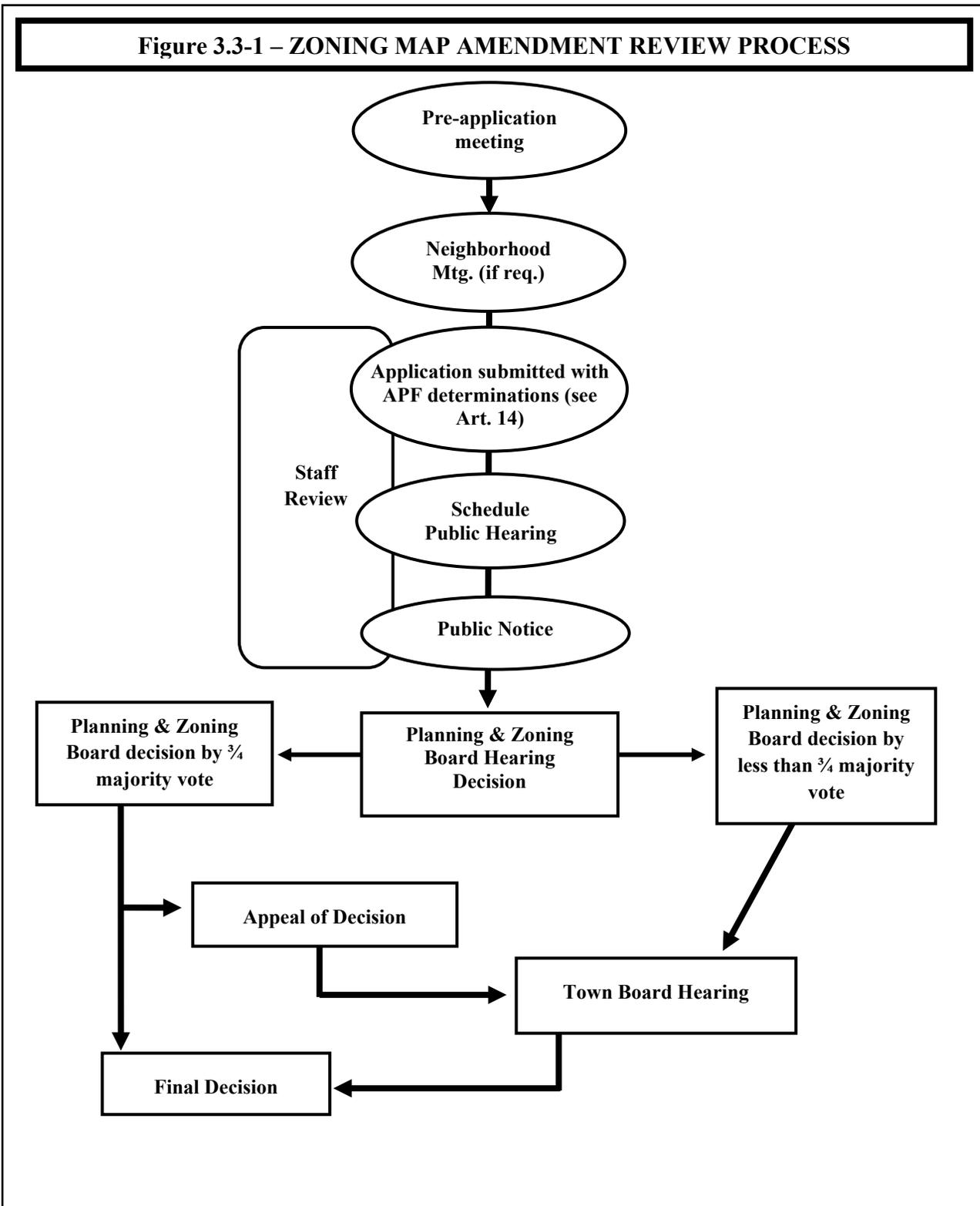
- The length of time the subject property has remained vacant as zoned.
- Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.
- Whether the existing zoning was in error at the time of adoption.

**3.3.6. 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.

**3.3.7. SUBSEQUENT APPLICATIONS.**

In the event that an application for a rezoning or text 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. CONDITIONAL ZONING (CZ) DISTRICTS**

#### **3.4.1. PURPOSE.**

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.

#### **3.4.2. PROCEDURE. (See Figure 3.4-1)**

**3.4.2.1.** Applications for Conditional Zoning district rezoning approval shall be filed with the Administrator in a similar 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.

**3.4.2.2.** 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.

**3.4.2.3.** 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.

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

#### **3.4.3. PERMITTED USES AND CONDITIONS.**

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 1.) the location of units, 2.) the location and extent of supporting facilities such as parking lots, driveways, and access streets, 3.) the location and extent of rights-of-way, and other areas to be dedicated for public use, and 4.) other such matters as the applicant may propose as conditions upon request. 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.

#### **3.4.4. VIOLATION OR INVALIDITY OF THE TERMS AND CONDITIONS OF A "CZ" REZONING.**

**3.4.4.1.** 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.

**3.4.4.2.** 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.

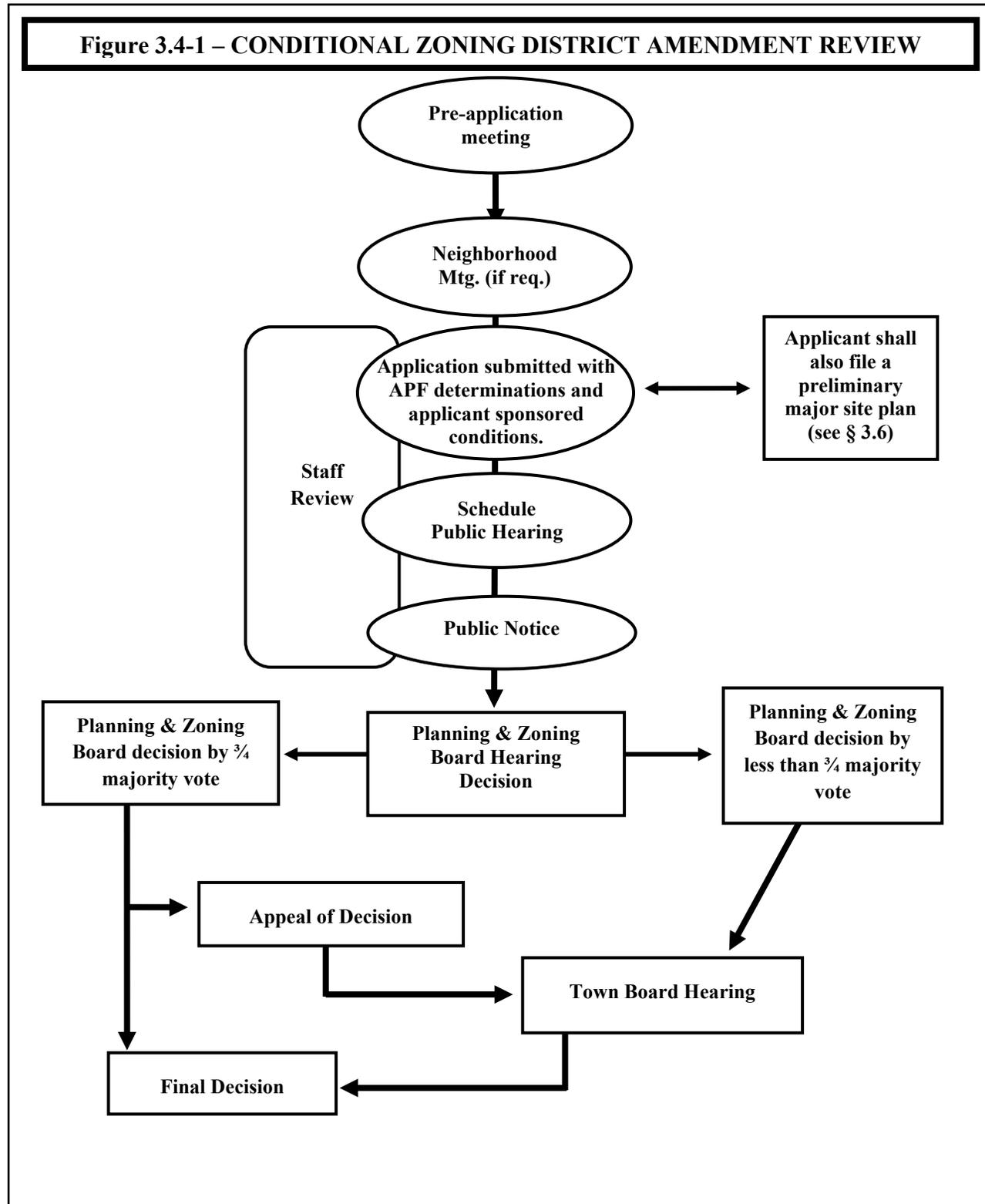
**3.4.5. SCOPE OF APPROVAL.**

**3.4.5.1.** 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.

**3.4.5.2.** 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.

**3.4.6. SUBSEQUENT PETITIONS.**

Subsequent applications for a Conditional Zoning district rezoning shall be handled in the same manner as that of rezonings prescribed in Section 3.3.8.



## **3.5. CONDITIONAL USE PERMITS.**

### **3.5.1. APPLICABILITY.**

**3.5.1.1.** Conditional 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. Conditional uses ensure the appropriateness of the use at a particular location within a given zoning district.

**3.5.1.2.** Only those uses that are enumerated as conditional uses in a zoning district, as set forth in Section 4.6, Table 4.6-1 of this Ordinance, shall be authorized by the Town Board.

### **3.5.2. APPROVAL PROCEDURE. (See Figure 3.5-1)**

**3.5.2.1.** No conditional use permit shall be authorized, developed, or otherwise carried out until the applicant has secured approval of the conditional use by the Board of Adjustment and approval of a final site plan by the Administrator.

**3.5.2.2.** Applications for conditional use permit approvals shall be filed with the Administrator as illustrated in Figure 3.5-1. Pre-application meetings with the Administrator prior to filing are required.

**3.5.2.3.** Major site plan applications (see Appendix B) shall be filed concurrently with conditional use permit applications. The information shall be provided to the Board of Adjustment during their deliberations.

**3.5.2.4.** The Board of Adjustment shall conduct a quasi-judicial hearing in accordance with the requirements of Section 3.1.7 of this Ordinance. The Board of Adjustment shall conduct a quasi-judicial hearing and shall deny the request, approve the request; or approve the request with conditions.

**3.5.2.5.** The Board of Adjustment may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the conditional use permit approval and shall be included in the final site plan application.

**3.5.2.6.** Violations of any of the conditions shall be treated in the manner as set forth in Section 1.6 of this Ordinance.

**3.5.2.7.** An application for a conditional use permit that has been denied may be resubmitted only if there has been a substantial change in circumstances, as determined by the Administrator, or if substantial revisions have been made to the application for development approval.

**3.5.2.8.** Minor field alterations or minor revisions to approved conditional uses may be approved by the Administrator if the conditional use still meets the intent of the standards established with the original approval. Minor alteration/revisions shall be limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the applicant shall be required to apply for a revised conditional use permit. The applicant may appeal the decision of the Administrator to the Board of Adjustment.

### **3.5.3. APPROVAL CRITERIA.**

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

**3.5.3.1.** The proposed conditional 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.

**3.5.3.2.** 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.

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

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

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

**3.5.3.6.** Compliance with any other applicable Sections of this Ordinance.

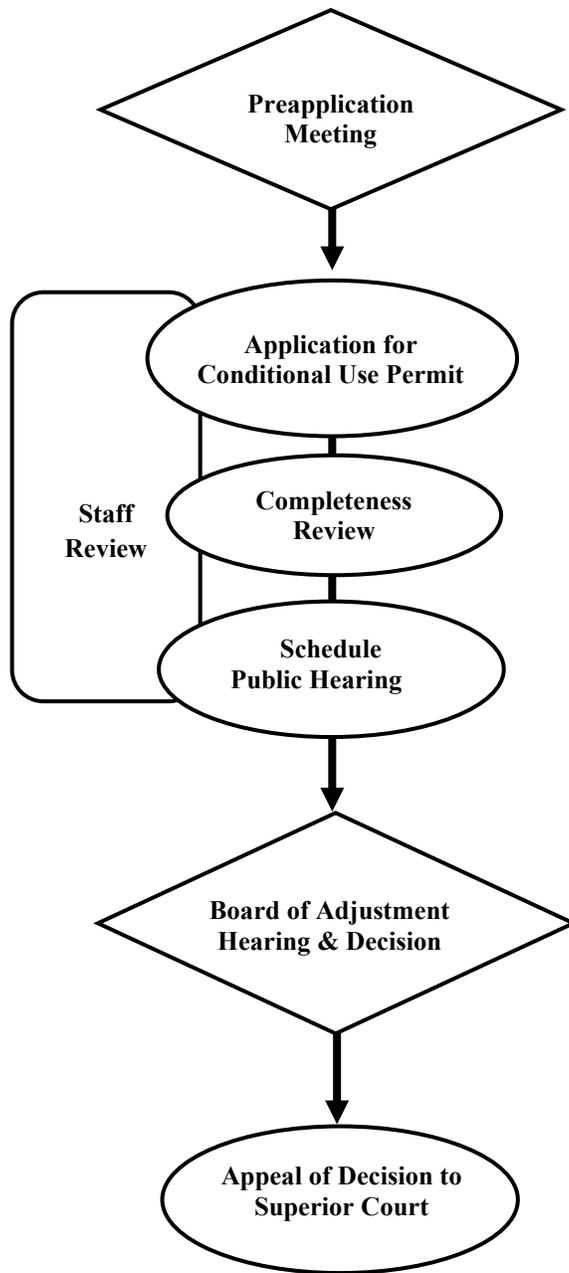
**3.5.4. SCOPE OF APPROVAL.**

The approval of a conditional 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 conditional 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 conditional use permit does not authorize any development activity.

**3.5.5. SUBSEQUENT APPLICATIONS.**

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

**Figure 3.5-1 – CONDITIONAL USE PERMIT REVIEW PROCESS**



## **3.6. SITE PLAN REVIEW.**

### **3.6.1. PURPOSE.**

The site plan review provisions and regulations of this Section are intended to promote the safe, functional, and aesthetically pleasing development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards, and open spaces are developed in conformance with the standards of this Ordinance. The site plan review considers the siting of structures and related site improvements to promote harmonious relationships with adjacent development.

### **3.6.2. 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.

#### **3.6.2.1.** The following shall require MINOR SITE PLAN approval:

- 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.
- Any application for development approval for which a site plan is required pursuant to Article Five of this Ordinance.

#### **3.6.2.2.** The following applications shall require MAJOR SITE PLAN approval:

- Any application for approval of a Planned Unit Development (PUD).
- Any application for rezoning to a Conditional Zoning district.
- An application for approval of a conditional use permit.

The foregoing approvals shall be referred to in this Section as the "Underlying Zoning Application."

### **3.6.3. EXEMPTIONS.**

Detached single-family dwelling units and duplex developments on individual lots of record shall be exempt from the provisions of this section. Detached single-family dwelling units and duplex developments on individual lots of record shall be reviewed in accordance with Section 3.2.4.4.1.

### **3.6.4. 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.

### **3.6.5. APPROVAL PROCEDURE (MINOR SITE PLANS). (See Figure 3.6-1)**

Approval of a Minor Site Plan is a one-step process. The Applicant submits a Minor Site Plan for approval by the Administrator and an application for a Zoning Clearance Permit as illustrated in Figure 3.6-1.

#### **3.6.5.1. Completeness Review.** An application for approval of a minor site plan shall be submitted to the

Administrator. The Administrator shall determine whether the application for site plan approval is complete as provided for in Appendix B.

**3.6.5.2. Plan Approval.** When a complete minor site plan is filed, the Administrator shall render an administrative determination as follows:

- If the site plan conforms to the provisions of this Ordinance and all required conditions (if applicable), the Administrator shall approve the site plan.
- If the site plan is complete, but does not conform to the provisions of this Ordinance and/or required conditions (if applicable), the Administrator shall deny the site plan and return to applicant for revision and resubmission. If the applicant disagrees with the decision of the Administrator, an appeal may be filed in accordance with the procedures set forth in Section 3.7.
- If the site plan is determined to be incomplete, the administrator shall return to it to the applicant for revision and resubmission.
- Time limit for final plan approval is regulated in accordance with Table 13.3-1 of this Ordinance.

**3.6.6. APPROVAL PROCEDURE (MAJOR SITE PLANS). (See Figure 3.6-2)**

**3.6.6.1.** Approval of a Major Site Plan is a two-step process. As the first step, the Applicant submits a Preliminary Site Plan for review by the Administrator, which is accompanied by an application for a conditional use permit, conditional district rezoning, or a rezoning to a zoning district for which a Major Site Plan is required. As the second step, after the decision-making agency renders its decision on the underlying zoning map amendment and/or conditional use permit application, the applicant files a final site plan for approval by the Administrator and an application for a Zoning Clearance Permit as illustrated by Figure 3.6-2.

**3.6.6.2. Preliminary Major Site Plan.**

**3.6.6.2.1.** An application for approval of a preliminary major site plan shall be submitted with an application for a conditional district zoning map amendment, conditional use permit, or an application for a Planned Unit Development, Traditional Neighborhood Development, or Transit-Oriented Development. The Administrator shall determine whether the application for a preliminary site plan is complete as prescribed in Appendix B.

**3.6.6.2.2.** If the preliminary major site plan is complete, the Administrator shall forward the application, along with the zoning amendment or conditional use permit application, to decision-making agency for recommendation as prescribed in Section 3.4 or 3.5, respectively.

**3.6.6.2.3.** If the preliminary major site plan is incomplete, the Administrator shall return it to the applicant with a statement of the reasons why the proposed preliminary site plan does not conform to the provisions of Appendix B.

**3.6.6.2.4.** Time limit for preliminary major plan approval is regulated in accordance with Table 13.3-1.

**3.6.6.3. Final Site Plan.**

**3.6.6.3.1.** The Planning & Zoning Board or Town Board, if appealed, shall render a final decision to approve, deny, or approve with conditions the zoning map amendment or conditional use permit application and preliminary site plan. If the zoning map amendment application or conditional use permit are approved (or approved with conditions), the applicant may file an application for Final Site Plan approval.

**3.6.6.3.2.** The final site plan shall be prepared and submitted to the Administrator in the same manner as set forth in Section 3.6.5 APPROVAL PROCEDURE (MINOR SITE PLANS). The final major site plan shall conform to the provisions of the approved Preliminary Site Plan and any conditions as imposed by the decision-making agency.

**3.6.7. FINAL INSPECTION.**

The Administrator shall inspect the site for compliance with the approved site plan before a certificate of zoning compliance is issued for the project. The Administrator will write a letter to the applicant stating any deficiencies.

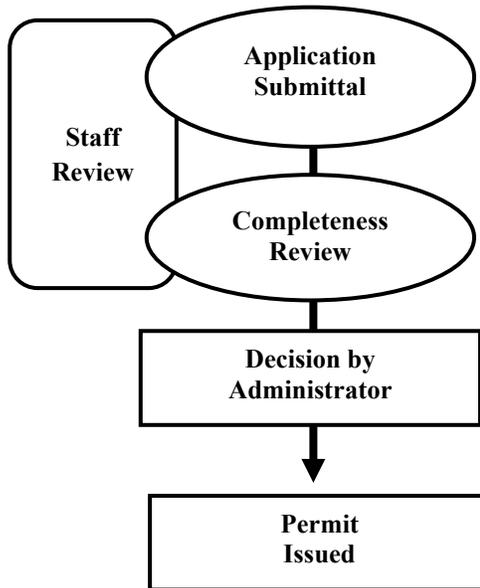
**3.6.8. VALIDITY.**

**3.6.8.1.** The Administrator will sign and date the site plan to indicate approval. Approval shall become effective immediately.

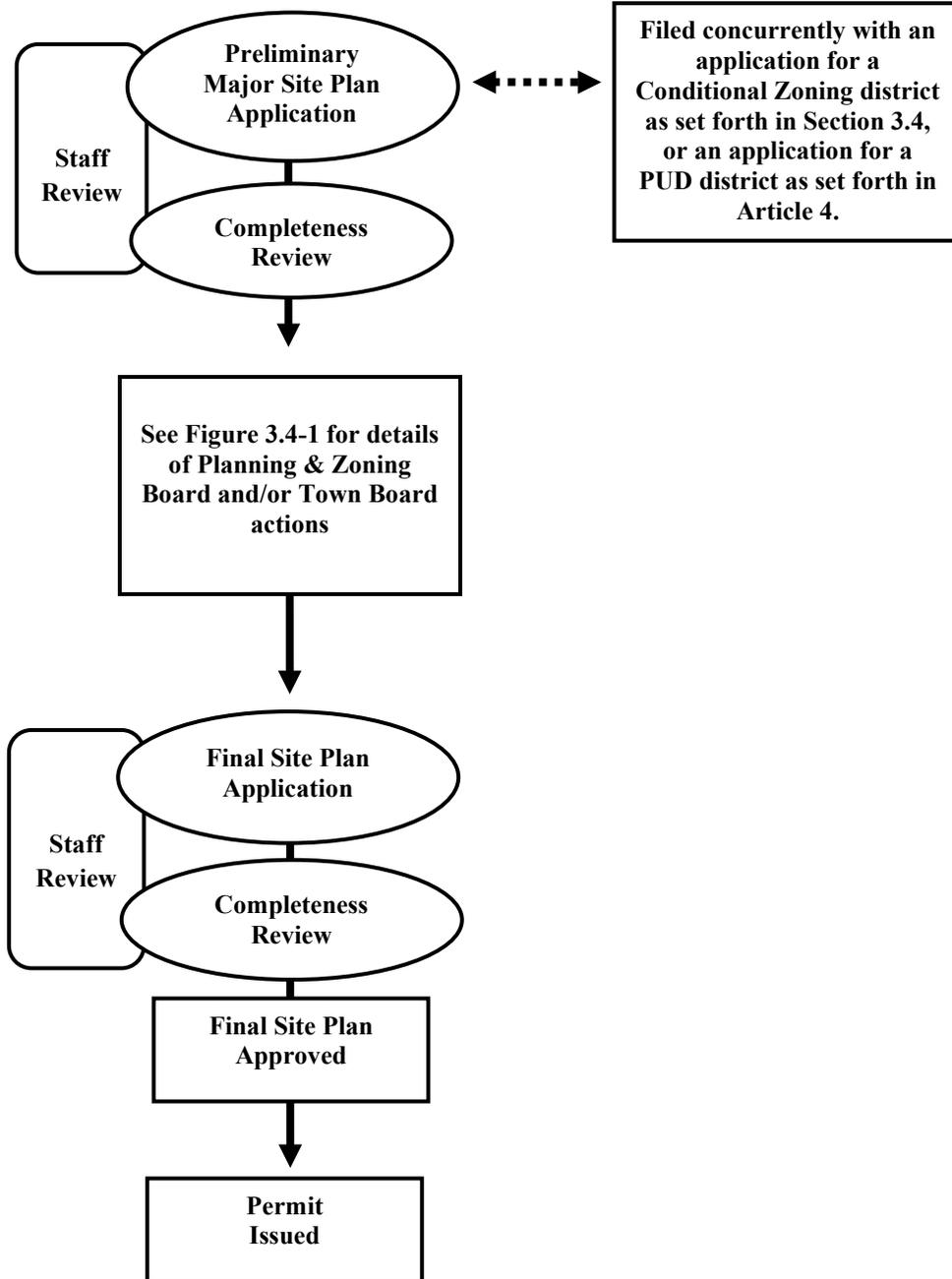
**3.6.8.2.** The owner of a use or property subject to the site plan will be notified if site plan approval must be suspended. Suspension is caused by 1.) violation of any applicable provision of this section, or 2.) failure to comply with any applicable required conditions.

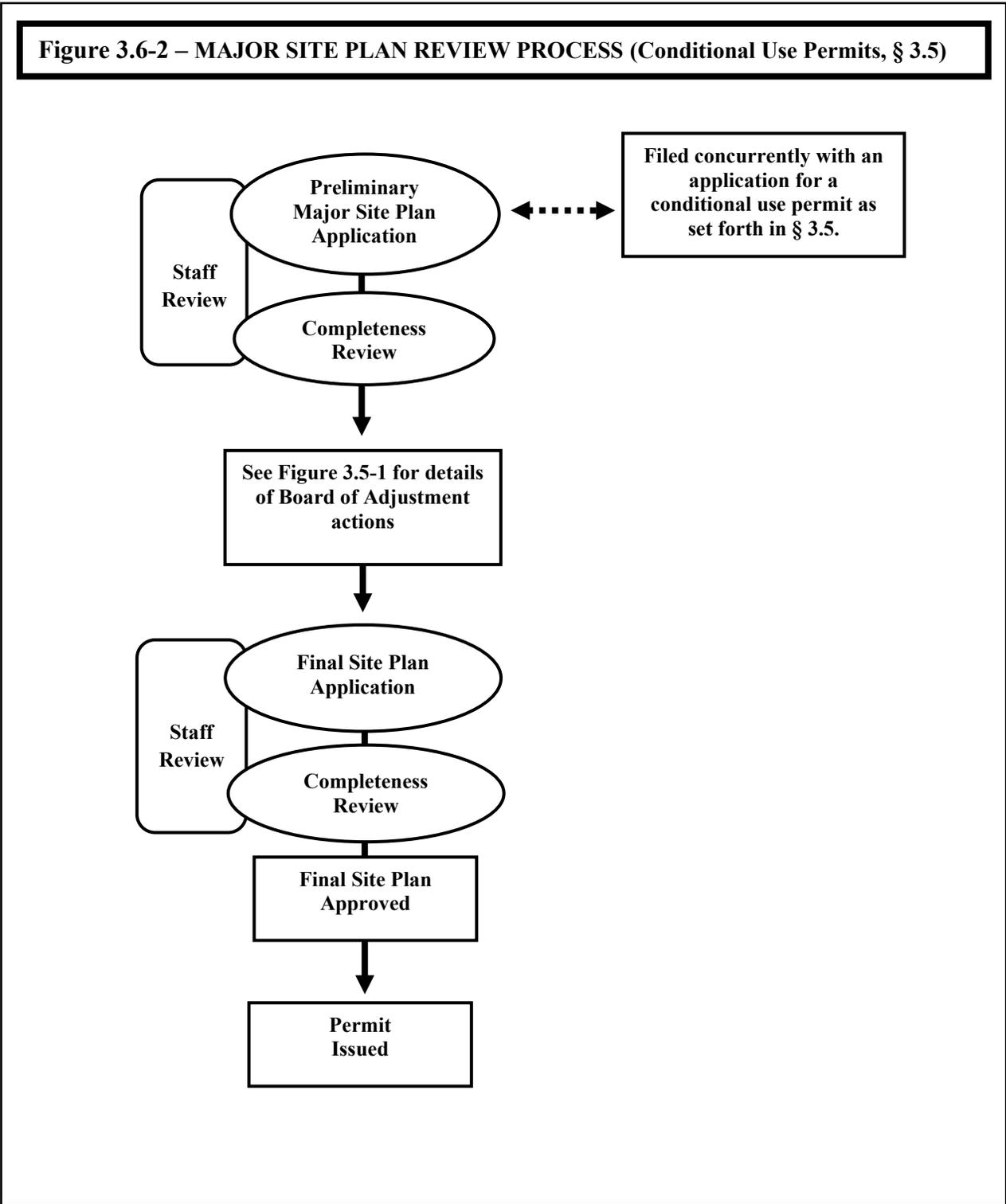
**3.6.8.3.** If ownership changes of the site plan or structure in question, the site plan approval remains valid.

**Figure 3.6-1 – MINOR SITE PLAN REVIEW PROCESS**



**Figure 3.6-2 – MAJOR SITE PLAN REVIEW PROCESS**  
(Conditional Zoning Districts, Section 3.4)





### **3.7. APPEALS AND VARIANCES.**

#### **3.7.1. APPLICATION.**

The Planning & Zoning Board, acting as Board of Adjustment (BOA), may decide appeals of administrative interpretations and decisions and may grant variances from the requirements of this Ordinance.

#### **3.7.2. PROCEDURES. (See Figure 3.7-1)**

**3.7.2.1.** The Board of Adjustment will review any appeal of a decision or interpretation of the Administrator and any application for a variance.

**3.7.2.2.** A notice of appeal of an administrative decision from a final decision relating to an application for development approval shall be submitted to the Administrator within thirty (30) days from receipt of the decision.

**3.7.2.3.** Any application request for a variance shall be filed with the Administrator for transmittal to the Board of Adjustment.

**3.7.2.4.** The Board of Adjustment shall conduct a hearing on the appeal pursuant to the procedures established in NCGS Section 160A-388 and Section 3.1.7 of this Ordinance.

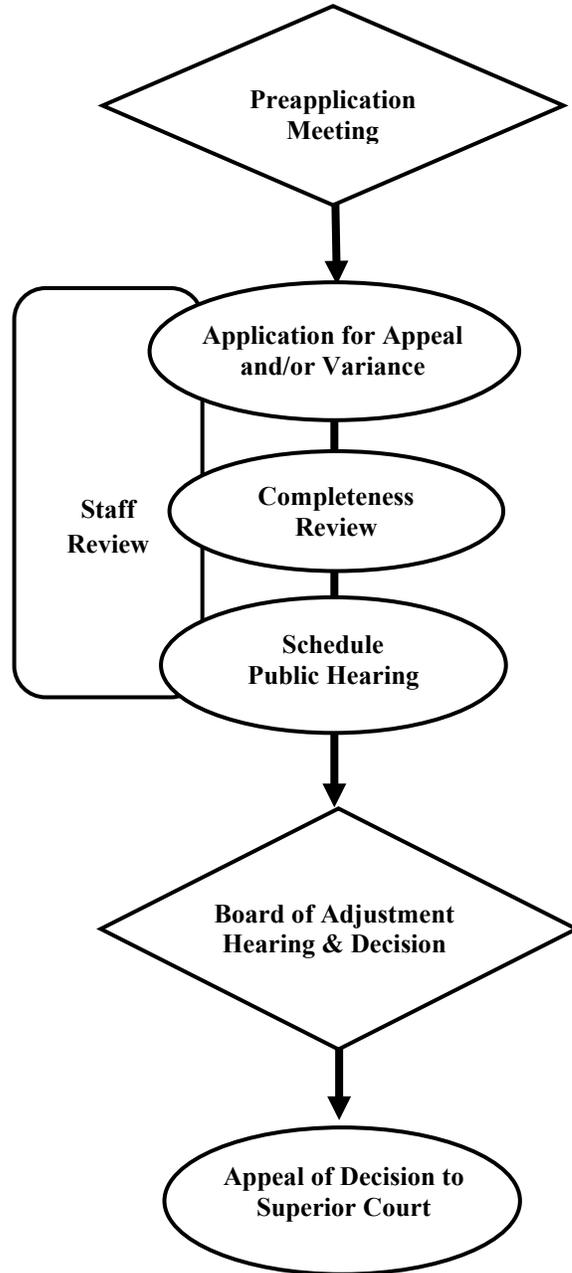
**3.7.2.5.** Appeals from the Board of Adjustment shall be filed with the Clerk of the Cabarrus Count Superior Court within 30 days of the final decision of the Board. The Board of Adjustment's decision shall be considered a final decision after the Board approves the official minutes containing such during an official meeting.

#### **3.7.3. APPROVAL CRITERIA.**

**3.7.3.1. APPEAL OF DECISION.** In an appeal to the Board of Adjustment, regarding an administrative decision or interpretation, the Board's scope of review shall be limited to determining whether the decision or interpretation by the Administrator was in accordance with the intent and requirements of this Ordinance, and accordingly, the Board will affirm or reverse the decision.

**3.7.3.2. APPLICATION FOR VARIANCE.** A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in NCGS Section 160A-388(d).

**Figure 3.7-1 – PROCESS FOR REVIEW OF APPEALS AND VARIANCES**



**3.8. ZONING TEXT AMENDMENTS.**

**3.8.1. PURPOSE.**

The purpose of this Section is to establish uniform procedures for processing amendments to the text of this Ordinance.

**3.8.2. INITIATION OF A ZONING TEXT AMENDMENT.**

**3.8.2.1.** Any person, board, department, or commission may apply for a change in zoning ordinance text.

**3.8.2.2.** An amendment to the text of this Ordinance may be initiated by filing an application with the Administrator. Before an application is accepted by the Planning Department, the applicant must meet with the Administrator. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning text request. During the conference, the administrator will identify the submittal requirements.

**3.8.3. PROCEDURES. (See Figure 3.8-1)**

**3.8.3.1.** Zoning Text Amendment applications shall be submitted for review by the appropriate reviewing departments and a scheduled for the next available meeting of the Planning & Zoning Board. The zoning amendment review process is illustrated in Figure 3.8-1.

**3.8.3.2.** A majority vote is required for the Planning & Zoning Board to recommend approval of a text amendment.

**3.8.3.3.** Upon a recommendation of a zoning text amendment, the Administrator shall schedule the application for hearing before the Town Board. The Town Board shall approve or deny the zoning text amendment by a majority vote.

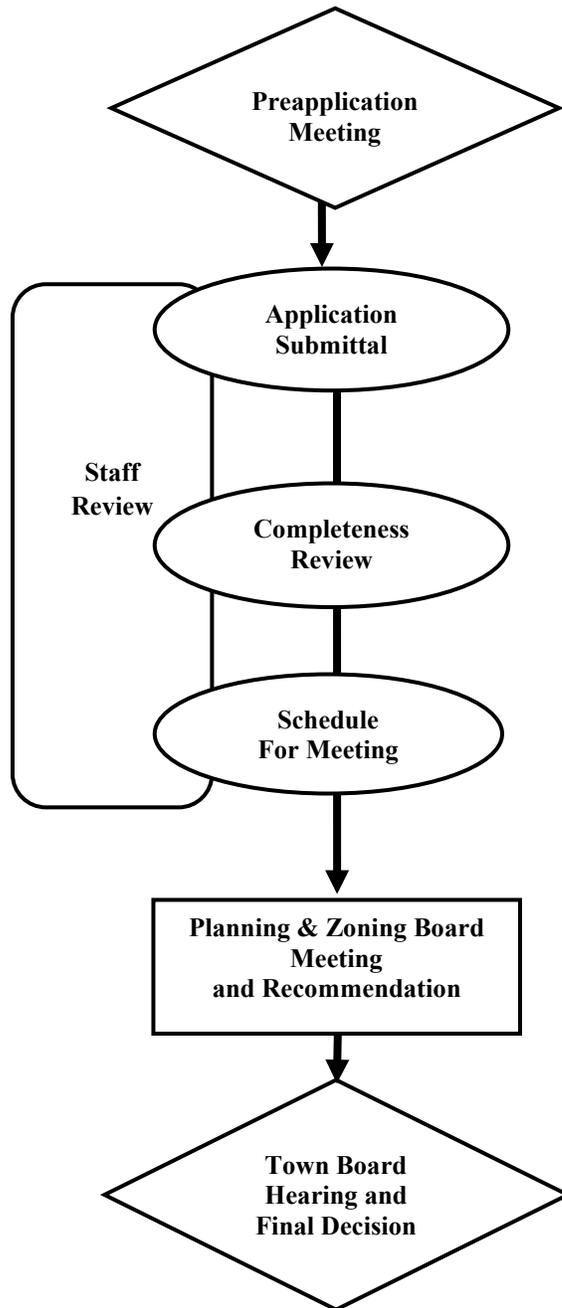
**3.8.4. SCOPE OF APPROVAL.**

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.

**3.8.5. SUBSEQUENT APPLICATIONS.**

In the event that an application for a text 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 within one 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.

**Figure 3.8-1 – ZONING TEXT AMENDMENT REVIEW PROCESS**



**ARTICLE 4  
ZONING DISTRICTS AND DIMENSIONAL REGULATIONS**

***TABLE OF CONTENTS***

<b>SECTION</b>		<b>PAGE</b>
<b>4.1</b>	<b>PURPOSE STATEMENT FOR ZONING DISTRICTS. ....</b>	<b>4-2</b>
<b>4.2</b>	<b>ESTABLISHMENT OF ZONING DISTRICTS. ....</b>	<b>4-3</b>
<b>4.3</b>	<b>ZONING DISTRICT PURPOSE STATEMENTS.....</b>	<b>4-4</b>
<b>4.4</b>	<b>ZONING MAP. ....</b>	<b>4-8</b>
<b>4.5</b>	<b>DISTRICT BOUNDARIES.....</b>	<b>4-9</b>
<b>4.6</b>	<b>USE REGULATIONS. ....</b>	<b>4-10</b>
<b>4.7</b>	<b>DIMENSIONAL AND DENSITY REGULATIONS.....</b>	<b>4-12</b>
<b>4.8</b>	<b>PLANNED UNIT DEVELOPMENT (PUD).....</b>	<b>4-16</b>
<b>4.9</b>	<b>HISTORIC PRESERVATION OVERLAY (HPOD) DISTRICTS.....</b>	<b>4-20</b>
<b>4.10</b>	<b>MANUFACTURED HOME OVERLAY (MHOD) DISTRICT. ....</b>	<b>4-28</b>

## **4.1. PURPOSE STATEMENT FOR ZONING DISTRICTS**

The Town is hereby zoned and divided into districts. In accordance with NCGS 160D-7-1 (formerly 160A-383), 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-7-3 (formerly 160A-382) 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-7-1 (formerly 160A-383), 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 (formerly Article 19 of Chapter 160A). 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 4.6-1: 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	<ul style="list-style-type: none"> <li>• Parks &amp; athletic facilities</li> <li>• Greenways</li> <li>• Agriculture &amp; forestry</li> <li>• Floodplain</li> </ul>	n/a
Rural	AG, CZ-AG CZ-RE CZ-O-I	<ul style="list-style-type: none"> <li>• Agriculture &amp; forestry</li> <li>• Detached single-family residential</li> <li>• Limited civic &amp; institutional</li> </ul>	0.5 DUA
Low Intensity	RL, CZ-RL CZ-RM CZ-OI	<ul style="list-style-type: none"> <li>• Agriculture &amp; forestry</li> <li>• Detached single-family residential</li> <li>• Limited civic &amp; institutional</li> </ul>	2 DUA
Medium Intensity	RM, CZ-RM CZ-RH OI, CZ-OI C-1, CZ-C-1	<ul style="list-style-type: none"> <li>• Detached single-family residential</li> <li>• Civic &amp; institutional</li> <li>• Small office, services, &amp; retail (on thoroughfares)</li> </ul>	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	<ul style="list-style-type: none"> <li>• Detached single-family residential</li> <li>• Attached single-family residential</li> <li>• Multi-family residential</li> <li>• Civic &amp; institutional</li> <li>• Office, Services, Retail</li> <li>• Entertainment</li> <li>• Flex-space or campus business</li> </ul>	8 DUA
Employment Center	OI, CZ-OI C-2, CZ-C-2 CD, CZ-CD I-1, CZ-I-1 CZ-I-2	<ul style="list-style-type: none"> <li>• Civic &amp; institutional</li> <li>• Office, Services, Retail</li> <li>• Entertainment</li> <li>• Flex-space or campus business</li> <li>• Light industrial</li> <li>• Limited heavy industrial</li> </ul>	n/a
Downtown Core	CC, CZ-CC	<ul style="list-style-type: none"> <li>• Attached single-family residential</li> <li>• Multi-family residential</li> <li>• Civic &amp; institutional</li> <li>• Office, Services, Retail</li> <li>• Entertainment</li> </ul>	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**

**4.3.3.1.** Permitted Uses are listed in Table 4.6-1. Uses permitted by right, uses permitted as conditional 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.

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

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

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

**4.3.3.5.** 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.

**4.3.3.6.** 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.

**4.3.3.7.** Sign regulations are described in detail in Article 12.

**4.3.3.8.** Adequate public facilities standards are described in detail in Article 14.

## **4.4. ZONING MAP**

### **4.4.1. BOUNDARIES OF ZONING DISTRICT**

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 certified by the Mayor.

### **4.4.2. OFFICIAL ZONING MAP**

**4.4.2.1.** Pursuant to NCGS 160D-1-5, 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.

**4.4.2.2.** 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.

**4.4.2.3.** 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.

**4.4.2.4.** 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 UDO.

## **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. 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:

**4.5.2.1.** 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.

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

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

**4.5.2.4.** 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.

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

**4.5.2.6.** 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.

**4.5.2.7.** 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**

**4.6.1.1.** 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 conditional 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 4.6-2) and as forth in Section 4.6.2, below.

**4.6.1.2.** 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 4.6-2), 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 4.6-2.

#### **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 conditional use permit. Uses not listed as a permitted or conditional 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 is 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 4.6-2 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 Conditional Use Permit, in accordance with the review procedures of Section 3.5 of this Ordinance. Conditional 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**

**4.6.3.1.** 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.

**4.6.3.2.** 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 4.6-2: 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												
	AG	RE	RL	RM	RH	O-I	CC	C-1	C-2	CD	I-1	I-2	SR
<i>AGRICULTURAL USES</i>													
Agriculture, bona fide farm use	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
<i>RESIDENTIAL USES</i>													
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	( 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-9-6)	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-9-14)	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 4.6-2: 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												
	AG	RE	RL	RM	RH	O-I	CC	C-1	C-2	CD	I-1	I-2	SR
<i>CIVIC, GOVERNMENT, &amp; INSTITUTIONAL USES</i>													
Animal shelter	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 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 4.6-2: 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												
	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	SR
<i>RECREATION &amp; ENTERTAINMENT USES</i>													
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, outdoor (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	-	-	-	-	-	-	-	-	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 4.6-2: 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												
	AG	RE	RL	RM	RH	O-I	CC	C-1	C-2	CD*	I-1*	I-2	SR
<i>OFFICE &amp; SERVICE USES</i>													
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 inn	S	S	S	S	S	S	S	S	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	-	



TABLE 4.6-2: 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												
	AG	RE	RL	RM	RH	O-I	CC*	C-1	C-2	CD*	I-1*	I-2	SR
<i>INDUSTRIAL, WHOLESALE, TRANSPORTATION, &amp; UTILITY USES</i>													
Air transportation and support facilities	S	-	-	-	-	-	-	-	-	-	S	S	
Bus, transit terminal or charter	-	-	-	-	-	-	-	-	S	-	P	P	
Flex office/warehouse unit	-	-	-	-	-	-	-	-	S	P	P	P	
Electric power generation	S	-	-	-	-	-	-	-	-	-	S	S	5.9.1
Electric power generation (accessory to permitted use, not connected to grid)	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	
Manufacturing, Type B	-	-	-	-	-	-	-	-	-	S	P	P	
Manufacturing, Type C	-	-	-	-	-	-	-	-	-	-	S	P	
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	
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, chauffeur 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	
Waste remediation/recovery services (including salvage/junk yard, recycling 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 structures using approved concealed (stealth) design and less than 60 feet in height are permitted by right in all districts.



## **4.7. DIMENSIONAL AND DENSITY REGULATIONS.**

### **4.7.1. PURPOSE**

**4.7.1.1.** 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.

**4.7.1.2.** 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**

**4.7.2.1.** This Section is applicable only to districts in which residential dwelling units are permitted, as listed in Table 4.6-2. 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.

**4.7.2.2.** 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 DISTRICTS.**

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:

**4.7.4.1.** 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.

**4.7.4.2.** 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 on 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.

**4.7.4.3.** Conservation developments designed in accordance with Section 6.7.

### **4.7.5. DIMENSIONAL STANDARDS FOR STRUCTURES**

#### **4.7.5.1. Setbacks**

**4.7.5.1.1.** Setbacks for buildings or structures are measured as the area between the furthestmost 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.

**4.7.5.1.2.** 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.

**4.7.5.1.3. 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.

**4.7.5.1.4. 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**

**4.7.5.2.1.** 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)

**4.7.5.2.2.** 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.

**4.7.5.2.3.** 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.

**TOWN OF MT PLEASANT UNIFIED DEVELOPMENT ORDINANCE**

**Table 4.7-1 Dimensional and Density Standards**

Zoning District	A	B	C	D	E	G
	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.

**Building Setbacks**

Zoning District	PRINCIPAL STRUCTURES					ACCESSORY STRUCTURES		
	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

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

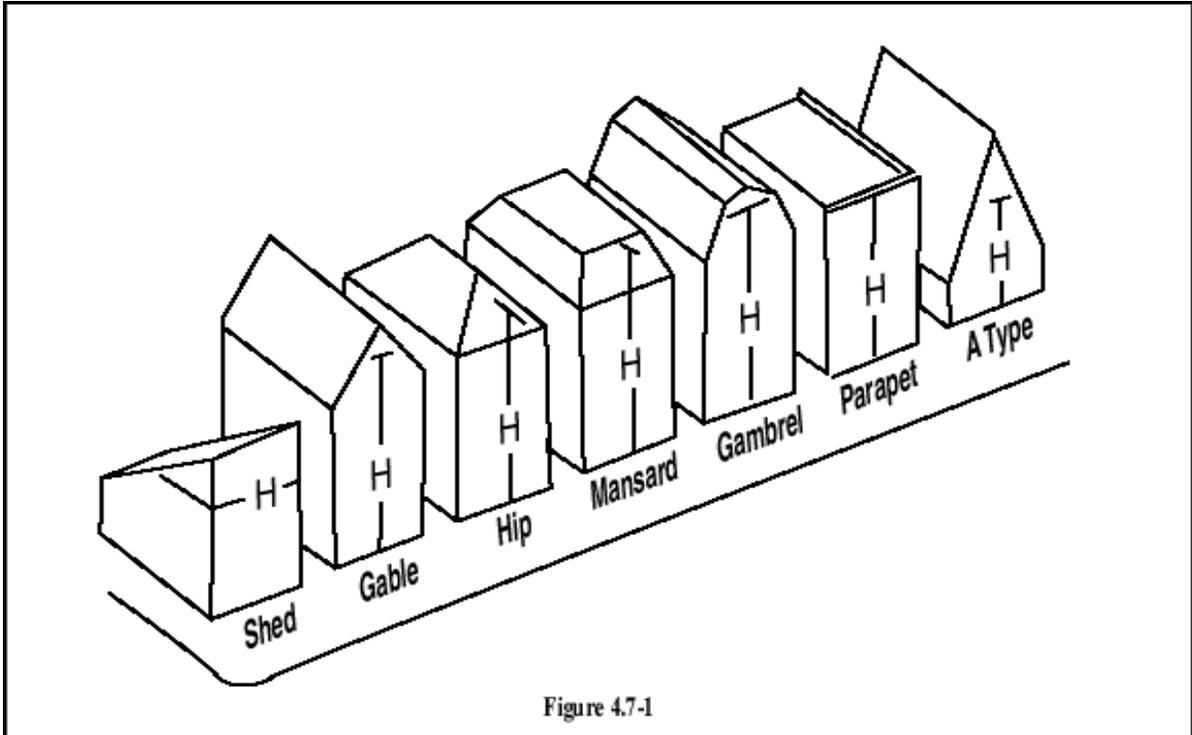


Figure 4.7-1

## **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**

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

**4.8.3.2.** 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 4.6-2 for each land use category and the maximum density for each land use category in Table 4.7-1. No conditional use permit shall be required for any conditional use listed for said land use category in Tables 4.6-2.

### **4.8.4. LAND USE COMPOSITION**

**4.8.4.1.** 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.

**4.8.4.1.1.** medium density residential (2-4 units per acre) = 20%

**4.8.4.1.2.** high density residential (4-8 units per acre) = 10%

**4.8.4.1.3.** commercial uses as permitted in the C-1 or C-2 zones = 10%

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

**4.8.5. DESIGN STANDARDS**

**4.8.5.1.** 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.

**4.8.5.2.** 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:

**4.8.6.1.** 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;

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

**4.8.6.3.** 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:

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

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

**4.8.7.3.** 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

**4.8.7.4.** 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. Table 4.8-1. - 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**

### **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**

**4.9.2.1.** 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.

**4.9.2.2.** 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:

**4.9.2.2.1.** 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;

**4.9.2.2.2.** 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.

**4.9.2.3.** 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.

**4.9.2.4.** With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by 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.

**4.9.2.5.** 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 Zoning Ordinance provisions.

**4.9.3. HISTORIC LANDMARK ESTABLISHMENT**

**4.9.3.1.** 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.

**4.9.3.2.** 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.

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

**4.9.3.3.1.** 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.

**4.9.3.3.2.** 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.

**4.9.3.3.3.** 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.

**4.9.3.3.4.** 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.

**4.9.3.3.5.** 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.

**4.9.3.3.6.** 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.

**4.9.3.3.7.** 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**

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

**4.9.5.2.** 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.

**4.9.5.3.** No building shall exceed a height of 35 feet.

**4.9.5.4.** The minimum side yard setback shall be 15 feet.

**4.9.5.5.** The minimum new side yard setback shall be 10 feet.

**4.9.5.6.** 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 SPECIAL EXCEPTION APPLICATIONS**

All special exception 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 Planning & Zoning Board which has final decision responsibility on applications for special exceptions.

**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**

**4.9.10.1.1.** 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.

**4.9.10.1.2.** 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**

**4.9.10.2.1.** An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Services 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.

**4.9.10.2.2.** The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

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

**4.9.10.2.4.** 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.

**4.9.10.2.5.** 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.

**4.9.10.2.6.** The Commission’s action on the application shall be approval, approval with modifications, or disapproval.

**4.9.10.2.7.** 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.

**4.9.10.2.8.** 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.

**4.9.10.2.9.** 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.

**4.9.10.2.10.** If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

**4.9.11. Review Criteria**

**4.9.11.1. Intent**

**4.9.11.1.1.** 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.

**4.9.11.1.2.** 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.

**4.9.11.1.3.** 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**

**4.9.11.2.1.** 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.

**4.9.11.2.2.** 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.

**4.9.11.2.3.** 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**

**4.9.13.1.** 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.

**4.9.13.2.** 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.

**4.9.13.3.** 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**

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

**4.9.15.2.** 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.

**4.9.15.3.** 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**

**4.9.16.1.** 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.

**4.9.16.2.** 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. (See General Statute 160A-175 and 160A-389.)

**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 North Carolina General Statute 160A-400.4 (2), 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 160A-383.1 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 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."

### **4.10.2. MODULAR HOMES EXEMPTED**

Manufactured (or 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**

**4.10.4.1.** 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.

**4.10.4.2.** 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 4.13.7 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 4.6-1 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 4.10.7 herein.

**4.10.6. MH-2, MANUFACTURED HOME OVERLAY DISTRICT.**

**4.10.6.1. 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.

**4.10.6.2. 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)

**4.10.6.3. Design Standards**

Refer to Section 4.10.7 herein.

**4.10.7. DESIGN STANDARDS**

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

**4.10.7.1.** 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.

**4.10.7.2.** 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.

**4.10.7.3.** 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.

**4.10.7.4.** 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.

**4.10.7.5.** 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.

**4.10.7.6.** The dwelling shall be attached to a permanent foundation system in compliance with the N.C. State Building Code as may be amended.

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

**4.10.7.8.** 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.

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

**ARTICLE 5  
SUPPLEMENTAL USE REGULATIONS**

**TABLE OF CONTENTS**

<b>SECTION</b>		<b>PAGE</b>
<b>5.1</b>	<b>GENERAL PROVISIONS .....</b>	<b>5-2</b>
<b>5.2</b>	<b>ACCESSORY STRUCTURES &amp; USES .....</b>	<b>5-3</b>
<b>5.3</b>	<b>AGRICULTURAL USES .....</b>	<b>5-3</b>
<b>5.4</b>	<b>RESIDENTIAL USES .....</b>	<b>5-7</b>
<b>5.5</b>	<b>CIVIC, GOVERNMENT, &amp; INSTITUTIONAL USES .....</b>	<b>5-8</b>
<b>5.6</b>	<b>RECREATION &amp; ENTERTAINMENT USES .....</b>	<b>5-9</b>
<b>5.7</b>	<b>OFFICE &amp; SERVICE USES.....</b>	<b>5-10</b>
<b>5.8</b>	<b>RETAIL USES.....</b>	<b>5-11</b>
<b>5.9</b>	<b>INDUSTRIAL, WHOLESALE, TRANSPORTATION, &amp; UTILITY USES .....</b>	<b>5-12</b>
<b>5.10</b>	<b>OTHER USES .....</b>	<b>5-13</b>

## **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 4.6-2, and in the event of any inconsistency between the provisions of this Article 5 and the Use Matrix (Table 4.6-2), 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 4.6-2 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 4.6-2 in Article 4
Other Telecommunication Antennas or Towers	see Table 4.6-2 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 4.6-2 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 4.6-2 in Article 4.

**5.2.2. ESTABLISHMENT AND USE**

**5.2.2.1.** 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.

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

**5.2.2.3.** 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**

**5.2.3.1.** 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.

**5.2.3.2.** 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.

**5.2.3.3.** 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.

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

**5.2.3.5.** 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:

**5.2.4.1.** 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;

**5.2.4.2.** 15 feet in height, where accessory structure is located within a principal structure setback yard.

**5.2.4.3.** the height of the principle 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:

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

**5.2.5.2.** 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.

**5.2.5.3.** 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. ADDITIONAL STANDARDS FOR NONRESIDENTIAL ACCESSORY STRUCTURES**

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

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

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

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

**5.2.7.5.** 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:

**5.2.8.1.** Fencing and walls;

**5.2.8.2.** mailboxes;

**5.2.8.3.** plant materials;

**5.2.8.4.** 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**

- Free standing on patio or deck – prohibited
- Fence/railing – prohibited
- Siding mounted – permitted
- Roof mounts – permitted
- Fireplace chimney mounted – permitted on stone/brick chimneys or other materials approved by the zoning administrator
- Balcony mounts on railing or deck – permitted
- Pole mounted on detached footing – permitted (see #2 Height Restriction, E.)

**5.2.9.2. Height Restrictions**

- DBS (Direct Broadcast Satellite) – Not more than 12 feet above roof level.
- MMDS (Multichannel Multipoint Distribution Services) – Not more than 12 feet above roof level.
- 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).
- Devices are to generally be mounted so they are not visible from front of unit.
- 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**

- DBS – Dish shall not exceed 1 meter (39.37 inches) in diameter.
- MMDS – Dish shall not exceed 1 meter (39.37 inches) in diameter or diagonally.
- TVBS – Antennas shall be limited in size pursuant to local IBC Code.

**5.2.9.4. Location of Device**

- Rear of dwelling unit unless signal would be impaired.
- Device may be mounted on owner’s side of firewall toward rear of unit.
- 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.
- 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.
- Device shall not interfere nor obstruct the exterior maintenance responsibilities of the Town and/or utility providers.
- Device shall not be located near power lines or other utilities, e.g. gas, water, phone, etc.
- Device shall not extend beyond unit lot lines.
- Devices are prohibited on Town common property.

**5.2.9.5. Installation**

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

- 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**

**5.2.10.1.1.** 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 is 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.

**5.2.10.1.2.** All operable vehicles shall be:

- Parked on a paved or gravel driveway; or
- In the side or rear yard of the principal structure; or
- 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**

**5.2.10.3.1.** 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.

**5.2.10.3.2.** 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.

**5.2.10.3.3.** 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.

**5.2.10.3.4.** 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. 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 4.6-2 (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, furniture refinishing, gymnastic facilities, studios or outdoor recreation

activities, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, retail sales, contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, or any type of physical or psycho-therapy, or any other use not allowed in accordance with 5.12.2.

**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, <sup>1</sup> 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	✓	✓

<sup>1</sup> 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 of 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 FACILITIES**

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 Part 8 of 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 five (5) 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-9-2 (formerly 160A-181.1).

**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 INNS**

- A. Bed and breakfast inns shall only be established in accordance with Table 4.6-2 (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 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 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. The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be five (5), 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.
- 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 4.6-2 (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 (with or without gasoline sales)**

- 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(4)a. NCGS 130A-294(4)a. provides that “A landfill for the disposal of demolition debris generated on the same parcel or tract of land on which the landfill is located that has a disposal area of one acre or less is exempt from the permit requirement of this section and rules adopted pursuant to this section, and shall be governed by G.S. 130A-301.2.”

*{Note: NCGS 130A-301.2 expires on June 30, 2001. These provisions are consistent with those requirements. The Solid Waste Management Division of DENR repealed its application and operational rules (formerly 15A NCAC 13B.0506 and 13B.0507 for demolition landfills on January 4, 1993.)}*

**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 15A NCAC Section 13B.0564. After the expiration of NCGS 130A-301.2, the requirements of 15A NCAC Section 13B.0564 shall supersede any standards in this Section to the extent permitted by state law.
- 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. A Zoning Permit shall be effective for a 12-month period. 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 4.6-2 (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 Conditional 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 4.6-2 (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 conditional 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 & COLLOCATION**

**5.9.7.1. Purpose and Applicability**

- A. 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 4.6-2 (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 Conditional 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 Conditional 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 160A-400.52, 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 conditional 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 Conditional 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, Conditional 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 conditional 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 Conditional 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 conditional use permit, the Board of Adjustments shall consider, in addition to any other standards in this Ordinance governing Conditional 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-9-35

(formerly 160A-400.54-57).

- 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-9-45 (formerly 160A-400.55(h)). 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-9-36 (formerly 160A-400.56), 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 Part 3C of Article 19 of this Chapter 160A, 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-9-35 (d) (formerly 160A-400.54(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-9-37 (formerly 160A-400.56), 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 expenses.

## **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**

***Summary:*** This article establishes procedures for the subdivision of land. Included are requirements for the division of land into a subdivision, as defined in Appendix A of this Ordinance, as authorized by NCGS § 160A-371 to 160A-376.

### ***Table of Contents***

<b>SECTION</b>	<b>PAGE</b>
<b>6.1 GENERAL STANDARDS.....</b>	<b>6-2</b>
<b>6.2 CRITERIA FOR SUBDIVISION APPROVAL .....</b>	<b>6-6</b>
<b>6.3 MINOR SUBDIVISIONS .....</b>	<b>6-7</b>
<b>6.4 MAJOR SUBDIVISIONS.....</b>	<b>6-11</b>
<b>6.5 OPEN SPACE REQUIREMENTS .....</b>	<b>6-22</b>
<b>6.6 LOT DESIGN STANDARDS.....</b>	<b>6-34</b>
<b>6.7 CONSERVATION DEVELOPMENTS.....</b>	<b>6-38</b>

## **6.1. GENERAL STANDARDS.**

### **6.1.1. PURPOSE**

**6.1.1.1.** This Article of the UDO shall officially be known, cited and referred to as the Subdivision Regulations of the Town of Mount Pleasant, North Carolina.

**6.1.1.2.** As required by NCGS §§ 160A-371 to 160A-376, the purpose of establishing this Article is:

**6.1.1.2.1.** To ensure the orderly growth and development of the Town, including the requirement that adequate public facilities are available to serve new subdivisions of land, and the use of techniques such as the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, the assurance of urban form and open space separation of urban areas, the protection of environmentally critical areas and areas premature for urban development.

**6.1.1.2.2.** To provide for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities.

**6.1.1.2.3.** To provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area.

**6.1.1.2.4.** To provide 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.

**6.1.1.2.5.** To provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare.

**6.1.1.2.6.** To provide that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

### **6.1.2. APPLICABILITY**

**6.1.2.1.** This Article shall apply to any subdivision, as defined in Appendix A of this Ordinance, within the corporate limits of the Town or any extraterritorial jurisdiction established pursuant to NCGS § 160A-360.

**6.1.2.2.** Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this Ordinance. However, all existing preliminary plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires.

**6.1.3. AUTHORITY AND JURISDICTION**

**6.1.3.1.** The Planning and Zoning Board is vested with the authority to review, approve, conditionally approve and disapprove applications for preliminary plats.

**6.1.3.2.** The Administrator is vested with the authority to review and approve sketch plats and to approve, conditionally approve and disapprove applications for conveyance plats (minor subdivisions) and/or final plats (major subdivisions).

**6.1.3.3.** The Director of Public Works or their designee is vested with the authority to review and approve Construction Plans, Subdivision Improvement Agreements, and Maintenance Bonds. The Director of Public Works or their designee is also granted the authority to inspect and accept or deny all improvements as required by this Article 6.

**6.1.3.4.** 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.

**6.1.4. WHEN A SUBDIVISION PLAT IS REQUIRED**

**6.1.4.1.** From and after the effective date of this chapter, 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.

**6.1.4.2.** 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.

**6.1.4.3.** 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.

**6.1.4.4.** 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.

**6.1.4.5.** 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

**6.1.4.6.** 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.

**6.1.5. WHEN A SUBDIVISION PLAT IS NOT REQUIRED**

Pursuant to NCGS § 160A-376, a subdivision plat shall not be required for any of the following: (see definition of “Subdivision” in Appendix A).

**6.1.5.1.** 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 Town as shown in this Ordinance;

**6.1.5.2.** The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

**6.1.5.3.** The public acquisition by purchase of strips of land for the widening or opening of streets.

**6.1.5.4.** The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.

**6.1.6. 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.

**6.1.7. 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:

**6.1.7.1.** the subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Administrator; and the subdivider or his agent has obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Article; and

**6.1.7.2.** the subdivider or his agent files the final or conveyance plat with the Register of Deeds.

**6.1.8. CLASSIFICATION OF APPLICATIONS**

Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include two (2) principal steps for an expedited or minor subdivision and three (3) principal steps for a major subdivision:

**6.1.8.1. Minor Subdivision (§ 6.3).**

**6.1.8.1.1.** Sketch Plat

**6.1.8.1.2.** Conveyance or Final Plat

**6.1.8.2. Major Subdivision (§ 6.4).**

**6.1.8.2.1.** Sketch Plat

**6.1.8.2.2.** Preliminary Plat

**6.1.8.2.3.** Final Subdivision Plat

**Table 6-1.1 Classification of Subdivisions**

<b>(A)</b>		<b>(B) DESIGNATED AGENCY (DECISION- MAKER)</b>	<b>(C) TIME LIMIT FOR PROCESSING</b>
<b>CLASSIFICATION</b>	<b>STAGE</b>		
Minor Subdivision	Sketch Plat	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, Town Engineer, and Director of Public Works or their designee, as delegated by this Ordinance	30 days
Exception from Subdivision Ordinance (see § 6.4.16)	–	Planning & Zoning Board	Reasonable period of time, depending on circumstances and scope of application

## **6.2. CRITERIA FOR SUBDIVISION APPROVAL.**

### **6.2.1. CRITERIA FOR 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 and Zoning Board shall not approve a subdivision plat unless all of the following findings with respect to the proposed development are made:

**6.2.1.1.** 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.

**6.2.1.2.** 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.

**6.2.1.3.** The proposed development, including its lot sizes, density, access and circulation, are compatible with the existing and/or permissible future use of adjacent property.

**6.2.1.4.** That the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties.

**6.2.1.5.** That the soils and topography have been adequately studied to ensure that all lots are developable for their designated purposes.

**6.2.1.6.** 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.

**6.2.1.7.** 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.

**6.2.1.8.** 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 Section 6.2.

### **6.3. MINOR SUBDIVISIONS**

#### **6.3.1. 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 per use. The use of this process is limited to one minor subdivision, or the creation of five (5) new lots, from the parent parcel per five (5) year period.

#### **6.3.2. 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 drawings for utility extensions are submitted and approved in accordance with Section 6.4.11 of this Ordinance;
- all lines/improvements are constructed in accordance Section 6.4.11 of this Ordinance; and
- a final plat shall not be approved until all utility extension improvements have been inspected and accepted in accordance with Sections 6.4.12-6.4.16 of this Ordinance.

#### **6.3.3. GENERAL SUBMISSION REQUIREMENTS**

Applications for sketch plat and final plat approval 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.

#### **6.3.4. SKETCH PLAT SUBMISSION REQUIREMENTS**

**6.3.4.1.** The applicant shall schedule an appointment and meet with the Administrator to discuss a sketch plan. The Administrator shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

**6.3.4.2.** The Administrator, upon consultation with the Director of Public Works or their designee, shall issue either the Notice to Proceed or a Notice of Noncompliance not later than fifteen (15) days after the date on which the sketch plat was submitted to the Administrator. The Administrator shall issue a Notice to Proceed only if the sketch plat complies with all applicable laws governing the subdivision of land. The approval shall include, as appropriate, recommended changes in the sketch plat to be incorporated into the final (conveyance) plat. Subsequent to an approval, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat (conveyance plat) as provided in these regulations. If the sketch plat of a minor subdivision is denied by the Administrator, the applicant may appeal to Planning and Zoning Board. The Planning and Zoning Board shall review the application, and shall affirm or reverse the decision of the Administrator. The applicant shall have one (1) year from the date that the sketch plat is approved to submit a conveyance plat, after which time a new sketch plat must be submitted for approval.

**6.3.5. FINAL PLAT SUBMISSION REQUIREMENTS**

A Final Plat may be in the form of a standard plat in accordance with the provisions of Appendix B for Minor Subdivision Plats.

**6.3.5.1.** In order to provide a simplified review procedure, submission of a Final Plat may be in the form of:

- a standard plat in accordance with the provisions of Appendix B; or
- a conveyance plat in accordance with the provisions of Appendix B, subject to the following limitations.

**6.3.5.2. 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:

**6.5.3.2.1.** The subdivision meets the definition of Minor Subdivision as set forth in Section 6.3.1 of this Ordinance); and

**6.5.3.2.2.** The subdivision contains no Critical Areas (see definitions) on any portion of the property to be subdivided or developed; and

**6.5.3.2.3.** The conveyance plat shall be recorded in the same manner, and shall be subject to the same restrictions, as a final plat (see Section 6.3.6).

**6.5.3.2.4.** The conveyance plat shall comply in all respects with the sketch plan.

**6.3.6. FINAL PLAT APPROVAL**

The Administrator, upon consultation with the Director of Public Works or their designee shall render a determination as to whether the plat is approved, approved with conditions or denied pursuant to § 6.2 of this Ordinance and NCGS § 160A-372. 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 (Planning Director) and the Director of Public Works or their designee 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.

**6.3.7. RECORDING A FINAL PLAT**

**6.3.7.1.** 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 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.

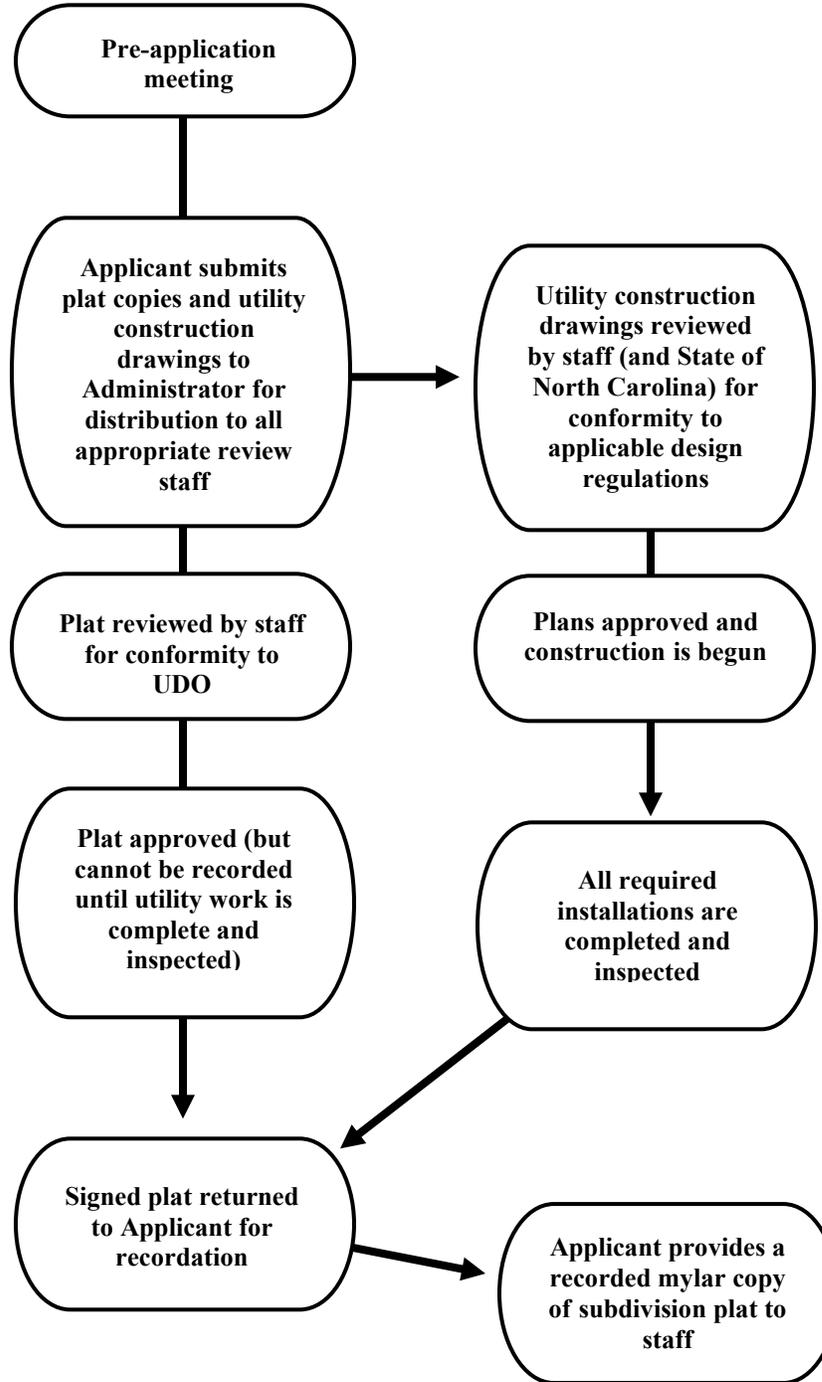
**6.3.7.2.** The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

**6.3.7.3.** No zoning clearance 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.

Figure 6.3-1. Minor Subdivision Plat review process. (Subdivision does not include Water and/or Sewer Utility Extensions).



Figure 6.3-2. Minor Subdivision Plat review process. (Subdivision does include Water and/or Sewer Utility Extensions).



## **6.4. MAJOR SUBDIVISIONS**

### **6.4.1. 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.

### **6.4.2. GENERAL SUBMISSION REQUIREMENTS**

Applications for sketch plat and final plat approval 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.

### **6.4.3. SKETCH PLAN SUBMISSION PROCEDURES FOR MAJOR PLATS**

**6.4.3.1.** The applicant shall schedule an appointment and meet with the Administrator to discuss a sketch plan. The Administrator shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

**6.4.3.2.** The Administrator shall issue a Notice to Proceed only if the sketch plan complies with all applicable laws governing the subdivision of land and upon recommendation from the Director of Public Works or their designee. The approval shall include, as appropriate, recommended changes in the sketch plan to be incorporated into the preliminary plat to assist the applicant in obtaining preliminary plat approval from the Planning and Zoning Board. If the Administrator determines that the sketch plan does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plan, the Administrator shall issue a Notice of Noncompliance. The Administrator shall issue either the Notice to Proceed or a Notice of Noncompliance not later than twenty (20) days after the date on which the sketch plan was submitted to the Administrator. After receipt of a notice of approval, the applicant shall be eligible to file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

### **6.4.4. PRELIMINARY PLAT SUBMISSION PROCEDURES FOR MAJOR PLATS**

**6.4.4.1.** If the Administrator has issued a Notice to Proceed for a sketch plat for a major subdivision, then the subdivider may proceed with the preparation of a preliminary plat.

**6.4.4.2.** Approval of a Preliminary Plat shall be required for any tract where the eventual platting of the property involves a major subdivision. No final plat shall be approved until a Preliminary Plat for the property has been approved.

**6.4.4.3.** Appendix B establishes the information that is to be submitted with an application for approval of a Preliminary Plat.

**6.4.4.4.** Upon final approval, a Preliminary Plat shall be made a matter of record as follows:

**6.4.4.4.1.** The reasons for approval, disapproval, or approval with conditions shall be maintained on file with the Administrator.

**6.4.4.4.2.** The approved plat shall be indexed and filed by the Administrator.

**6.4.5. SCOPE OF PRELIMINARY PLAT APPROVAL**

**6.4.5.1.** Approval of the preliminary plat by the Planning and Zoning Board shall allow a subdivider to proceed with:

- the preparation of the final plat;
- site preparation/grading (subject to obtaining Grading Permit and/or Erosion Control Permit as required in Art. 3 and Art. 9, respectively); and
- the installation of required improvements (subject to approval of construction drawings as described in Section 6.4.4.7).

**6.4.5.2.** Approval of the preliminary plat by the Planning and Zoning Board without approved construction plans as set forth in Section 6.4.11 shall not constitute the necessary approval for submittal of the final plat.

**6.4.5.3.** Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Administrator with all corrections within 60 days of the Board’s approval. Failure to return a corrected plat within this time period shall constitute a violation and shall be remedied in accordance with Section 1.6 of this Ordinance. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Administrator.

**6.4.5.4.** The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this chapter.

**6.4.5.5.** The preliminary plat shall be valid for the period prescribed by Table 6.4-1 herein. A preliminary plat shall become void if a final plat is not approved within the specified time period. Final Approval of a phase or portion of a preliminary plat shall re-establish the date for measuring the time period of a preliminary plat approval.

**6.4.5.6.** The Planning and Zoning Board may approve a staging plan extending the effective period of the preliminary plat approval up to two (2) 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, the applicant shall resubmit the preliminary plat to the Administrator for review by the Planning and Zoning Board.

*Table 6.4-1 Time Limits for Major Subdivision Plat Approvals*

<b>Type of Approval</b>	<b>Time Limit of Approval</b>
Preliminary Plat	2 years to get Final Plat approved
Final Plat	30 days to record

**6.4.5.7.** The Planning and Zoning Board may grant a one-year extension. After expiration of a one-year extension, a previously approved preliminary plat shall become void.

**6.4.6. REVISING APPROVED PRELIMINARY PLATS**

**6.4.6.1. Minor Amendments.**

The Administrator shall have the authority to approve the following deviations from an approved preliminary plat and subject to the conditions below and as listed in Section 6.4.6.2:

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

or

- 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.
- changes are restricted to within internal parcel boundaries and shall not affect external property lines.

**6.4.6.2.** All other changes to an approved Preliminary Plat that do not meet the standards of this Section 6.4.6 shall require the filing and approval of a new Preliminary Plat.

**6.4.7. FINAL PLAT SUBMISSION PROCEDURES FOR MAJOR PLATS**

**6.4.7.1.** There shall be a final plat for each subdivision which receives preliminary plat approval. No final subdivision plat shall be recorded until a final plat has been approved as provided in this Section.

**6.4.7.2.** The materials required by Appendix B shall be submitted to the Administrator for a determination as to whether it complies with the approved preliminary plat. The subdivider may submit final plat copies for only that portion of the approved preliminary plat which is proposed for recordation and development at that time, if such portion conforms to all requirements of this Article. The final plat shall conform to the approved preliminary plat. Any deviation from the approved preliminary plat which does not constitute a Minor Amendment as set forth in § 6.4.6.1, shall require additional review and approval by the Planning and Zoning Board.

**6.4.7.3.** The Administrator may find the application 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 been approved.

**6.4.7.4.** Upon submittal of the copies of the final plat and other required materials, the Administrator shall review the application for completeness and shall initiate and coordinate review by affected Town and state agencies in order to determine substantial compliance with the approved preliminary plat and general compliance with the provisions of this ordinance and other applicable laws and regulations.

**6.4.7.5.** The final plat and related materials shall be approved or disapproved by the Administrator within the time period set forth in Table 6.1-1 of this Article. Approval shall be in the form of a written letter to the subdivider (or contact person as listed on application) advising that the final plat meets all Town and state requirements and that the original of the final plat may be submitted to the Administrator.

**6.4.7.6.** The Administrator shall sign the plat. The action of the Administrator shall be noted on all copies of the final plat to be retained as required for records or further action of the department or other affected agencies of the Town or state. Following execution of the final plat, the applicant shall record it with the Register of Deeds.

**6.4.7.7.** Except as provided in Section 6.4.15 Subdivision Improvement Agreements, all applicants shall be required to complete, to the satisfaction of the Administrator and Director of Public Works or their designee, all street, sanitary, and other public improvements of the subdivision as required by this Ordinance before the final plat is recorded.

**6.4.7.8.** 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.

**6.4.7.9.** 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 final subdivision plat fee, payment of all design costs for improvements, and appropriate performance surety.

**6.4.7.10.** The final plat shall comply with any staging or sequence plan set forth in the preliminary plat.

**6.4.7.11.** The applicant shall place reference monuments in the subdivision as required by NCGS § 47-30.

**6.4.8. 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. Phasing of a preliminary plat shall not be permitted unless the phase lines are established and approved under the action of the Planning and Zoning Board.

**6.4.9. RECORDING A FINAL PLAT**

**6.4.9.1.** Within the time period prescribed by Table 6.4-1 of this Ordinance, after 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. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application.

**6.4.9.2.** The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

**6.4.9.3. Plat Review Officer.** Final plats for major subdivisions shall be reviewed by a Review Officer in the same manner as set forth in § 6.3.6.3 of this Ordinance.

**6.4.10. SCOPE OF APPROVAL FOR FINAL PLAT**

**6.4.10.1.** 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).

**6.4.10.2.** No zoning clearance 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.

**6.4.11. CONSTRUCTION PLANS**

**6.4.11.1.** 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 construction drawings and 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 C of this Ordinance and any additional technical manuals as adopted by the Town. Construction plans shall be submitted to the Administrator for distribution to Director of Public Works, Town’s consulting engineer, and any other applicable agencies for review and approval as an administrative permit. 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.

**6.4.11.2.** 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 Director of Public Works 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.

**6.4.11.3. As-Built Drawings.**

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.

**6.4.11.3.1.** 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 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 County's 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.

**6.4.11.3.2.** As-built drawings shall depict 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.

**6.4.11.3.3.** As-built drawings shall depict the location of all street rights-of-way, alignments, widths and vertical elevations.

**6.4.11.3.4.** As-built drawings shall show all control points and monumentation.

**6.4.12. INSPECTION OF IMPROVEMENTS**

**6.4.12.1.** 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.

**6.4.12.2.** 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 or their designee, the applicant shall provide the Director of Public Works or their designee with written reports of each final inspection.

**6.4.12.3.** Prior to beginning construction, the applicant shall arrange with the Director of Public Works or their designee a pre-construction meeting for the purpose of coordinating construction activities.

**6.4.12.4.** It shall be the responsibility of the applicant to notify the Director of Public Works 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:

- Site grading/erosion control completion
- Underground utility installation
- Subgrade preparation prior to aggregate base installation
- Aggregate base compaction
- Concrete curb and gutter installation
- Bituminous binder placing
- Final surfacing prior to seal coat

**6.4.12.5.** 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.

**6.4.13. ACCEPTANCE OF IMPROVEMENTS**

**6.4.13.1.** Approval of the installation of improvements by the Director of Public Works 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 the existing regulations concerning the acceptance of each type of improvement.

**6.4.13.2.** 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.

**6.4.13.3.** 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.

**6.4.13.4.** 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 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.

**6.4.13.5.** 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.

**6.4.14. 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.

**6.4.15. SUBDIVISION IMPROVEMENT AGREEMENTS**

**6.4.15.1.** The Administrator shall delegate the authority to review and approve all subdivision improvement agreements to the Director of Public Works or their designee.

**6.4.15.2.** The Director of Public Works or their designee may delay the requirement for the completion of required improvements prior to recordation of the Final Plat if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required on-site and off-site public improvements no later than one (1) year following the date upon which the final plat is recorded. Such period may be extended for up to an additional six (6) months upon its expiration at the discretion of the Director of Public Works or their designee. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The Town Attorney shall approve any Subdivision Improvement Agreement as to form.

**6.4.15.3.** In order to provide for emergency access, no Subdivision Improvement Agreement shall be approved, and no performance guarantee shall be accepted, until the Base Course for the streets within the applicable phase for which a final plat is proposed has been installed.

**6.4.15.4.** At the discretion of the Director of Public Works or their designee, the Director of Public Works or their designee may enter into a subdivision improvement agreement with the applicant for a development containing multiple final plats concerning the timing and sequence of roadway, water, wastewater, drainage, public school, and park or open space dedication and improvements. Notwithstanding any provision in this Ordinance to the contrary, the subdivision improvement agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.

**6.4.15.5. Performance Guarantee** Whenever the Director of Public Works or their designee permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of one of the following methods:

- Surety bond issued by any company authorized to business in the State of North Carolina; or
- Letter of credit issued by any financial institution authorized to do business in the State of North Carolina; or
- Other form of guarantee that provides equivalent security to a surety bond or letter of credit (i.e. cash in escrow or trust agreement)

**6.4.15.5.1.** The performance guarantee shall be in an amount approved by the Director of Public Works or their designee as reflecting 125 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.

**6.4.15.5.2.** In addition to all other security, when the Town participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the Town as a co-obligee.

**6.4.15.5.3.** If security is provided in the form of a cash escrow, the applicant shall deposit with the Town Finance Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Public Works or their designee.

**6.4.15.5.4.** The surety bond or cash escrow account shall accrue to the Town for administering the construction, operation and maintenance of the improvements.

**6.4.15.6.** Where oversized facilities are required, the Director of Public Works or their designee and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

**6.4.15.7. Release of Performance Security.** Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Director of Public Works or their designee (or his/her designee) shall inspect the work. If the Director determines that the work is satisfactory and complete, the letter of credit, cash escrow, or surety bond shall be released. The Director shall also require evidence from the subdivider that all contractors have been paid in full prior to the release of the performance security.

**6.4.15.8. Extension of Guarantee**

Upon application, the developer may apply for an extension a minimum of 60 days prior to the expiration of the guarantee. The guarantee shall be extended or a new guarantee issued for an additional agreed upon period until such time that the improvements are complete, if the developer is acting in good faith to complete the improvements and has met agreed upon milestones.

**6.4.15.9. Failure to Complete Improvements.**

If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Director of Public Works or their designee may:

**6.4.15.9.1.** Declare the Agreement to be in default thirty days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

**6.4.15.9.2.** Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;

**6.4.15.9.3.** Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or

**6.4.15.9.4.** Exercise any other rights available under the law.

**6.4.16. SUBDIVISION EXCEPTIONS**

**(Applies Only to Preliminary Plats for Major Subdivisions)**

**6.4.16.1.** Where the Planning and 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 and Zoning Board shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

**6.4.16.1.1.** The granting of the subdivision exception will not be detrimental to the public safety, health, or welfare or injurious to other property;

**6.4.16.1.2.** 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;

**6.4.16.1.3.** 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;

**6.4.16.1.4.** 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.

**6.4.16.2.** In approving a subdivision exception, the Planning and Zoning Board may require such conditions as will, in its judgment, secure substantially the purposes described in § 6.2 of this Ordinance.

**6.4.16.3. Application Procedure for Subdivision Exception.** 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.

**6.4.16.4.** The Planning and 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 and Zoning Board shall be considered a quasi-judicial proceeding and shall be subject to § 3.1.7 of this Ordinance.

**6.4.16.5.** The applicant may appeal the decision of the Planning and 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 § 3.1.7 of this Ordinance.

Figure 6.4-1. Major Plat review process – Includes Step (1) Preliminary Plat and Step (2) Construction Drawings. Figure 6.4-2 includes process for Step (3) Final Plat.

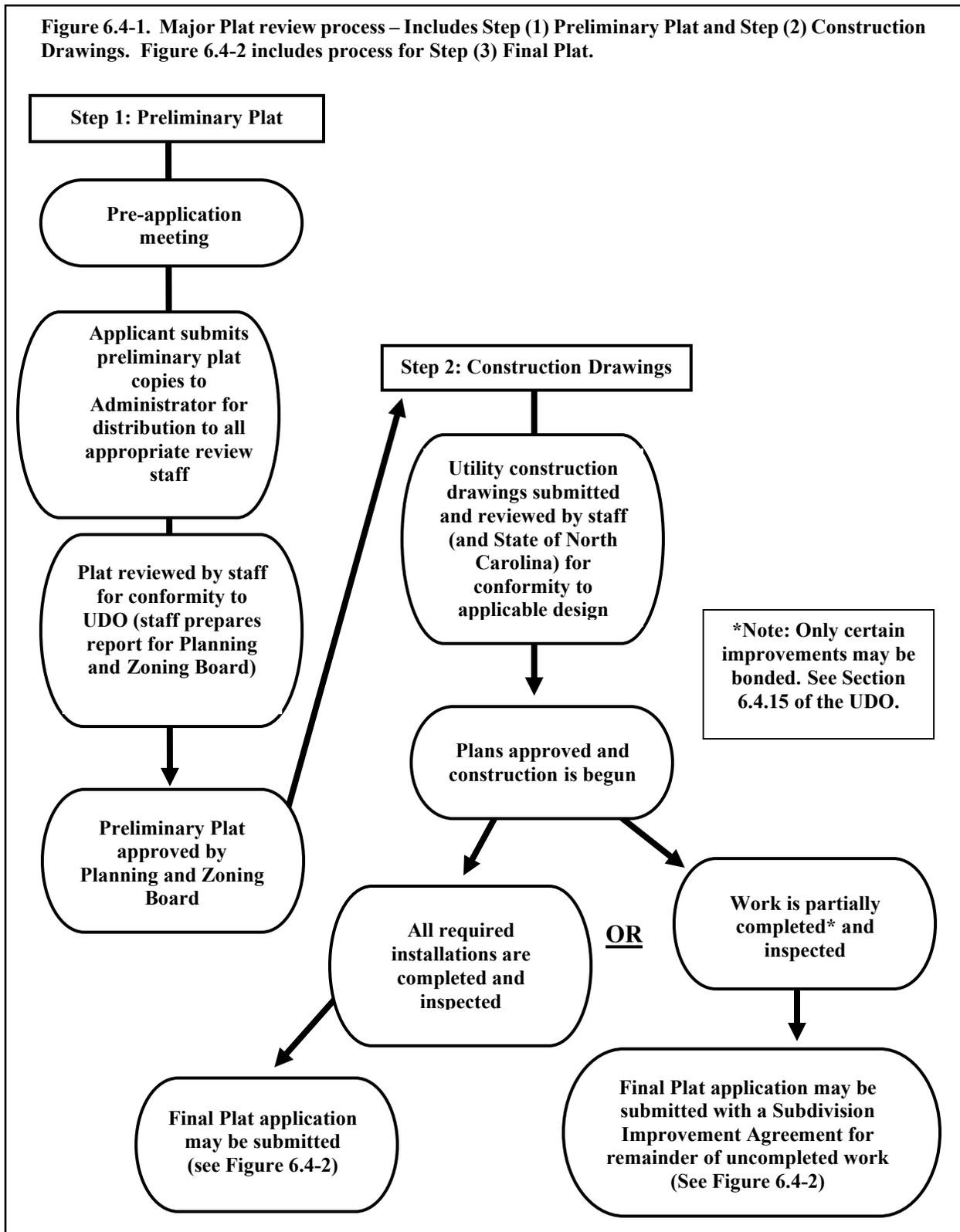
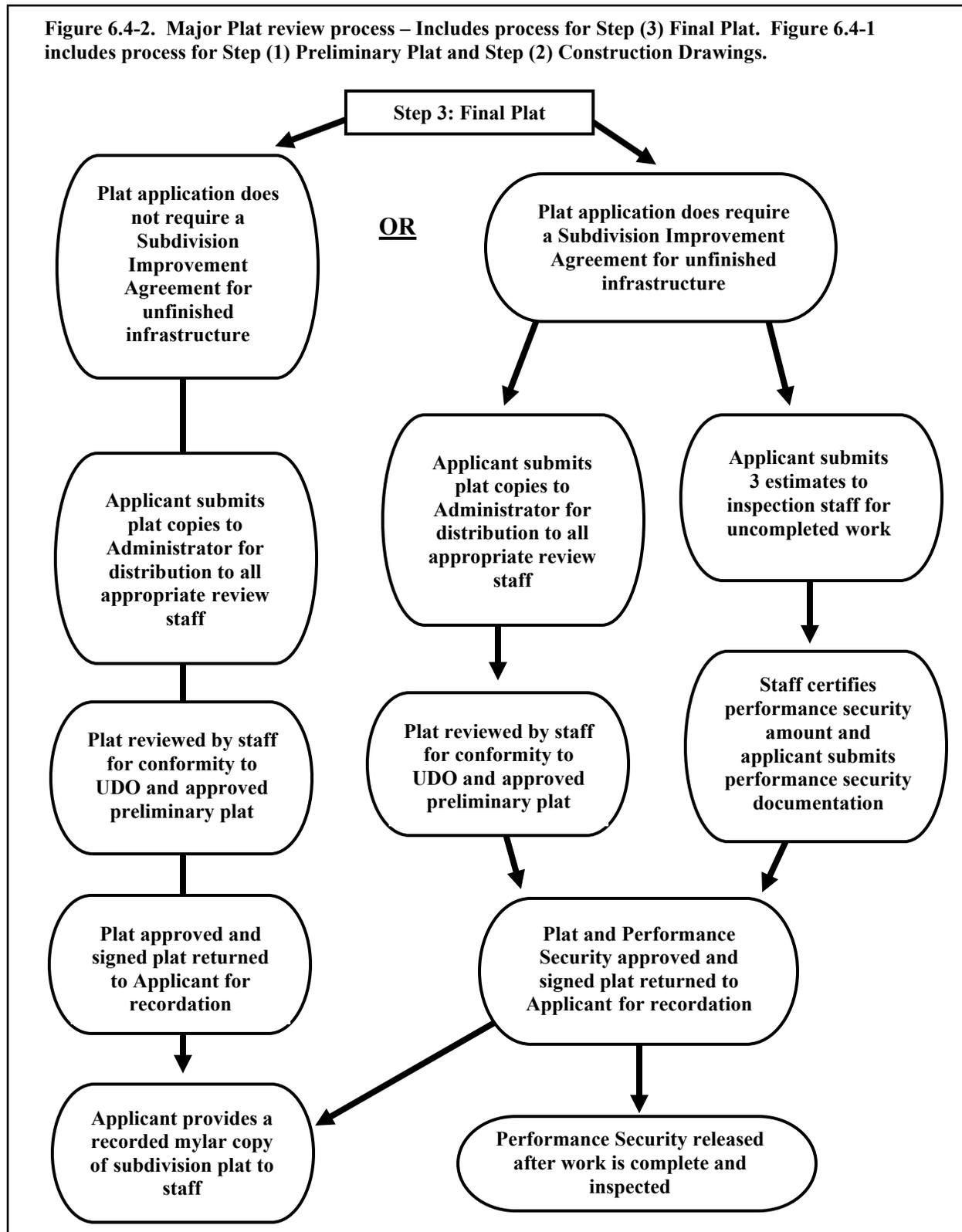


Figure 6.4-2. Major Plat review process – Includes process for Step (3) Final Plat. Figure 6.4-1 includes process for Step (1) Preliminary Plat and Step (2) Construction Drawings.



## **6.5. OPEN SPACE STANDARDS.**

### **6.5.1. PURPOSE AND APPLICABILITY**

**6.5.1.1.** The purpose of this Section is:

- To protect existing environmental resources including streams, wetlands, floodplains, soils, forest stands, trees and other significant vegetation and wildlife.
- To promote the reservation of open space in environmentally sensitive areas.
- To provide recreational amenities for the residents of the Town.

**6.5.1.2.** 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).

**6.5.1.3. Connection to Public Open Space.** 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 *Livable Communities Blueprint 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.

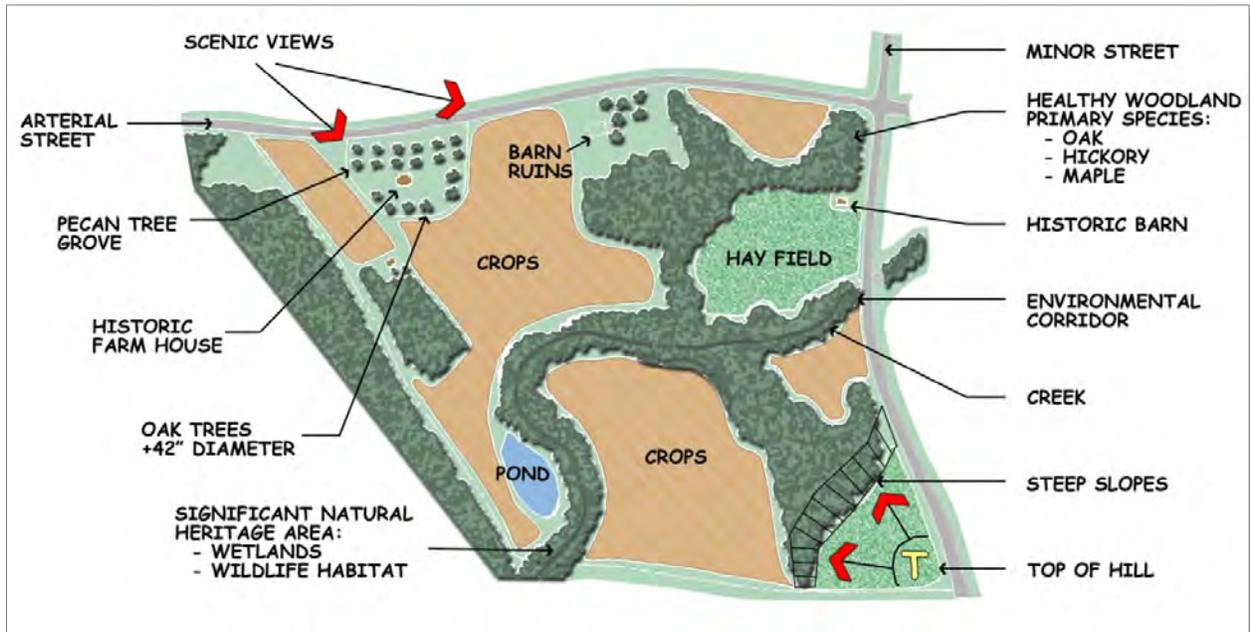
### **6.5.2. EXISTING FEATURES PLAN**

**6.5.2.1.** 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).

**6.5.2.2.** Existing features plans shall contain the following information at a minimum:

- Existing topography at intervals of no less than 5 feet
- Perennial and intermittent streams
- Ponds and wetlands
- Special flood hazard areas
- Existing groundcover: forested areas, grasslands, pasture, cropland, rock outcroppings, etc.
- Existing structures
- Historic or archaeological sites
- 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**

6.5.3.1. 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):

$$\frac{\text{Total Number of Dwelling Units}}{\text{Total Development Area in Acres}} = \text{DUA}$$

**6.5.4. ALTERNATIVES TO DEDICATION**

**6.5.4.1.** As an alternative to incorporating required open space on a development site, the developer has the option of:

- 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
- Requesting that the Town accept fees in lieu of land dedication for the purpose of providing public open space.

**6.5.4.2.** 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.

**6.5.4.3.** Any request for alternative open space shall be accompanied by the following information:

- 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.
- The intended recipient of the dedication of land and evidence that the recipient (if other than the Town) approves of the dedication.
- The proposed timing of the purchase and dedication.

**6.5.4.4.** 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.

**6.5.4.5.** In considering a request for an alternative to dedication, the Planning & Zoning Board may:

- Approve the request without modification; or
- Approve the request with modifications or conditions agreed to by the developer; or
- 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
- 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:

**6.5.6.1.** The minimum width for any open space is 50 feet. Exceptions may be granted for trail easements, linear parks, and tree conservation areas.

**6.5.6.2.** 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:

- A pedestrian crosswalk provides access to the open space on both sides of the street; and
- The right-of-way area is not included in the calculation of minimum open space required.

**6.5.6.3.** Where feasible, the open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas.

**6.5.6.4.** Open space should be directly accessible to the largest practicable number of dwelling units within the development.

**6.5.6.5.** 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.

**6.5.6.6.** 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.

**6.5.6.7.** A minimum of .025 acres of active open space per dwelling unit (lot) shall be provided for all subdivisions in the form of a park, playground, or recreational amenity center as set forth in Section 6.5.6. . 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.

**6.5.6.8.** 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**

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**

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**

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**

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**

Squares or greens are primarily intended for passive recreational use and 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.

**EXAMPLES OF SQUARES**



**6.5.7.6. Park**

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.

**EXAMPLES OF PARKS**



**6.5.7.7. Playground**

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**

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:

- 6.5.8.1.** Conservation areas for natural, archeological or historic resources;
- 6.5.8.2.** Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- 6.5.8.3.** Pedestrian or multi-purpose trails;
- 6.5.8.4.** Passive recreation areas;
- 6.5.8.5.** Active recreation areas, provided that impervious area is limited to no more than 25 percent of the total open space for the development;
- 6.5.8.6.** 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;
- 6.5.8.7.** 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;
- 6.5.8.8.** Crop production, community garden;
- 6.5.8.9.** Stormwater control measures, provided that area does not excede 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
- 6.5.8.10.** 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:

- 6.5.9.1.** Individual conventional wastewater disposal systems (excluding innovative systems);
- 6.5.9.2.** Overhead electric transmission lines or high voltage electric transmission lines; and
- 6.5.9.3.** Streets and impervious parking areas.

**6.5.10. OPEN SPACE DEDICATION, OWNERSHIP, AND MAINTENANCE**

**6.5.10.1.** 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.

**6.5.10.2.** Open space may be owned or administered by one (1) or a combination of the following methods:

- Fee simple ownership by a unit of government or private non-profit land conservancy;
- Common ownership by Homeowners Association;
- Split deeded ownership by individual property owners within the development;
- 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).
- Deed restricted open space easements on individual private properties.

**6.5.10.3.** The Town Board of Commissioners shall have the authority to accept or reject land dedications made as a requirement of this Section.

**6.5.10.4.** The owner of dedicated open space shall be responsible for the continuing upkeep and proper maintenance of the same.

**6.5.10.5.** 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.

**6.5.10.6.** The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space.

**6.5.10.7.** 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.

**6.5.10.8.** 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:

**6.5.10.8.1.** 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.

**6.5.10.8.2.** The association or similar legal entity has clear legal authority to maintain and exercise control over such common open space areas.

**6.5.10.8.3.** 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.

**6.5.10.8.4.** The open space restrictions must be permanent, not just for a period of years.

**6.5.10.8.5.** 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.

**6.5.10.8.6.** The association or similar legal entity must be able to adjust the assessment to meet changing needs.

**6.5.10.8.7.** 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.

**6.5.10.8.8.** 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.

**6.5.10.9.** 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:

**6.5.10.9.1.** 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.

**6.5.10.9.2.** 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**

**6.6.2.1.** The provisions of this § 6.6 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.

**6.6.2.2.** 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 § 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:

**6.6.4.1.** run at right angles to the right-of-way line, or

**6.6.4.2.** in the case of cul-de-sacs or curvilinear street rights-of-way, radial to the curve.

**6.6.5. LOT FRONTAGE REQUIREMENTS**

**6.6.5.1.** 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.

**6.6.5.2.** 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.

**6.6.5.3.** 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:

**6.6.5.3.1.** parcels within nonresidential subdivisions;

**6.6.5.3.2.** Town home 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;

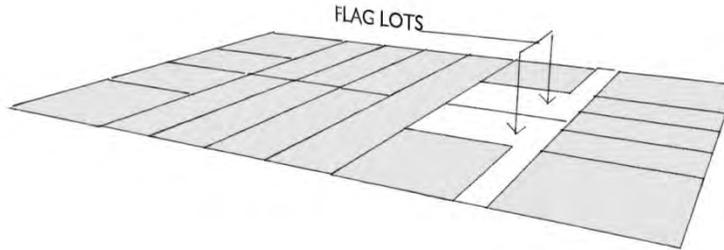
**6.6.5.3.3.** Lots fronting on approved private streets;

**6.6.5.4.** 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**

Flag lots may be developed on a limited basis in subdivisions 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 in any proposed Subdivision except as provided for in this section.

**Figure 6.6-1: Flag Lots**



**6.6.6.1.** The maximum number of flag lots shall be set forth in Table 6.6-2, where the Administrator finds that the flag lot(s): (1) allow for the more efficient use of irregularly shaped parcels of land, or (2) where the integrated nature of multiple buildings on a site dictates the need for such lots.

**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.

**6.6.6.2.** The minimum width of the “pole” portion of a flag lot shall be fifteen (15) feet for residential lots and thirty (30) feet for non-residential lots.

**6.6.6.3.** 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**

**6.6.7.1.** A lot located on a cul-de-sac that does not maintain the minimum required width along the public street frontage shall provide:

- 6.6.7.1.1.** lot frontage of at least 50 percent of the minimum required, but in no case less than 25 feet; and
- 6.6.7.1.2.** lot area equal to or greater than the minimum lot area (if one is specified); and
- 6.6.7.1.3.** 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)**

**6.6.8.1.** A buffer yard shall be required along the perimeter of a residential subdivision in order to separate residential lots from:

- 6.6.8.1.1.** abutting thoroughfares; and
- 6.6.8.1.2.** abutting non-residential uses.

**6.6.8.2.** 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.

**6.6.8.3.** 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 § 6.5 of this Ordinance.

**6.6.9. INFRASTRUCTURE STANDARDS**

**6.6.9.1. Standards for Street Design.**

Public and/or private streets shall be designed in accordance with Article 10 of this Ordinance.

**6.6.9.2. Standards for Utilities.**

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**

**6.7.1.1.** 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.

**6.7.1.2.** 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**

**6.7.2.1.** 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.

**6.7.2.2.** 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**

**6.7.3.1.** 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.

**6.7.3.2.** 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:

**6.7.4.1.** 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 6.7.3.2.)

**6.7.4.2.** 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.

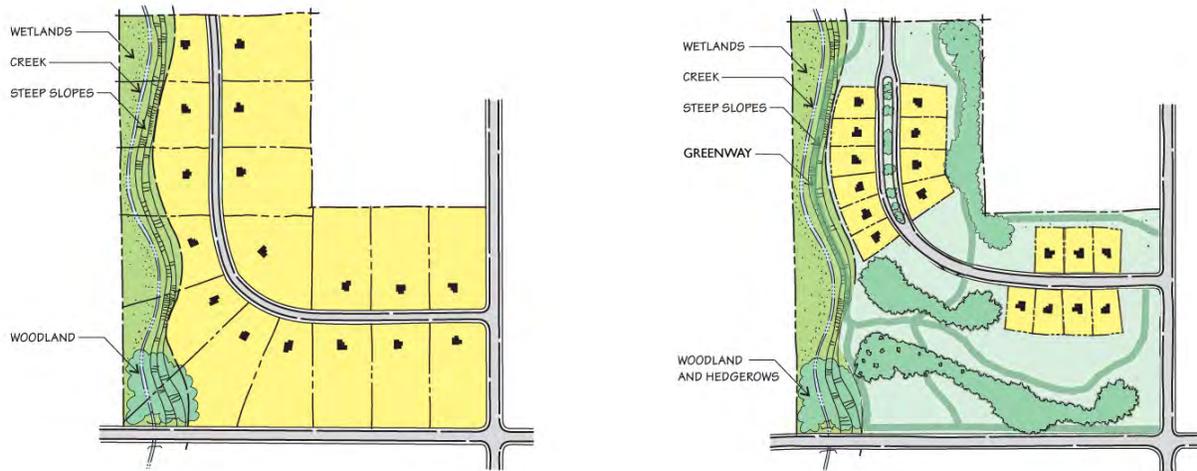
**6.7.4.3.** During the third step, potential building sites (up to the maximum identified in Step 1) are tentatively located. House sites should generally be located not closer than 50 feet to Primary Conservation Areas.

**6.7.4.4.** 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).

**6.7.4.5.** The fifth step is simply to draw the lot lines where applicable.

**Figure 6.7-1: Conservation Development Example**



**ARTICLE 8  
OFF-STREET PARKING AND PRIVATE  
DRIVEWAY STANDARDS**

*TABLE OF CONTENTS*

<b>SECTION</b>	<b>PAGE</b>
<b>8.1 GENERAL STANDARDS.....</b>	<b>8-2</b>
<b>8.2 PRIVATE DRIVEWAY PROVISIONS.....</b>	<b>8-4</b>
<b>8.3 OFF-STREET PARKING STANDARDS.....</b>	<b>8-5</b>
<b>8.4 OFF-STREET LOADING AND UNLOADING AREA STANDARDS .....</b>	<b>8-7</b>

## **8.1 GENERAL STANDARDS.**

### **8.1.1. PURPOSE AND APPLICABILITY**

**8.1.1.1.** 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.

**8.1.1.2.** 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%

**8.1.1.3.** 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**

**8.1.2.1.** 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 8.1.2.9 of this Ordinance.

**8.1.2.1.1.** No parking spaces shall be allowed in a required street yard or buffer yard as required in Article 7.

**8.1.2.1.2.** No parking spaces shall be allowed in a required street yard or buffer yard as required in Article 7.

**8.1.2.2.** Landscaping shall be required in accordance with Article 7 Landscaping and Buffering Standards.

**8.1.2.3.** All parking lots shall be constructed with proper drainage so as to prevent standing water.

**8.1.2.4.** Lighting sources shall be designed and constructed so as to direct light away from public rights-of-way and residentially zoned or developed areas.

**8.1.2.5.** 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.** 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 paved within two (2) years of notification of affected property owners after the adoption of this provision on July 8, 2019.

**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**

**8.1.3.6.1.** 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).

**8.1.3.6.2.** 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.

FIGURE 8.1: 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. SCOPE.**

All proposed vehicular access points to connect to a public street shall conform to the Access Management provisions of this Section 8.2, as well as applicable sections of Article 10 and Appendix D of this Ordinance. This Section 8.2 shall apply to all driveways or access points to be maintained on private property. 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.

**8.2.1.1.** 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.

### **8.2.1.2. 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 8.1-1 below, unless the Administrator determines the width should be expanded as set forth in § 8.2.1.3. 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 8.1-1 – Driveway Width**

<b>Type</b>	<b>Min.</b>	<b>Max.</b>
One-way	*	20 feet
Two-way	*	36 feet

\*subject to parking design as set forth in Column “D” of Table 8.1-4

**8.2.1.3.** The Administrator may waive the requirements of Section 8.2.1.2 only under the following conditions:

- The Director of Public Works or their designee determines that a wider turning area is needed in order to avoid a traffic hazard,
- The 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 8.1-1,
- The design of the driveway is such that it progressively decreases in width to conform to the width as determined in Table 8.1-1,
- 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 Director of Public Works or their designee.

## **8.3 OFF-STREET PARKING STANDARDS.**

### **8.3.1. REQUIRED AMOUNT OF OFF-STREET PARKING.**

Table 8.1-6 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 8.1-6. 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 8.1-6 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 8.1-4.

**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.

## **8.4 OFF-STREET LOADING AND UNLOADING AREA STANDARDS.**

### **8.4.1. SCOPE.**

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
- shall be screened from adjacent residentially zoned or developed property as provided in Article 7 Landscaping Standards of this Ordinance.
- No loading docks shall be visible from a thoroughfare or collector street right-of-way.

### **8.4.2. REQUIRED AMOUNT.**

**8.4.2.1.** The Uses required to provide off-street loading/unloading space and, the quantity and size of said space required shall be:

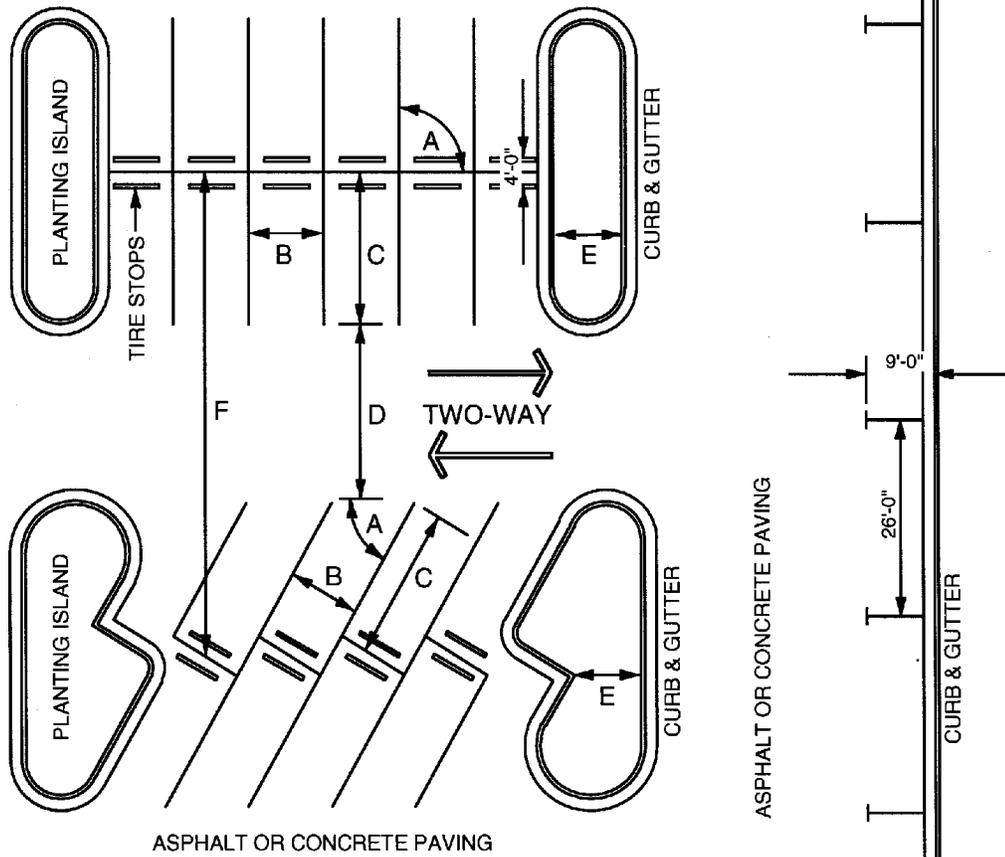
- Retail and service establishments - One (1) loading space with minimum dimensions of 12 feet by 25 feet for every 20,000 square feet of Gross Leasable Area rounded off to the nearest 20,000.
- Office buildings and lodging establishments. - One (1) loading space with minimum dimensions of 12 feet by 25 feet for every 50,000 square feet of Gross Leasable Area rounded to the nearest 50,000.
- 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

**8.4.2.2.** Off-street loading/unloading areas shall be located such that interference with traffic on Streets is minimized (subject to approval by the Administrator).

**8.4.2.3.** 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.

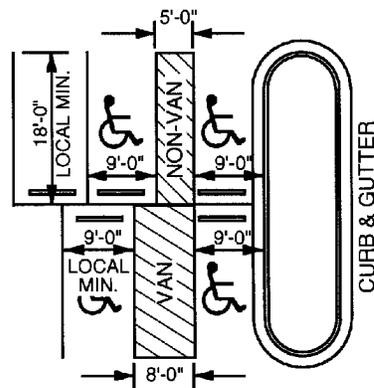
Figure 8.1-1

Standard Parking Dimensions



Handicapped Parking Dimensions

See North Carolina Accessibility Code



**Table 8.1-4  
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 8.1-5 Shared Parking Allowances by Land Use.**

Land Use	Weekday		Weekend		Nighttime*
	Daytime*	Evening*	Daytime*	Evening*	
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 8.1-6 Off-street Vehicular Parking Space and Bicycle Space Requirements**

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
<b>Residential</b>			
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
<b>Institutional and Civic</b>			
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 structure unless otherwise noted

*Table 8.1-6 Off-street Vehicular Parking Space and Bicycle Space Requirements*

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
<b>Professional Office/Business Services</b>			
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.)			
All other Professional Office/Business Service uses	1 per 300 sf GFA	1 per 150 sf GFA	1 per 20 vehicle spaces
<b>Retail Trade</b>			
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 § 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 § 5.27)	1 per 3 seats	n/a	n/a
Bed and Breakfast Inns (see § 5.7)	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 8.1-6 Off-street Vehicular Parking Space and Bicycle Space Requirements*

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
<b>Retail Trade (cont.)</b>			
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 structure unless otherwise noted

*Table 8.1-6 Off-street Vehicular Parking Space and Bicycle Space Requirements*

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
<i>Wholesale Trade uses, Manufacturing and Industrial uses</i>			
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
<i>Transportation, Warehousing and Utility uses</i>			
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 structure unless otherwise noted

*Table 8.1-6 Off-street Vehicular Parking Space and Bicycle Space Requirements*

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Min. Bicycle Spaces
<i>Transportation, Warehousing and Utility uses (cont.)</i>			
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 structure unless otherwise noted

**ARTICLE 9  
ENVIRONMENTAL PROTECTION  
REGULATIONS**

*TABLE OF CONTENTS*

<b>SECTION</b>	<b>PAGE</b>
<b>9.1 SEDIMENTATION AND EROSION CONTROL.....</b>	<b>9-2</b>
<b>9.2 RIPARIAN AREA MANAGEMENT AND PROTECTION .....</b>	<b>9-3</b>
<b>9.3 FLOOD DAMAGE PREVENTION STANDARDS.....</b>	<b>9-5</b>
<b>9.4 WATERSHED PROTECTION STANDARDS .....</b>	<b>9-6</b>

## **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-9-25 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:

**9.2.3.1.** 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;

**9.2.3.2.** Other overhead and/or underground utilities, provided that they are designed and installed in a manner which minimizes their impact on regulated streams;

**9.2.3.3.** Roads, streets, bridges, or similar structures within public rights-of-way. Said structures shall cross the stream buffer as close to perpendicular as possible;

**9.2.3.4.** Public greenways, bike paths and other off-road trails;

**9.2.3.5.** Water dependent structures and facilities;

**9.2.3.6.** Fences, provided that the design does not interfere with the flow of water;

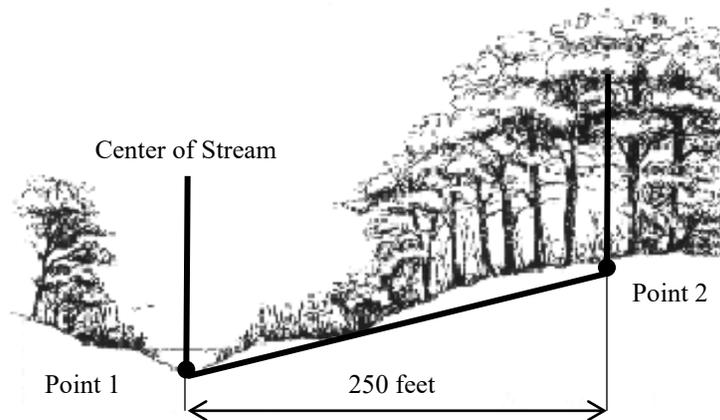
**9.2.3.7.** Agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities may occur within the Buffer. Such activities shall conform to all State and Federal regulations. Existing agricultural operations, forested or vegetated 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:

- Said activities shall be consistent with an approved vegetation replacement program.
- Said activities shall be consistent with the North Carolina Sediment Control Law.
- 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**

**9.2.4.1.** 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.

**9.2.4.2.** 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

$$S = \frac{E2 - E1(\text{feet}) \times 100}{250 \text{ ft}}$$

**9.2.4.3.** 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.

**9.2.4.4.** 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.

**9.2.4.5.** 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.

**9.2.4.6.** 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. PURPOSE 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 (formerly Parts 3, 5, and 8 of Article 19 of Chapter 160A); 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**

**9.3.1.2.1.** 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.

**9.3.1.2.2.** 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:

**9.3.1.3.1.** 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;

**9.3.1.3.2.** Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

**9.3.1.3.3.** Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

**9.3.1.3.4.** Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

**9.3.1.3.5.** 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:

**9.3.1.4.1.** Protect human life, safety, and health;

**9.3.1.4.2.** Minimize expenditure of public money for costly flood control projects;

**9.3.1.4.3.** Minimize the need for rescue and relief efforts associated with flooding and generally undertaken

at the expense of the general public;

**9.3.1.4.4.** Minimize prolonged business losses and interruptions;

**9.3.1.4.5.** 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;

**9.3.1.4.6.** Minimize damage to private and public property due to flooding;

**9.3.1.4.7.** Make flood insurance available to the community through the National Flood Insurance Program (NFIP);

**9.3.1.4.8.** Maintain the natural and beneficial functions of floodplains;

**9.3.1.4.9.** Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

**9.3.1.4.10.** 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 lumbars 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 than 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 UDO 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 the 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**

**9.4.5.1.** 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.

**9.4.5.2.** 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.

**9.4.5.3.** 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.

**9.4.6.1.** 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 N.C. 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.

**9.4.6.2.** 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.

**9.4.6.3.** 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.

**9.4.6.4.** Where otherwise permitted in the underlying Primary Zoning District, Cluster Development is allowed on a project by project basis as follows:

**9.4.6.4.1.** The overall density of the project meets the density requirements of this Ordinance;

**9.4.6.4.2.** The appropriate vegetative buffer in 9.4.6.3 above is provided;

**9.4.6.4.3.** 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;

**9.4.6.4.4.** Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;

**9.4.6.4.5.** Remainder of tract to remain in vegetated or natural state;

**9.4.6.4.6.** 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;

**9.4.6.4.7.** Conservation development shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.

**9.4.6.5.** 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.

**9.4.6.6.** 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.

**9.4.6.7.** 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.

**9.4.6.8.** 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:

**9.4.6.9.** Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage or removal.

**9.4.6.10.** The total amount of space devoted to built-upon area may not be increased.

**9.4.6.11.** The repair or reconstruction is otherwise permitted under the provisions of this Ordinance.

**9.4.6.12.** 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.

**9.4.6.13.** 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.

**9.4.6.14.** 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.

**9.4.6.15.** 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, conditional 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**

<b>WATERSHED</b>	<b>CLASSIFICATION</b>
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**

<b>(A) DISTRICT</b>	<b>(B) PROHIBITED USES</b>
Dutch Buffalo Creek WS-II CA	Commercial or industrial uses or hazardous material
Dutch Buffalo Creek WS-II BW	<ul style="list-style-type: none"> <li>No National Pollution Discharge Elimination System (NPDES) Permits shall be issued for landfills that discharge treated leachate.</li> <li>Uses involving the storage of toxic and hazardous materials unless a spill containment plan is implemented.</li> </ul>

**Table 9.4-3: Maximum Development Intensity**

<b>(A) DISTRICT</b>	<b>(B) MINIMUM LOT SIZE</b>	<b>(C) MINIMUM LAND REQUIRED PER DWELLING UNIT</b>	<b>(D) MAXIMUM DENSITY (DWELLING UNITS/ACRE)</b>	<b>(E) MAXIMUM BUILT-UPON AREA</b>
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% <sup>(1)</sup>
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:

**9.4.10.1.1.** 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

**9.4.10.1.2.** 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:

- A. The variance application;
- B. The hearing notices;
- C. The evidence presented;
- D. Motions, offers of proof, objections to evidence and rulings on them;
- E. Findings and exceptions;
- F. The action of the Board including any conditions proposed.



# **ARTICLE 10 INFRASTRUCTURE STANDARDS**

## *TABLE OF CONTENTS*

<b>SECTION</b>	<b>PAGE</b>
<b>10.1 GENERAL PROVISIONS .....</b>	<b>10-2</b>
<b>10.2 STREET IMPROVEMENT STANDARDS.....</b>	<b>10-5</b>
<b>10.3 STORMWATER MANAGEMENT STANDARDS.....</b>	<b>10-19</b>
<b>10.4 WATER &amp; SEWER STANDARDS.....</b>	<b>10-26</b>
<b>10.5 FIRE PROTECTION STANDARDS .....</b>	<b>10-27</b>
<b>10.6 ELECTRICAL SYSTEMS.....</b>	<b>10-29</b>

## **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 with an irrevocable letter of credit 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 160A-374, 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**

**10.1.6.1.** 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.

**10.1.6.2.** 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.

**10.1.6.3.** 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.

**10.1.6.4.** 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.

**10.1.6.5.** The office of the town Public Works Director or his/her designee will be responsible for all inspection.

**10.1.6.6.** When conflicts occur between North Carolina Department of Transportation (NCDOT), standards and the Town standards, the more stringent standard shall apply.

**10.1.6.7.** 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**

**10.1.7.1.** The Planning and 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:

**10.1.7.1.1.** 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;

**10.1.7.1.2.** That a literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;

**10.1.7.1.3.** That the special conditions and circumstances do not result from the actions of the applicant;

**10.1.7.1.4.** 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 a exception.

**10.1.7.2.** The Planning and Zoning Board shall make findings that the requirements of this section have been met.

**10.1.7.3.** The Planning and 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.

**10.1.7.4.** The Planning and 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.

**10.1.7.5.** An appeal from the finding of the Planning and 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.

**10.1.7.6.** An appeal must be taken within 15 days after the date of the findings by the Planning and Zoning Board.

**10.1.7.7.** 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

**10.2.2.1.** 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.

**10.2.2.2.** 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.

**10.2.2.3.** 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

**10.2.3.1.** 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*.

**10.2.3.2.** 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.

#### 10.2.3.3. Street Classification and General Design Criteria

**10.2.3.3.1.** 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.

**10.2.3.3.2.** 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:

- Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
- Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
- 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.

**10.2.3.3.3.** 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.

- **Major Thoroughfare:** Streets that provide for expeditious movement of high volumes of traffic within and through urban areas
- **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.
- **Collector:** A road that provides service to small local communities and traffic generators and provides access to the major and minor thoroughfare system.
- **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.
- **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

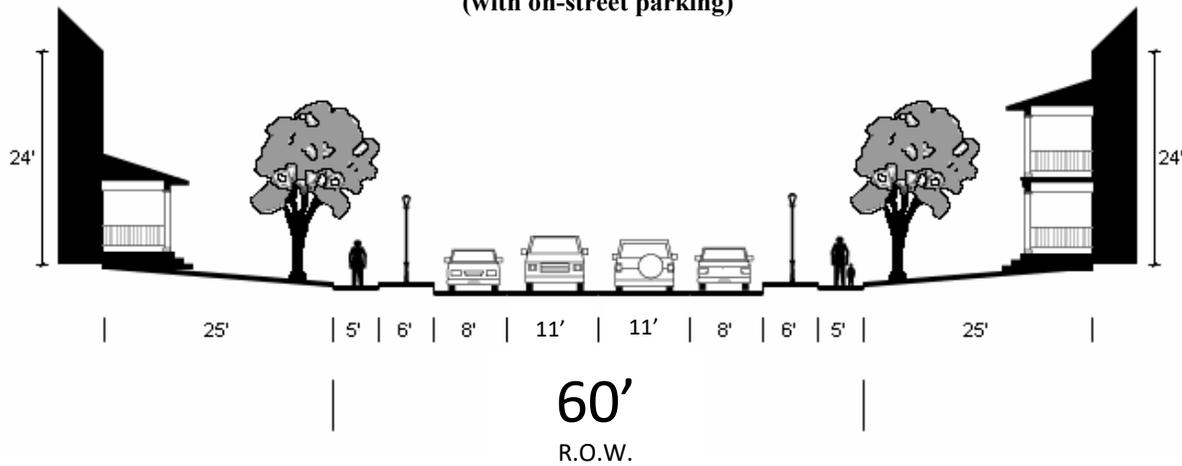
Element	Major Thoroughfare	Minor Thoroughfare	Collector	Local		Cul-de-sac	
				Residential	Non-Resid.	Residential	Non-Resid.
Avg. Daily Traffic	8,000+	5,000-8,000	3,000-5,000	500-1,000	1,000-3,000	0-300	0-500
Right-of-Way Width (face-to-face curb)	90-100ft	60-80ft	60ft	60ft <sup>3</sup>	60ft	50ft	60ft
Pavement Width <sup>1</sup>	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 <sup>3</sup>	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

<sup>1</sup> Add a minimum of 8 feet of pavement width for any street with on-street parking.

<sup>2</sup> 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)

<sup>3</sup> 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)\*

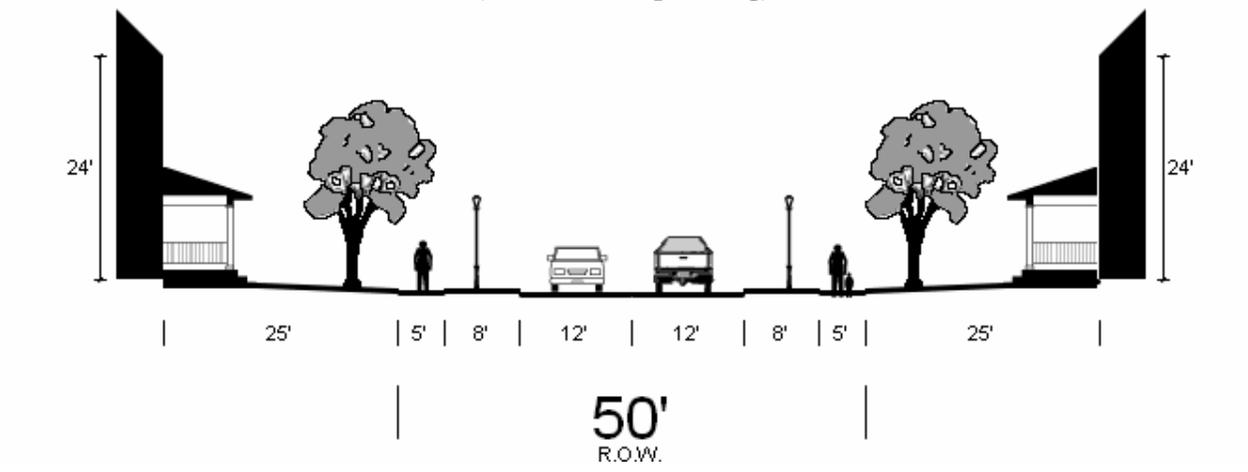
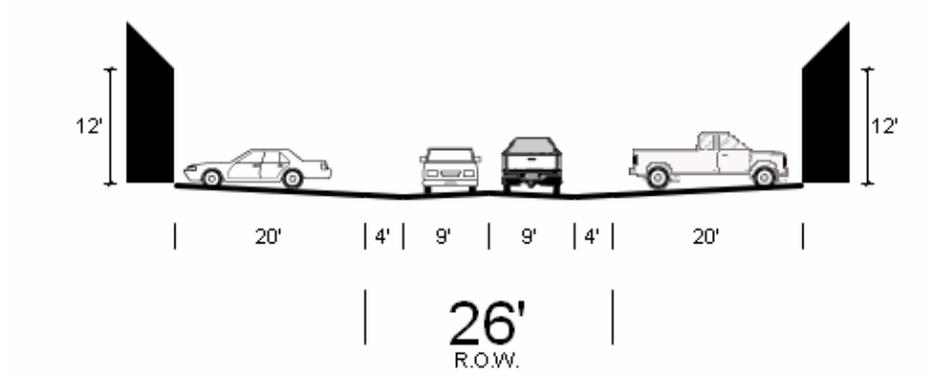
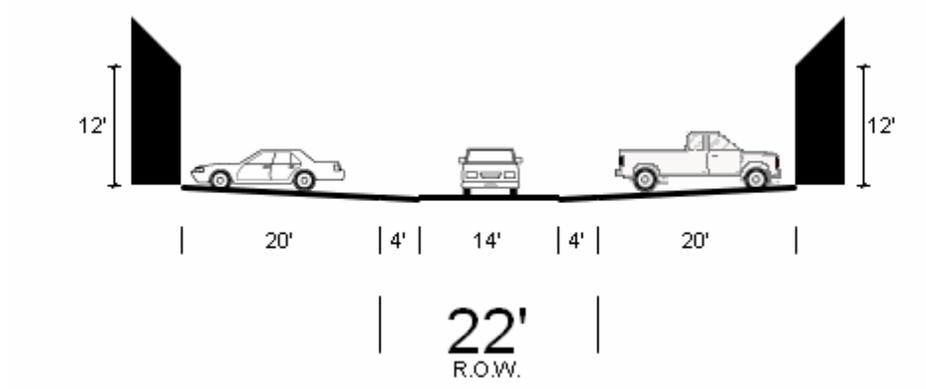


Figure 10.2: Recommended Alley Section  
(Two-way)



(One-way)



**10.2.3.3.4.** 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.

**10.2.3.3.5.** Local Streets or Local Roads shall intersect with two (2) streets of equal or higher classification, except where otherwise permitted by this Ordinance.

**10.2.3.3.6.** Alleys shall intersect with Residential Local Streets.

**10.2.3.3.7.** 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)*.

**10.2.3.3.8.** Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned developments are prohibited.

**10.2.3.3.9.** 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.

**10.2.3.3.10. Cul-de-sac and Dead-End Streets**

Cul-de-sacs shall be subject to the same design guidelines as local roads, above, except as modified herein:

- In no event shall more than 20 equivalent residential units (ERUs) take access from a cul-de-sac. ERUs are determined in Article 14.
- 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.
- Turnarounds for dead-end roads in excess of 150 feet, shall meet the requirements of Appendix D of the North Carolina Fire Code.
- 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**

<b>District</b>	<b>Max. Length (feet)</b>
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**

**10.2.4.1. Sidewalk Installation Required**

**10.2.4.1.1.** 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.

**10.2.4.1.2.** 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.

**10.2.4.1.3.** 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.

**10.2.4.1.4.** Sidewalks shall be installed in accordance the table below:

**Table 10.2-3 Sidewalk Requirements**

<b>Zoning District</b>	<b>Sidewalk Requirements</b>
AG, RE	<ul style="list-style-type: none"> <li>• Not required for densities of less than 0.5 DUA</li> <li>• Required on one side of new streets for densities of greater than 0.5 DUA</li> </ul>
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

**10.2.4.1.5.** 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.

**10.2.4.2.** For Conservation Developments, a minimum eight (8) foot wide (10-foot 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**

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.

**10.2.5.1.** 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.

**10.2.5.2.** The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40. (see example in Figure 10.1-1).

**10.2.5.3.** The phrase “connectivity ratio” means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads.

**10.2.5.4.** 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.

**10.2.5.5.** 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:

- 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
- any location where street names change (as reviewed and approved by the Administrator).

**10.2.5.6.** 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.

**10.2.5.7.** 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.

**10.2.5.8.** 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.

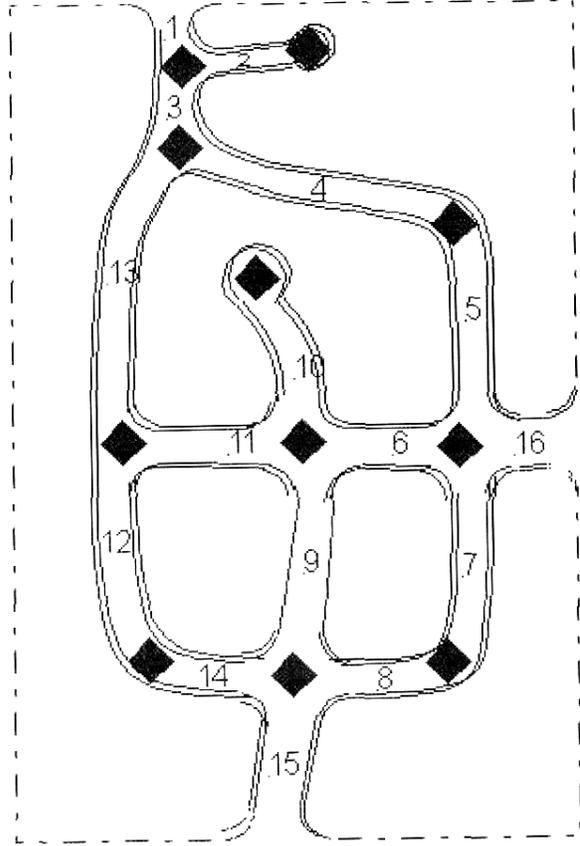
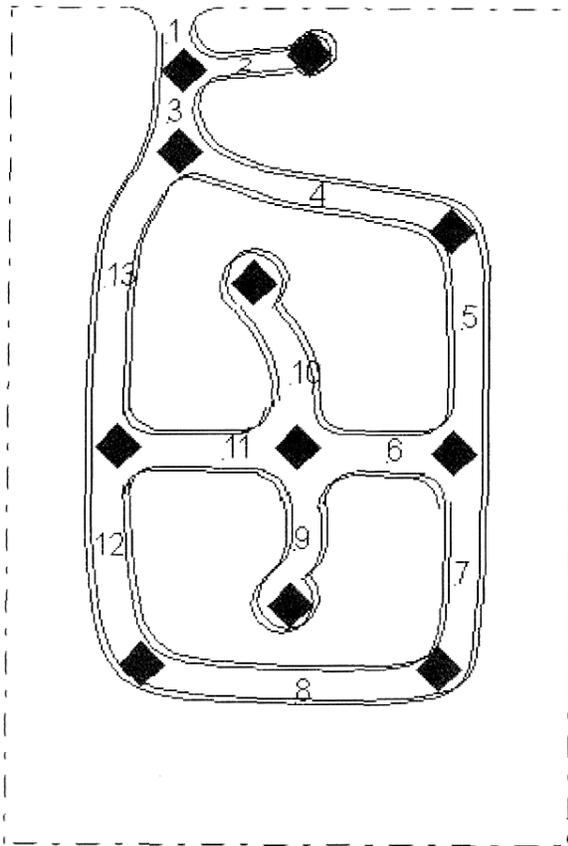
**10.2.5.9. Exemption.** New subdivisions that intend to provide one (1) new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines that there is:

- no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
- 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**

**10.2.7.1.** 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.

**10.2.7.2.** 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.

**10.2.7.3.** 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.

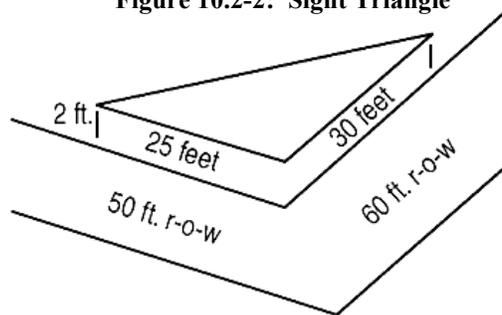
**10.2.7.4. Sight Triangles**

**10.2.7.4.1.** 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**

<b>Right-of-Way Width (feet)</b>	<b>Distance (feet)</b>
Driveway	10
50	25
60	30
70	35
80	40
90	45
100	50

**Figure 10.2-2: Sight Triangle**



**10.2.7.4.2.** 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.** 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

- Access separation between driveways shall be measured from inside edge to inside edge of driveway.
- 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.
- A maximum of three (3) access points shall be allowed
- 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

**10.2.8.2.** Where lots in a proposed subdivision front on a thoroughfare, options for designing access that meets the standards of this Section shall include:

- the use of cross access easements in order to maintain private access points at intervals of no less than 400 feet.
- the use of lower level public streets to provide secondary access in accordance with § 6.6.5.2.

**10.2.8.3.** 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.

**10.2.8.4. 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.

**10.2.8.5. Substandard Access.** 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.

**10.2.8.5.1.** The Town Engineer, Director of Public Works, or their designee shall first determine whether alternate access is available. Alternate access includes:

- access to another street that meets the standards of the Ordinance; or
- access provided jointly with an adjacent property that will meet the standards of this Ordinance.

**10.2.8.5.2.** 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%.

**10.2.8.5.3.** 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.**

**10.2.9.1.** The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire-fighting equipment.

**10.2.9.2.** 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:

**10.2.9.2.1.** 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.

**10.2.9.2.2.** 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.

**10.2.9.2.3.** The Town shall not be liable for damage to underground utilities beneath fire access lanes caused by fire-fighting equipment.

**10.2.10. GRADING**

**10.2.10.1.** 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.

**10.2.10.2.** 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.

**10.2.10.3.** 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.

**10.2.11. STREET BASE AND SURFACE STANDARDS**

**10.2.11.1.** 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]

**10.2.11.2.** 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.

**10.2.11.3.** 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]

**10.2.11.4.** 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.

**10.2.12. 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.

**10.2.13. 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.

**10.2.14. STREET NAMES AND SIGNS**

**10.2.14.1.** 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.

**10.2.14.2. 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.

**10.2.14.3. 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:

**10.2.14.3.1.** 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.

**10.2.14.3.2.** 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.

**10.2.14.4. 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.

**10.2.15. 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**

**10.3.1.1.** 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.

**10.3.1.2.** 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.

**10.3.1.3.** 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*.

**10.3.1.4.** 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**

**10.3.2.1.** 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.

**10.3.2.2.** 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.

**10.3.2.3.** 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**

**10.3.3.1.** Curb and gutter shall be installed along all new streets and existing street frontage from which developments take access in accordance the table below:

<b>Zoning District</b>	<b>Curb and Gutter Requirements</b>
AG, RE	Not Required
RL, RM	<ul style="list-style-type: none"> <li>• Not required for densities of less than 1 DUA</li> <li>• Required for densities of greater than 1 DUA</li> </ul>
RH, O-I, C-1, C-2, I-1, I-2, CD, PUD	Required

DUA=Dwelling Units per Acre

**10.3.3.2.** 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.

**10.3.3.3.** 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.

**10.3.3.4.** 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**

**10.3.4.1.** 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.

**10.3.4.2.** 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.

**10.3.4.3.** Stormwater drainage structures and culverts shall be designed in accordance with the current version of NCDOT's *Guidelines For Drainage Studies And Hydraulic Design*.

**10.3.4.4.** 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.

**10.3.4.5.** 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”).

**10.3.4.6.** 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).

**10.3.4.7.** 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.

**10.3.4.8.** 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.

**10.3.4.9.** 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.

**10.3.4.10.** 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.

**10.3.4.11.** 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.

**10.3.4.12.** 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.

**10.3.4.13.** 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**

**10.3.5.1.** 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.

**10.3.5.2.** Design and installation of all storm water detention or other impoundment facilities shall comply with applicable federal, state and local laws.

**10.3.5.3.** 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.

**10.3.5.4.** No utilities (sanitary sewer lines, underground power lines, water lines, etc.) shall be located within any impoundment facility.

**10.3.5.5.** No structures may be located over storm drain lines not associated with the detention system.

**10.3.5.6.** Impoundment facilities located within automobile parking areas shall not exceed a maximum water depth of ten (10) inches.

**10.3.5.7.** All impoundment facilities will be considered permanent.

**10.3.5.8.** 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.

**10.3.5.9.** 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.

**10.3.5.10.** 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.

**10.3.5.11.** 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.

**10.3.5.12.** 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.

**10.3.5.13.** 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.

**10.3.5.14.** 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.

**10.3.5.15.** The following hydrologic soil groups shall apply for Cabarrus County, North Carolina:

<u>Series Name</u>	<u>Hydrologic Group</u>
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.

**10.3.5.16.** 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.

**10.3.5.17.** 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**

**10.3.6.1.** 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.

**10.3.6.2.** In the design of site grading plans, all impervious surfaces in the proposed development (including off street parking shall be considered.

**10.3.6.3.** Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.

**10.3.6.4.** 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.

**10.3.6.5.** 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**

**10.3.7.1.** 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.

**10.3.7.2.** 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.

**10.3.7.3.** 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:

**10.3.8.1.** 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).

**10.3.8.2.** 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.

**10.3.8.3.** Permeable Pavement shall not be located on any slope exceeding ten percent (10%) over twenty (20) feet.

**10.3.8.4.** The Permeable Pavement area shall be vacuum-swept and washed with a high-pressure hose not less

than four (4) times per year.

**10.3.8.5.** 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.**

**10.4.2.1.** Design standards and specifications for public water and/or sewer improvements shall meet WSACC Standard Specifications and NCDEQ standards

**10.4.2.2.** Private water and sewer utility systems shall meet all NCDEQ standards.

## **10.5. FIRE PROTECTION.**

### **10.5.1. FIRE HYDRANTS**

**10.5.1.1.** Developers shall install fire hydrants in accordance with Water and Sewer Authority of Cabarrus County (WSACC) specifications and requirements.

**10.5.1.2.** 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.

**10.5.1.3.** 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.

**10.5.1.4.** 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).

**10.5.1.5.** 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.

**10.5.1.6.** 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 loop 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 in head 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**

- 3/4" - 2" piping shall be brass.
- 3" - 10" piping shall be ductile iron (cement lined).

**10.5.2.8. Fire Service Requirements**

**10.5.2.8.1.** Fire flow shall meet the requirements of Appendix B of the North Carolina Fire Code.

**10.5.2.8.2.** 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.

**10.5.2.8.3.** 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 NFPA 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.

**10.5.2.8.4.** 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.

**10.5.2.8.5.** Individual large structures with life safety hazards or extra hazardous operations shall, where required, be 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**

**10.6.1.1.** All electrical utilities shall be buried underground within new developments and along new streets.

**10.6.1.2.** Electric utilities shall be installed in accordance with the standards of the electric utility provider.

### **10.6.2. CITY OF CONCORD ELECTRICAL SERVICES**

**10.6.2.1.** In areas where electric utility is provided by the City of Concord, City of Concord standards shall be met.



# **ARTICLE 11 DESIGN STANDARDS**

## **TABLE OF CONTENTS**

<b>SECTION</b>	<b>PAGE</b>
<b>11.1 PURPOSE &amp; APPLICABILITY .....</b>	<b>11-1</b>
<b>11.2 MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS .....</b>	<b>11-3</b>
<b>11.3 NON-RESIDENTIAL DESIGN STANDARDS.....</b>	<b>11-10</b>
<b>11.4 CENTER CITY (CC) DISTRICT DESIGN STANDARDS .....</b>	<b>11-34</b>
<b>11.5 SUPPLEMENTAL STANDARDS FOR CAMPUS DEVELOPMENT (CD) DISTRICT.....</b>	<b>11-58</b>
<b>11.6 SUPPLEMENTAL STANDARDS FOR LIGHT INDUSTRIAL (I-1) DISTRICT .....</b>	<b>11-62</b>
<b>11.7 OUTDOOR STORAGE, MECHANICAL EQUIPMENT AND SOLID WASTE SCREENING ..</b>	<b>11-63</b>
<b>11.8 OUTDOOR LIGHTING STANDARDS.....</b>	<b>11-65</b>

## **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**

**11.1.2.1.** The standards shall apply to all new non-residential and multi-family residential construction and expansions of greater than 20% of the gross floor area of the building within the building type categories shown in Subsection A above.

**11.1.2.2.** 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.

**11.1.2.3.** If a nonconforming non-residential building is being expanded by greater than 20%, then the existing portion of the building shall comply with the following standards:

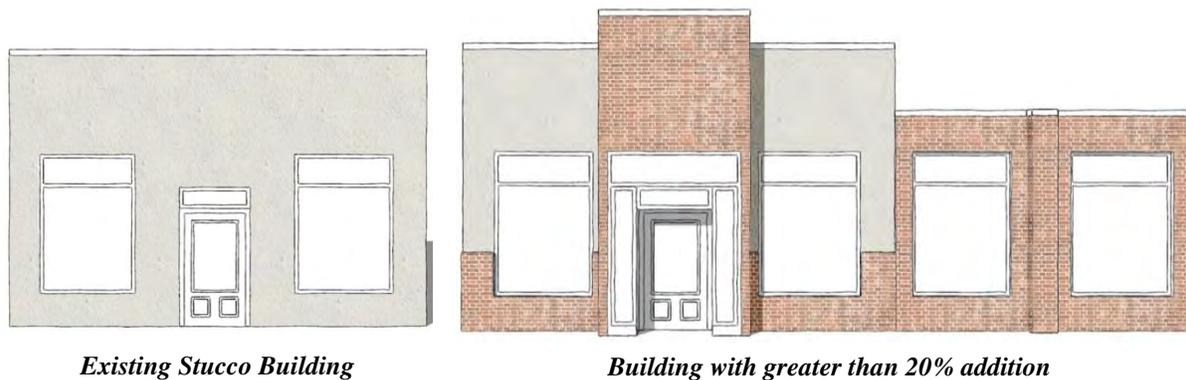
**11.1.2.3.1.** The primary building material, as permitted, shall be continued over to 50% of the front façade of the existing building.

**11.1.2.3.2.** A minimum of one (1) vertical articulation element listed in Section 11.3.5 shall be incorporated into the front façade.

**11.1.2.3.3.** A minimum of one (1) horizontal articulation element listed in Section 11.3.6 shall be incorporated into the front façade.

**11.1.2.3.4.** 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**



**11.1.3. FLEXIBILITY IN ADMINISTRATION & ALTERNATIVE DESIGN PROPOSALS**

**11.1.3.1.** Because these standards cannot cover every possible scenario that may arise, alternative design proposals may be considered by the Planning and Zoning Board, sitting as the Design Review Board.

**11.1.3.2.** Such alternative designs may be approved in accordance with the following standards:

**11.1.3.2.1.** 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;

**11.1.3.2.2.** The proposed project will be compatible with adjoining property;

**11.1.3.2.3.** The proposed project is consistent with the intent of this Ordinance and substantially meets the requirements herein; and

**11.1.3.2.4.** The proposed project is consistent with adopted plans and policies of the Town.

**11.1.3.3. Appeal Of Decision**

An aggrieved party may appeal a decision of the Planning and 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**

**11.2.2.1.** Exterior wall materials shall be wood, fiber cement board, brick, stone, vinyl, or similar materials.

**11.2.2.2.** 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**

**11.2.3.1.** Roof materials shall be asphalt shingles, wood shakes, standing seam metal, slate, tile, or similar materials.

**11.2.3.2.** 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.

**11.2.3.3.** Flat roofs shall have a parapet wall with a decorative cap or cornice.

**11.2.3.4.** 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.

**11.2.3.5.** 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**

**11.2.4.1.** Garages shall not be located on the primary/front façade.

**11.2.4.2.** All garages shall be located on alleys or parking courtyards to the rear or interior of the building or building block.



*Alley-loaded garages*



*Front-loaded garages*

**11.2.5. FAÇADE ARTICULATION**

**11.2.5.1.** 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.

**11.2.5.2.** 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**

**11.2.6.1.** A minimum of 25% of the primary façade and 20% of all secondary/corner side facades shall be composed of window area.

**11.2.6.2.** 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**

**11.2.7.1.** 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*.

**11.2.7.2.** 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.

**11.2.7.3.** 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**

**11.2.10.1.** 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.

**11.2.10.2.** 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.

**11.2.10.3.** A shelter shall be constructed the location(s) (including at the perimeter of a development site) where a public school 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**

**11.2.11.1.** 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 as conditional use) 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.

**11.2.11.2.** 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.

**11.2.11.3.** 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**

<b>Lot Size</b>	Not applicable – see “Density”.
<b>Density</b>	see Table 4.7-1 (Article 4 )*
<b>Lot Width and Depth</b>	see Table 4.7-1 (Article 4)*
<b>Front Setback or Street Side Setback</b>	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).
<b>Interior Side Setback</b>	20 feet
<b>Rear Setback</b>	20 feet
<b>Separation between Buildings</b>	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
<b>Common Open Space</b>	see Table 6.5-1 (Article 6)
<b>Maximum Building Length</b>	150 feet

\* Note: Multi-family or Single-family attached developments that are allowed (by right or as conditional use) 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**

**11.2.13.1.** All utility lines shall be located underground.

**11.2.13.2.** 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**

**11.3.2.1.** 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.

**11.3.2.2.** 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:

**11.3.2.2.1.** Similar building materials

**11.3.2.2.2.** Similarly colored building materials

**11.3.2.2.3.** Proportional quantities of building materials on building facades

**11.3.2.2.4.** Similar roof forms

**11.3.2.2.5.** Similar architectural detailing

**11.3.2.3.** 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 20% of the gross floor area, then the addition shall incorporate a permitted primary material into the design of the addition and the front façade.

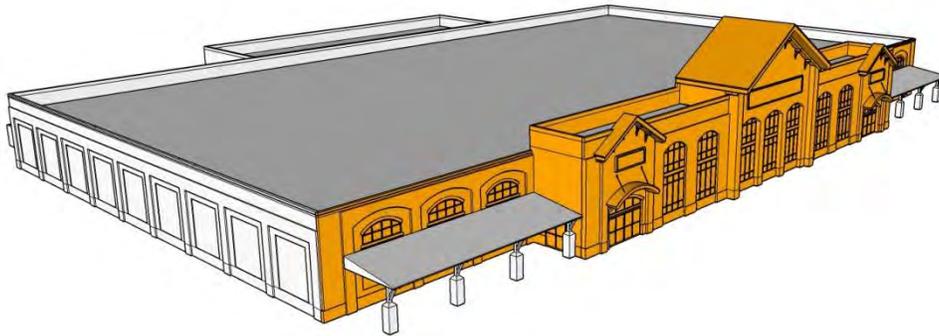
**11.3.3. BUILDING WALL TYPES**

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.

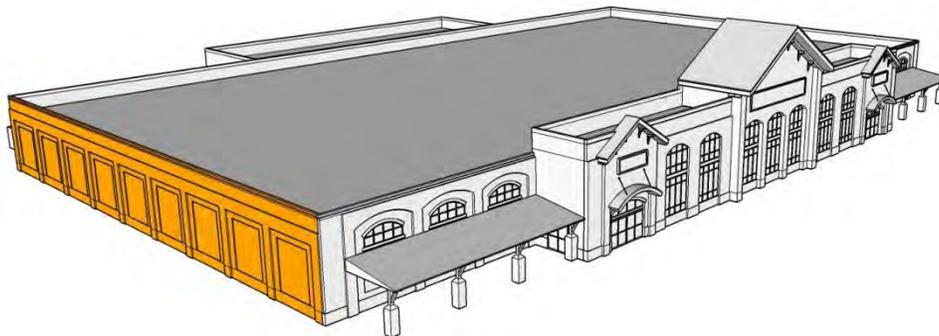
**FIGURE 11.6: PRIMARY BUILDING WALL**



**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**

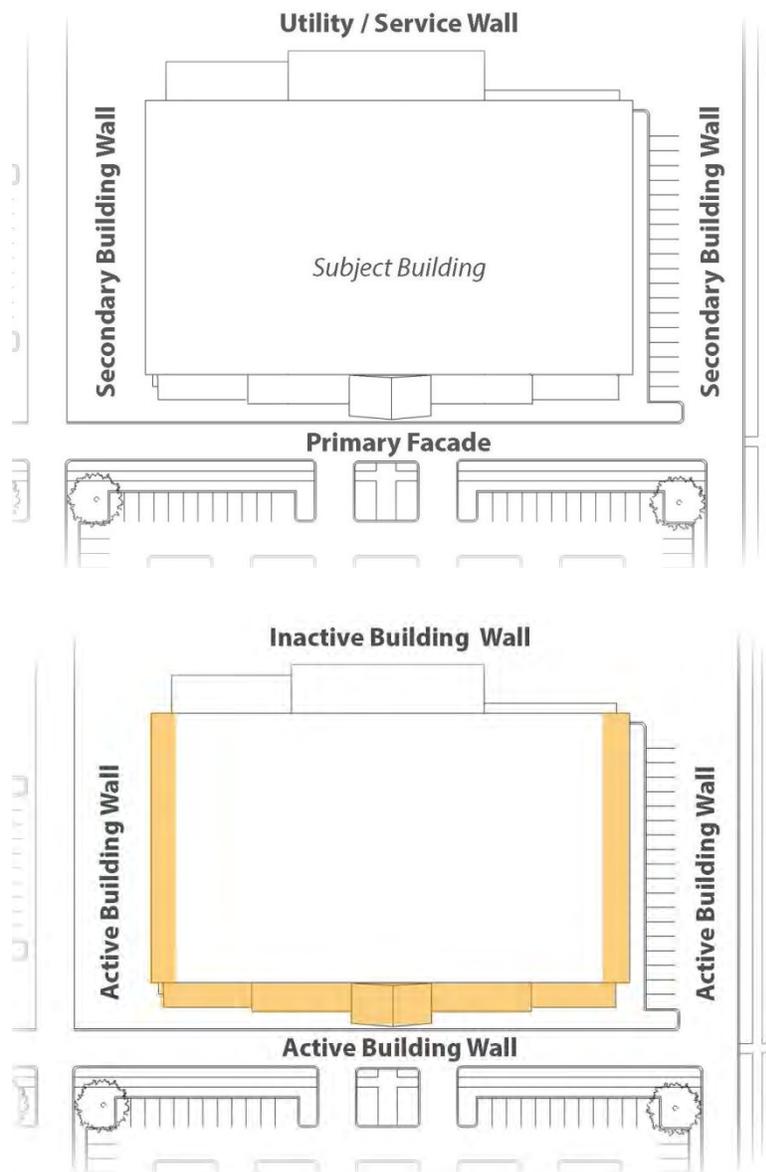


**11.3.3.3. Active Building Wall**

An active building wall is any building wall plane, or portion of a wall plane, whether along a primary or secondary building wall, which:

- 11.3.3.3.1. Contains a customer entrance;
- 11.3.3.3.2. Is oriented toward a public street or internal access drive;
- 11.3.3.3.3. Is adjacent to a pedestrian walkway; or
- 11.3.3.3.4. Is adjacent to a customer parking area

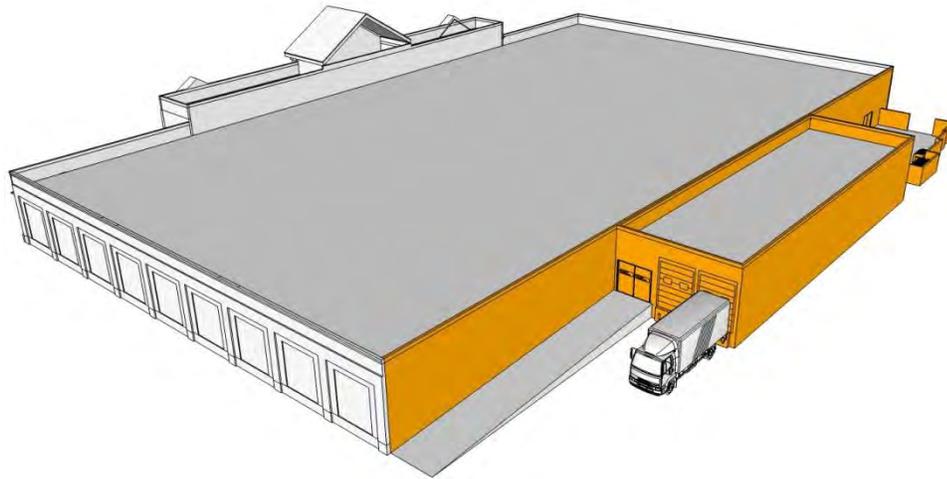
**FIGURE 11.8: BUILDING WALL TYPES**



**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.

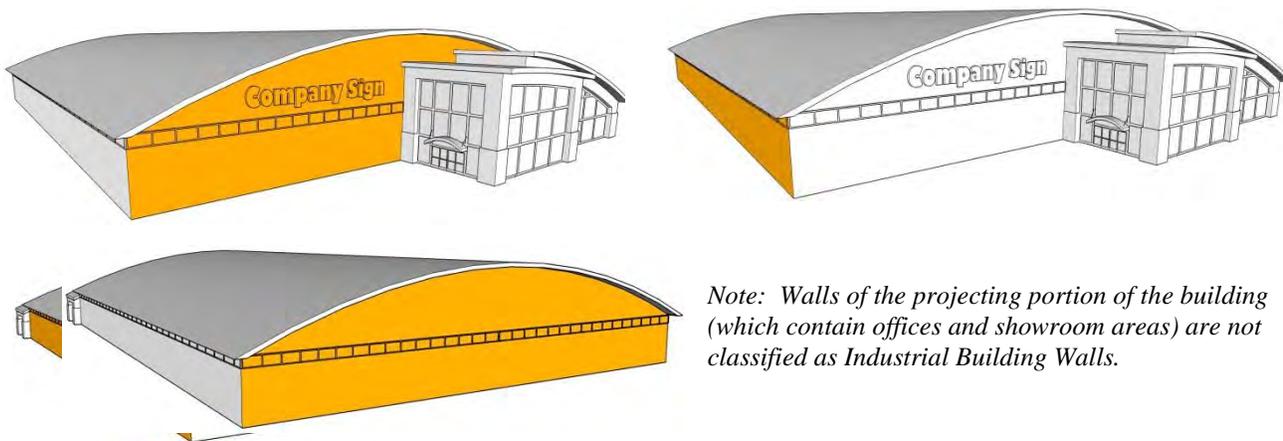
**FIGURE 11.9: UTILITY/SERVICE WALL**



**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**

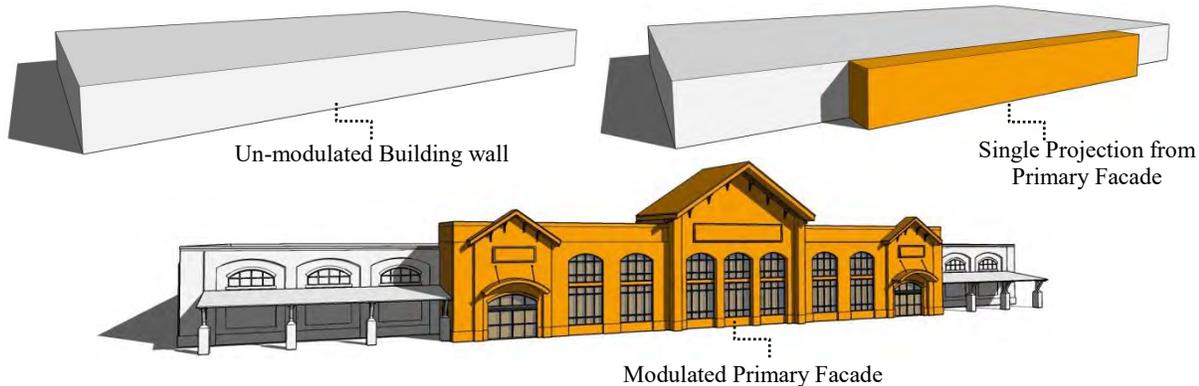
Building modulation is the varying of the footprint of a building by projecting or recessing portions of the façade from the base plane of the building wall. The use of a modulated façade helps to define the most important portion(s) of a building (such as customer entrances), reduces monotony along 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:

**11.3.4.1.** Primary building walls shall be modulated through the use of projections or recessions of the building wall from the base wall plane.

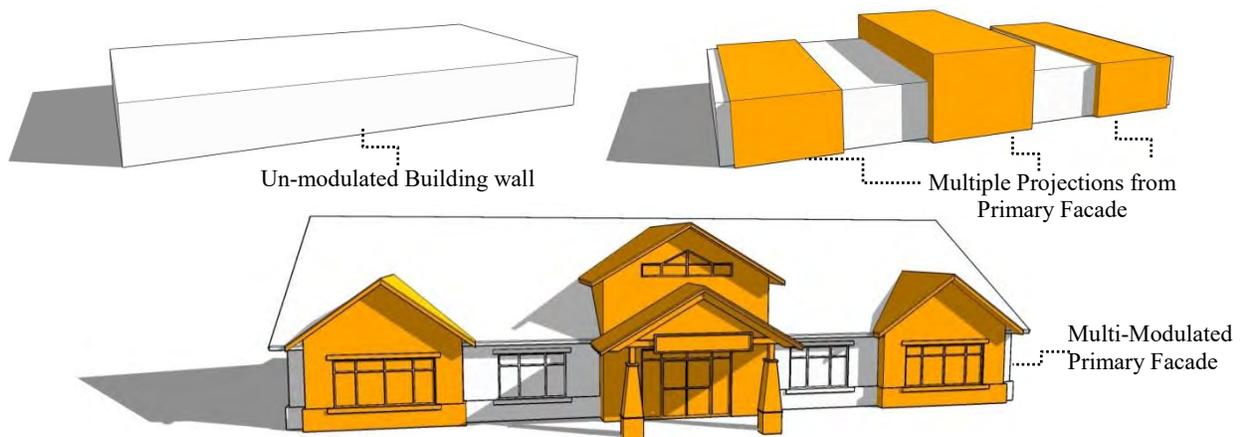
**11.3.4.2.** Projections or recessions used to meet this requirement shall project or recede from the base wall plane by a minimum of one (1) foot for buildings under 100 feet wide a minimum of three (3) feet for buildings over 100 feet wide.

**11.3.4.3.** 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.

**11.3.5.1.** 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:

**11.3.5.1.1.** 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

**11.3.5.1.2.** Using different colors of materials along the vertical wall plane, with darker colors used on lower surfaces and lighter colors used on higher surfaces

**11.3.5.1.3.** Projecting the base of the building outward from the façade to create an architecturally distinct ledge along the base

**11.3.5.1.4.** Recessing upper stories on multi-story building

**11.3.5.1.5.** On multi-story buildings, using features that project perpendicularly to the building wall to divide the base of the building from upper stories

**11.3.5.1.6.** Using a pitched roof form over the entire structure

**11.3.5.1.7.** Including minor pitched roof forms on buildings with parapet walls

**11.3.5.1.8.** Using stepped parapet walls

**11.3.5.1.9.** Providing towers or similar features that extend vertically above the top of the building wall

**11.3.5.1.10.** Varying the height of different portions of a building

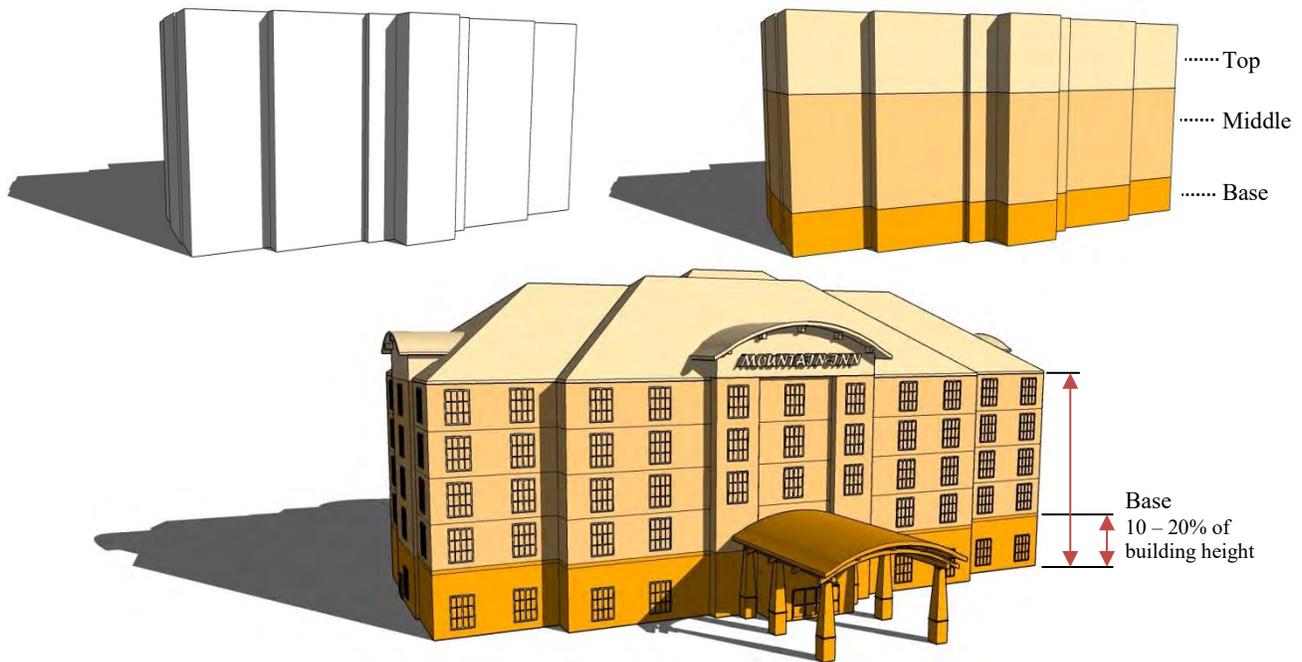
**11.3.5.1.11.** Using tall windows, particularly when coupled with an arched frame at the top

**11.3.5.1.12.** Using distinct masonry patterns or inlays that extend vertically along the building wall

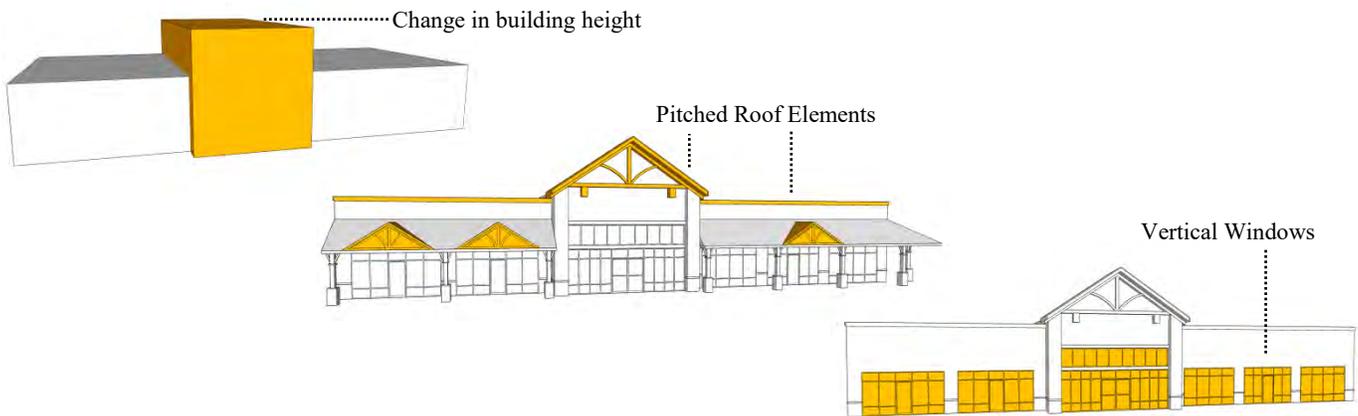
**11.3.5.1.13.** Using pilasters or engaged columns that extend vertically along the building wall

**11.3.5.2.** 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.

**11.3.6.1.** 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*

**11.3.6.2.** 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.

**11.3.6.3.** 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.

**11.3.6.4.** 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.

**11.3.6.5.** 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.

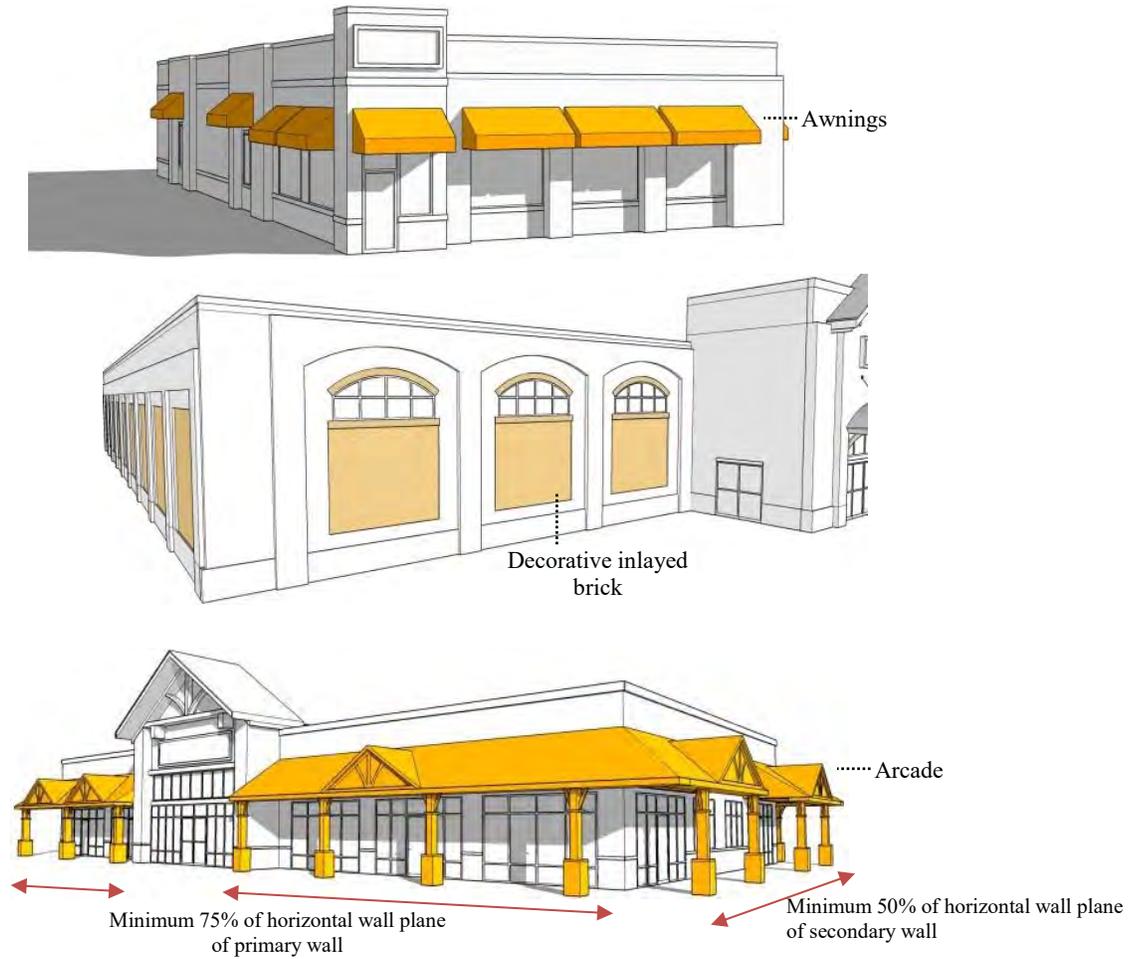


*Awnings over windows*



*Awnings not over windows*

FIGURE 11.12: HORIZONTAL ARTICULATION



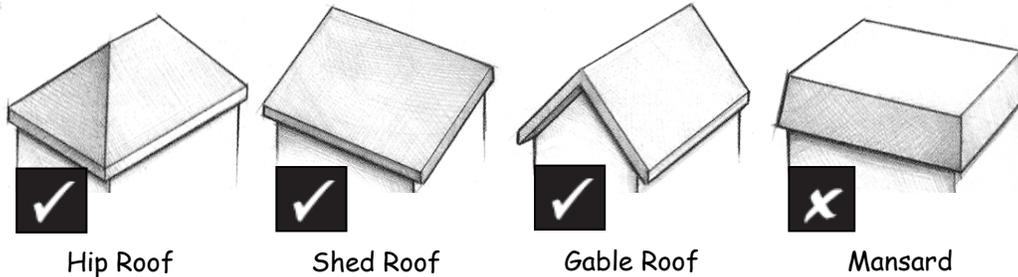
*These illustrations demonstrate how individual features provide horizontal articulation on buildings. The highlighted features include awnings (top), decorative inlaid brick (middle), and arcade (bottom). The bottom diagram also illustrates a building that has at least 75% of the primary façade and 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.

11.3.7.1. Pitched roofs shall be simple hip, shed or gable forms. Mansard roofs are prohibited.

**FIGURE 11.13: PITCHED ROOF TYPES**



11.3.7.2. Pitched roof forms shall utilize eaves which overhang the building wall a minimum of 12 inches.

11.3.7.3. 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).

11.3.7.4. 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.

11.3.7.5. 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.

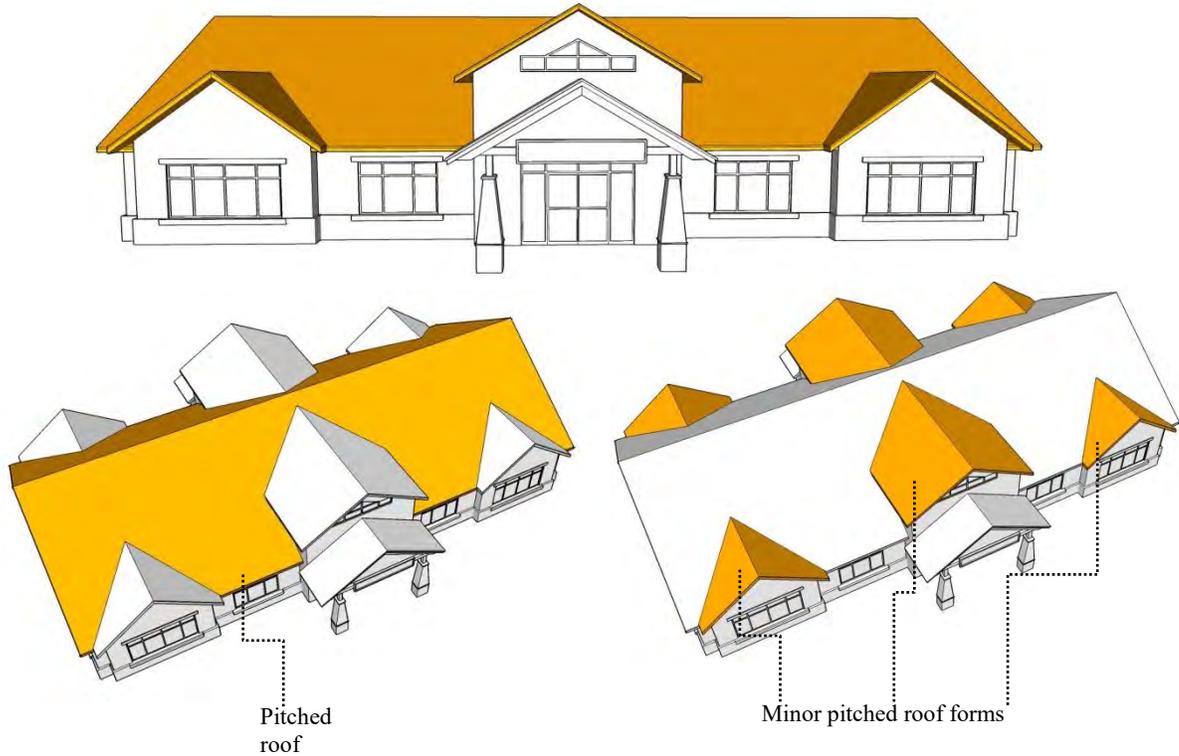


*Continuous parapet with height changes*

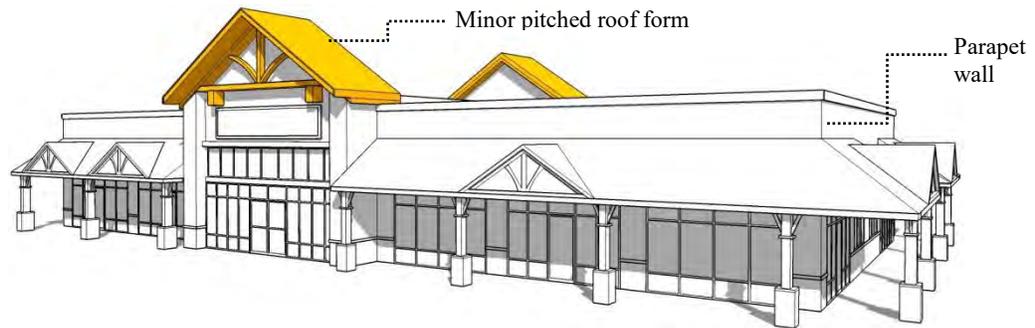


*Non-continuous false front parapet without height changes*

**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 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**

**11.3.8.1.1.** 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.



**11.3.8.1.2.** 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*

**11.3.8.1.3.** 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.

**11.3.8.1.4.** 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*

**11.3.8.1.5.** Brick and stone cladding materials may not be painted or otherwise altered in color from their natural appearance.

**11.3.8.1.6.** 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:

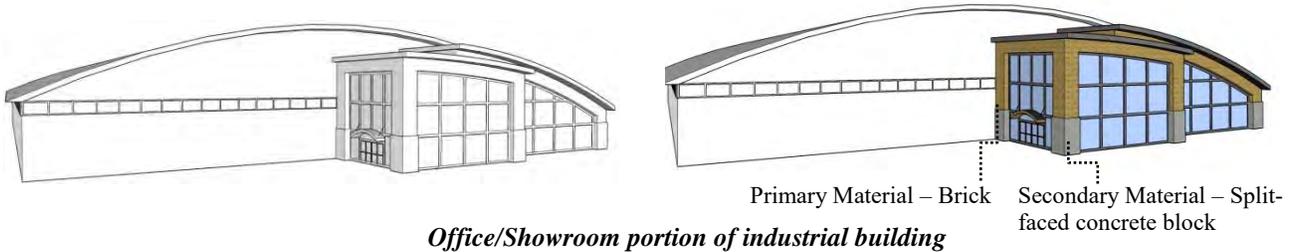
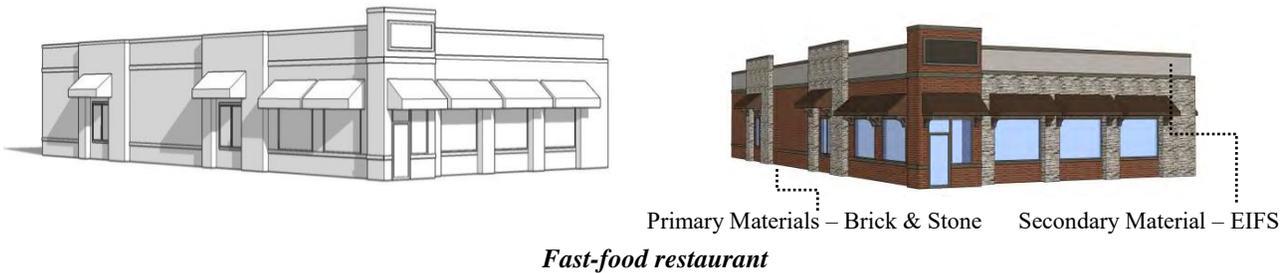
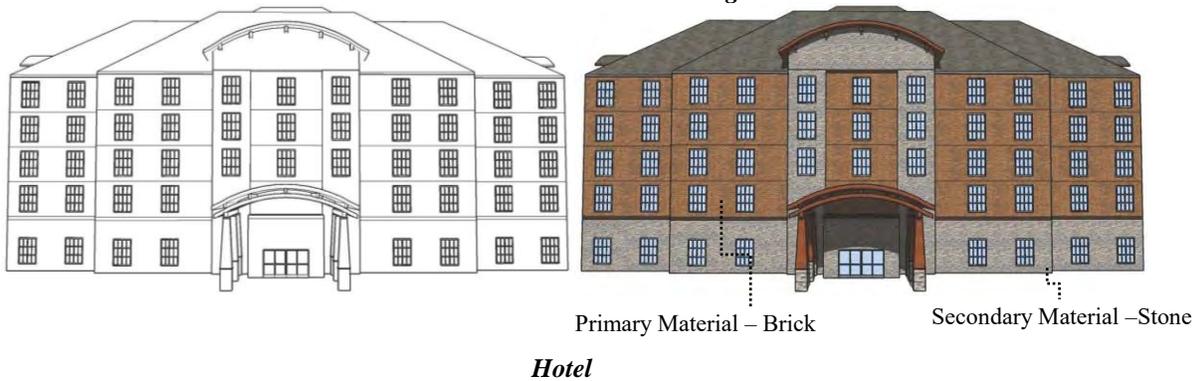
- Stucco or Exterior insulation and finishing systems (EIFS)
- Split-faced concrete block

**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**



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.

**11.3.9.1.** 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.

**11.3.9.2.** 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.

**11.3.9.3.** Glazing shall not extend over more than 75% of a primary secondary building wall.

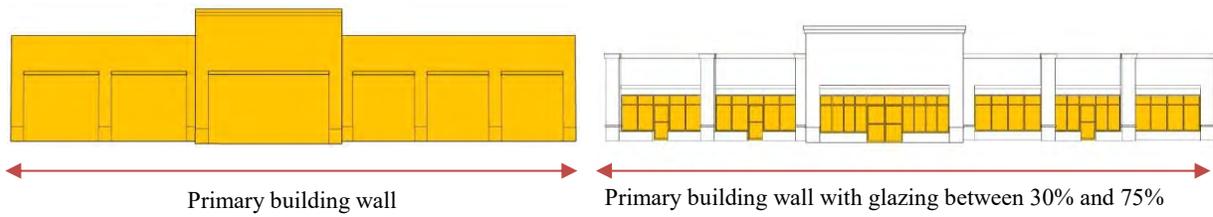
**11.3.9.4.** Windows shall be inset from the surrounding wall cladding material by a minimum of two (2) inches with the bottom sill a minimum of 12 inches and maximum of 48 inches above grade.

**11.3.9.5.** 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.

**11.3.9.6.** 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.

**11.3.9.7.** 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**

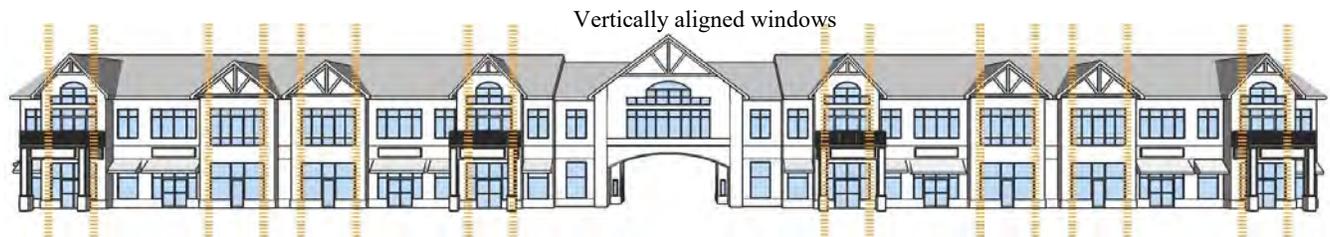


*The illustration above highlights those areas of the building that are counted toward the minimum glazing standards.*



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**

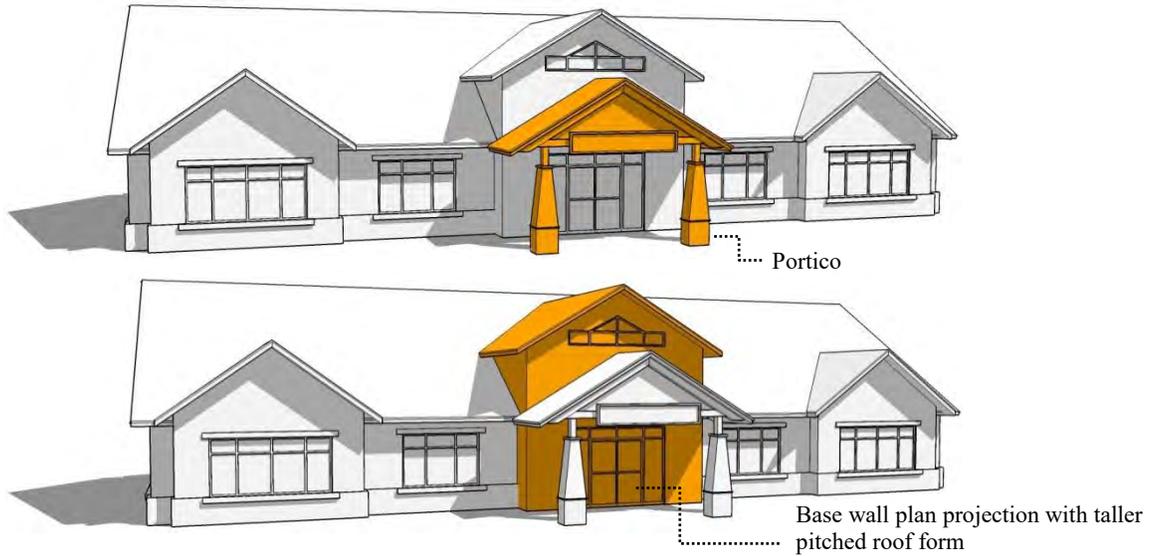
**11.3.10.1.** The primary entrance(s) to each building or tenant space shall be oriented toward the adjacent public street, or, when located in the interior of a larger development, toward an internal access drive.

**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.

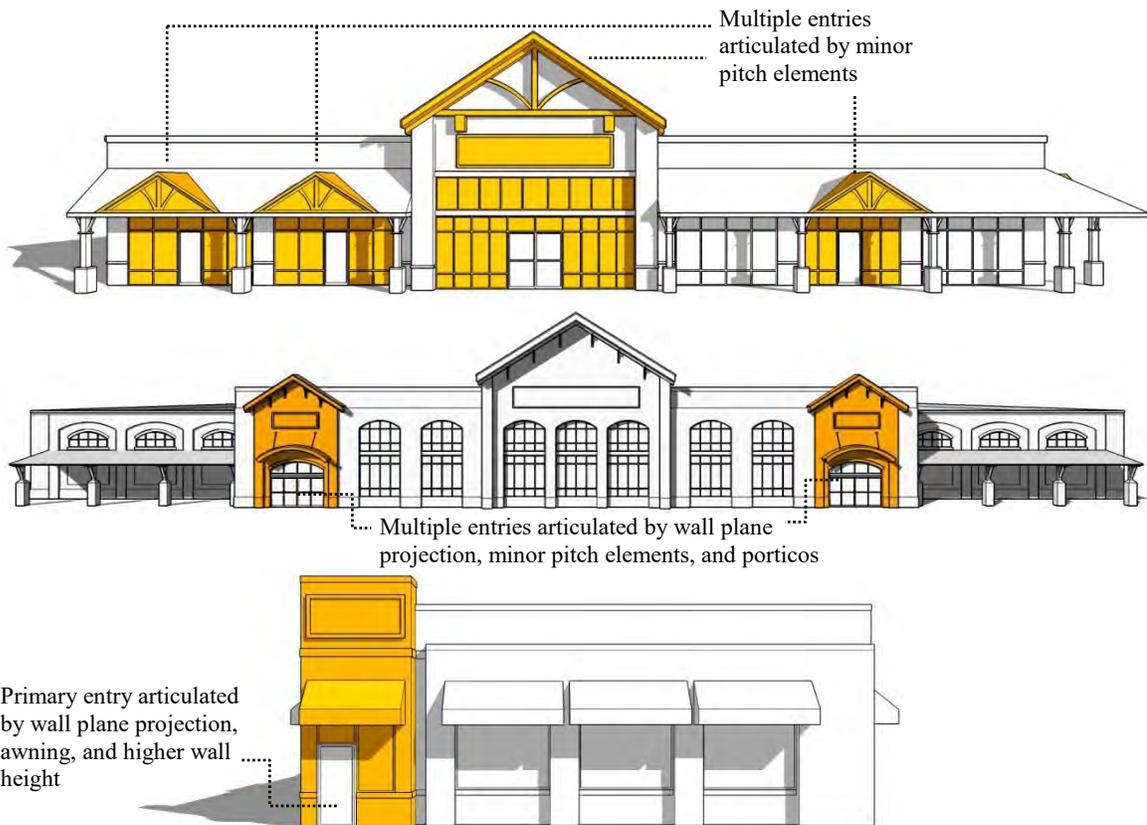
**11.3.10.3.** Primary customer entrances shall be clearly defined by distinct architectural features. Each primary entrance shall be defined by a minimum of two (2) of the following features:

- 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**

**11.3.11.1.** Awning material shall be canvas or architectural grade (non-corrugated) metal with a matte, non-reflective finish.

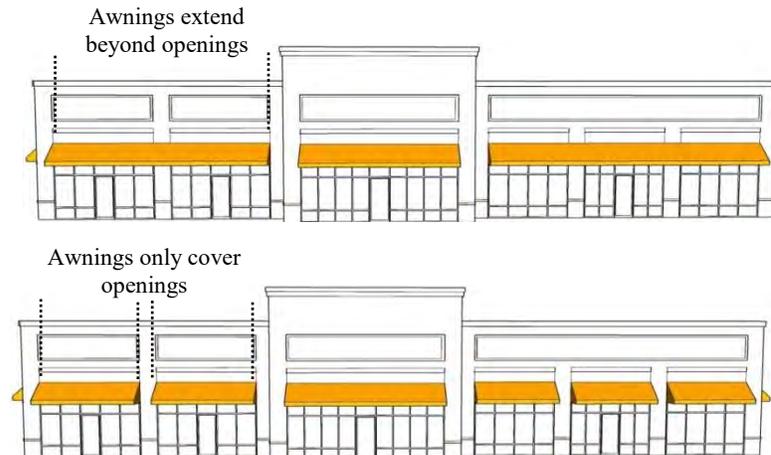
**11.3.11.2.** Awnings shall not be backlit or outlined with neon, LED or other lighting.

**11.3.11.3.** Awnings shall be placed at the top of window or doorway openings, and shall not extend beyond such openings.

**11.3.11.4.** 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.

**11.3.11.5.** 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**

**11.3.12.1.** 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*

**11.3.12.2.** 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*

**11.3.12.3.** 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**

**11.3.13.1.** All building mounted mechanical and utility equipment shall be located on the utility/service façade.

**11.3.13.2.** 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.

**11.3.13.3.** 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.

**11.3.13.4.** 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*



*Unshielded ground-level equipment*



*Screened roof-top equipment*



*Unshielded roof-top equipment*

**11.3.14. ACCESSORY BUILDING DESIGN**

**11.3.14.1.** The exterior materials of non-residential accessory buildings shall substantially match the primary and/or secondary materials of the principal structure and surrounding buildings.

**11.3.14.2.** 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.

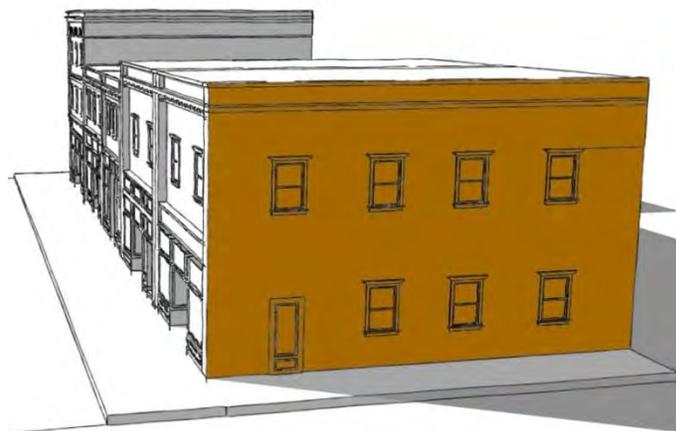
**FIGURE 11.19: PRIMARY/FRONT FACADE**



#### **11.4.3.2. Secondary/Corner Side Façade**

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.

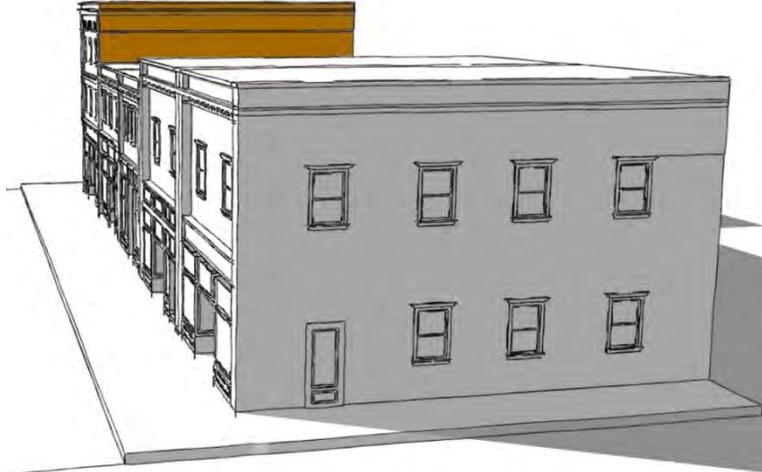
**FIGURE 11.20: SECONDARY /CORNER SIDE FACADE**



**11.4.3.3. Side Interior Façade**

Side interior façades 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 façades often directly abut the side interior façade of an adjacent structure and do not contain windows or doorways.

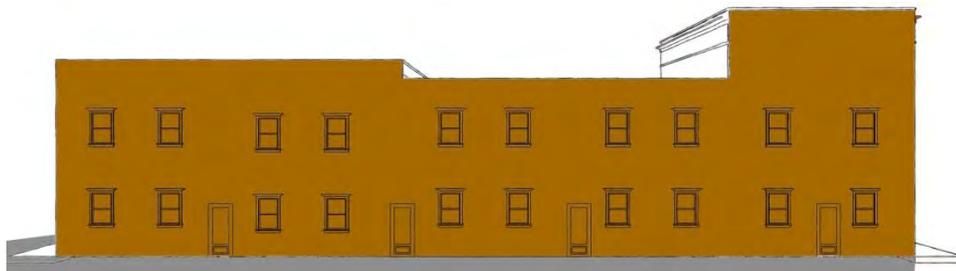
**FIGURE 11.21: SIDE INTERIOR FAÇADE**



**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 façades 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**

**11.4.4.1.1.** 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.

**11.4.4.1.2.** 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.

**11.4.4.1.3.** 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.

**11.4.4.1.4.** Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.

**11.4.4.1.5.** Distinctive features, finishes, and constructive techniques or examples of craftsmanship that characterize a property shall be preserved.

**11.4.4.1.6.** 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.

**11.4.4.1.7.** 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.

**11.4.4.1.8.** Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

**11.4.4.1.9.** 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.

**11.4.4.1.10.** 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:

**11.4.4.2.1.** 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.

**11.4.4.2.2.** 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.

**11.4.4.2.3.** 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.

**11.4.4.2.4.** Remove any inappropriate cladding that covers historic materials.

**11.4.4.2.5.** 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.

**11.4.4.2.6.** Property owners should properly maintain and repoint any damaged joints in brick, stone or other material to protect from water infiltration and deterioration.

**11.4.4.2.7.** Replace broken glass in display windows, transoms and doors.

**11.4.4.2.8.** Use interior storm windows or approved awnings to reduce heat gain and improve energy efficiency.

**11.4.4.2.9.** 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.

**11.4.4.2.10.** 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.

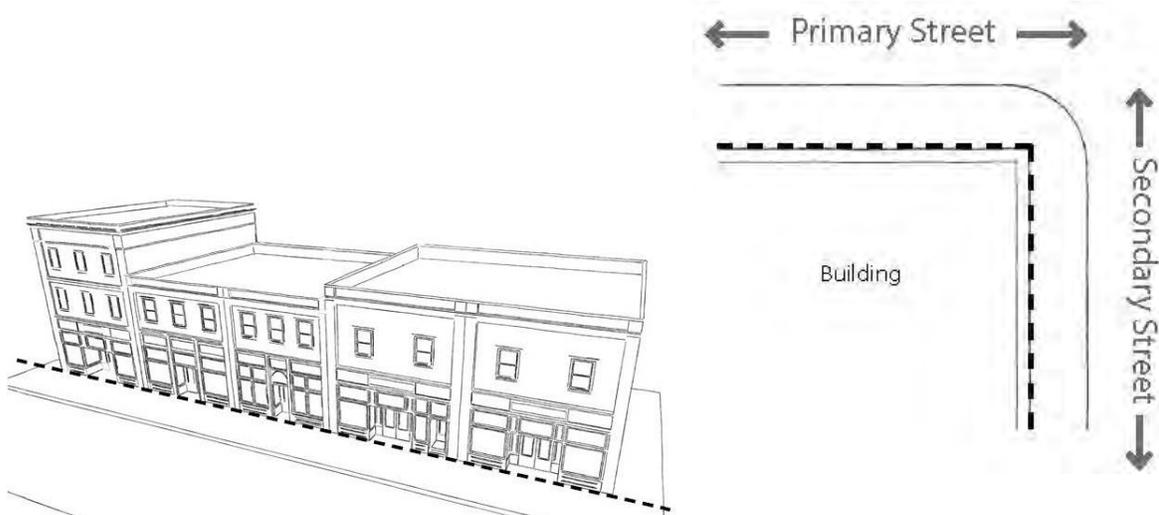
**11.4.5. BUILDING ORIENTATION**

Building orientation refers to how the structure is placed on a property, with particular focus on the primary façade of the structure.

**11.4.5.1.** Structures shall be oriented so that their primary façade faces, and is parallel with, the principal street on which they are located.

**11.4.5.2.** On corner lots both facades shall be oriented so that they face, and are parallel with, the adjoining streets.

**FIGURE 11.23: BUILDING ORIENTATION**



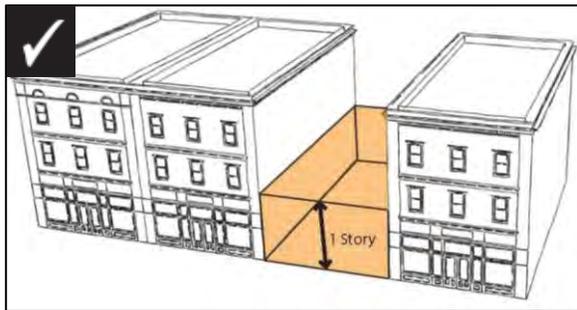
*The illustrations above demonstrate the proper orientation of buildings parallel to the primary and secondary streets.*

**11.4.6. BUILDING HEIGHT**

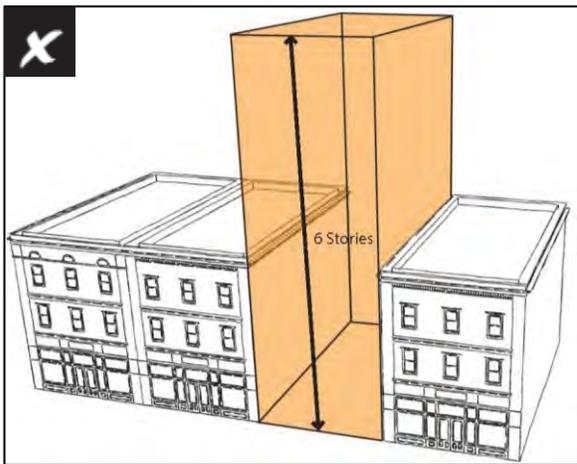
**11.4.6.1.** The minimum clear interior height of the first story of building, as measured from the finished floor to the bottom of the second story floor plate shall be 12 feet.

**11.4.6.2.** 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.

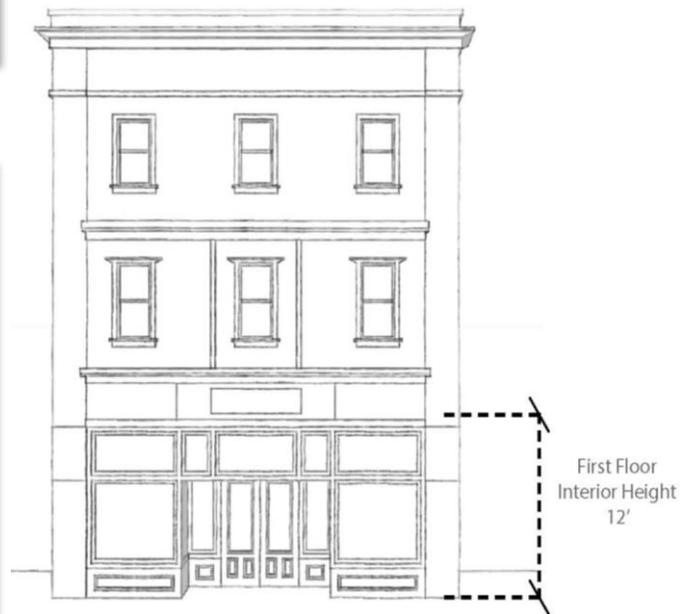
**FIGURE 11.24: BUILDING HEIGHT**



*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:

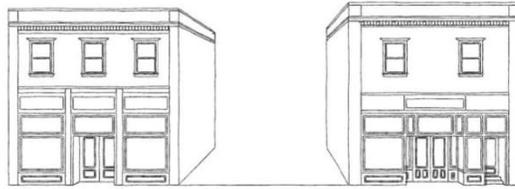
**11.4.7.1.** New construction on lots that are significantly wider than adjacent existing lots shall utilize a design that divides and proportions the building to replicate the massing and scale of adjacent buildings.

**11.4.7.2.** 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**



*The illustrations above demonstrate acceptable and unacceptable building massing in an infill situation.*



***Infill Lot***

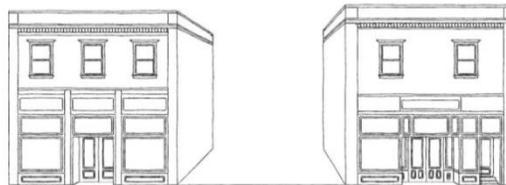


***Acceptable***



***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:

**11.4.8.1.** 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.

**11.4.8.2.** 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.

**11.4.8.3.** Buildings shall be vertically articulated by using a minimum of three (3) of the techniques listed below and depicted in the following Figure:

**11.4.8.3.1.** Using different colors of materials along the vertical wall plane, with darker colors used on lower surfaces and lighter colors used on higher surfaces

**11.4.8.3.2.** Providing a mid-level cornice

**11.4.8.3.3.** Recessing upper stories on multi-story buildings

**11.4.8.3.4.** Using stepped parapet walls

**11.4.8.3.5.** Providing towers or similar features that extend vertically above the top of the building wall

**11.4.8.3.6.** Varying the height of different portions of a building

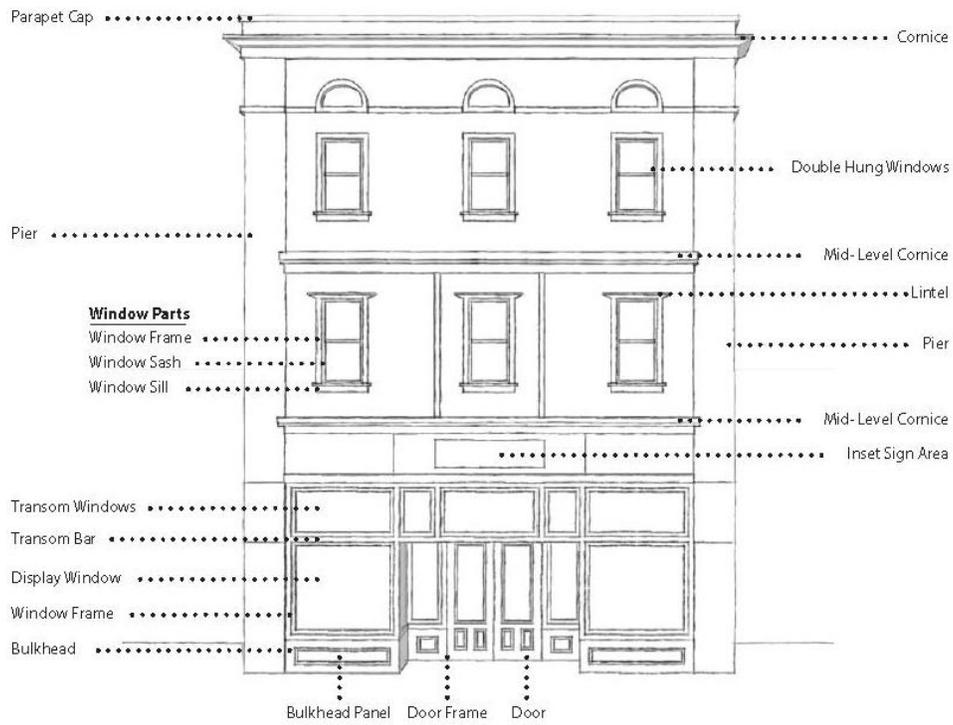
**11.4.8.3.7.** Using distinct masonry patterns or inlays that extend vertically along the building wall

**11.4.8.3.8.** Using piers or engaged columns that extend vertically along the building wall

**11.4.8.3.9.** 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**

**11.4.9.1.** 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.

**11.4.9.2.** 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.

**11.4.9.3.** 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.

**11.4.9.4.** Exposed gutters and downspouts are prohibited on the primary façade of a building.

**11.4.9.5.** 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**

**11.4.10.1.1.** 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.

**11.4.10.1.2.** 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.

**11.4.10.1.3.** 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.

**11.4.10.1.4.** 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.

**11.4.10.1.5.** No more than two (2) styles of brick may be utilized on a facade.

**11.4.10.1.6.** 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.

**11.4.10.1.7.** 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.

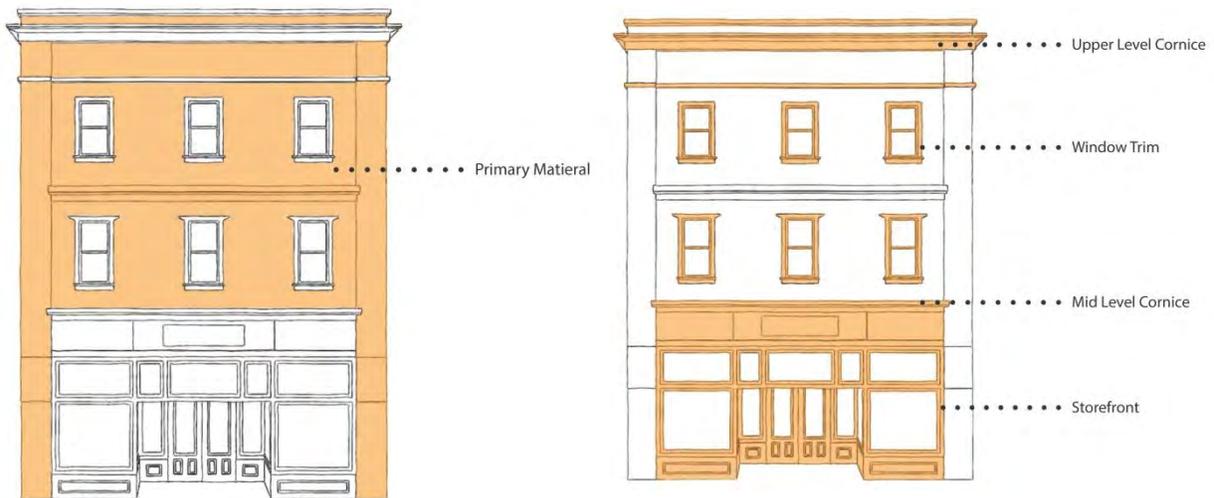
**11.4.10.4. Cornices**

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.

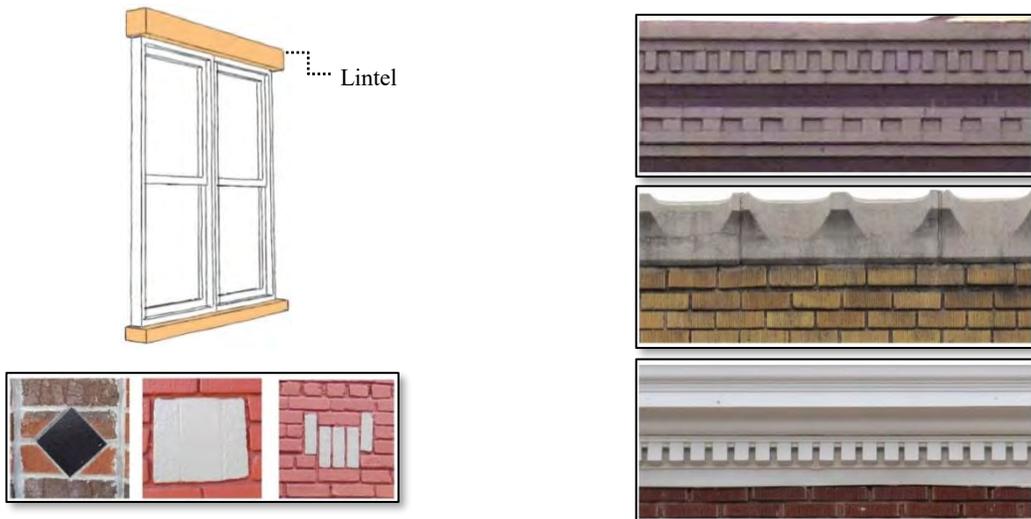
**11.4.10.5. Inlays**

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**

**11.4.10.6.1.** Brick and stone shall be unpainted and naturally colored. Brick may only be painted to maintain the historic integrity of existing buildings.

**11.4.10.6.2.** 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.

**11.4.10.6.3.** 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.

- 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.
- 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.
- 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.
- No mural shall contain material that is obscene in accordance with NC G.S. 14-190.1.

**11.4.10.6.4.** 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:

**11.4.11.1.** 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.

**11.4.11.2.** No more than 20% of the storefront wall may be recessed beyond eight (8) feet from the public sidewalk.

**11.4.11.3.** 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.

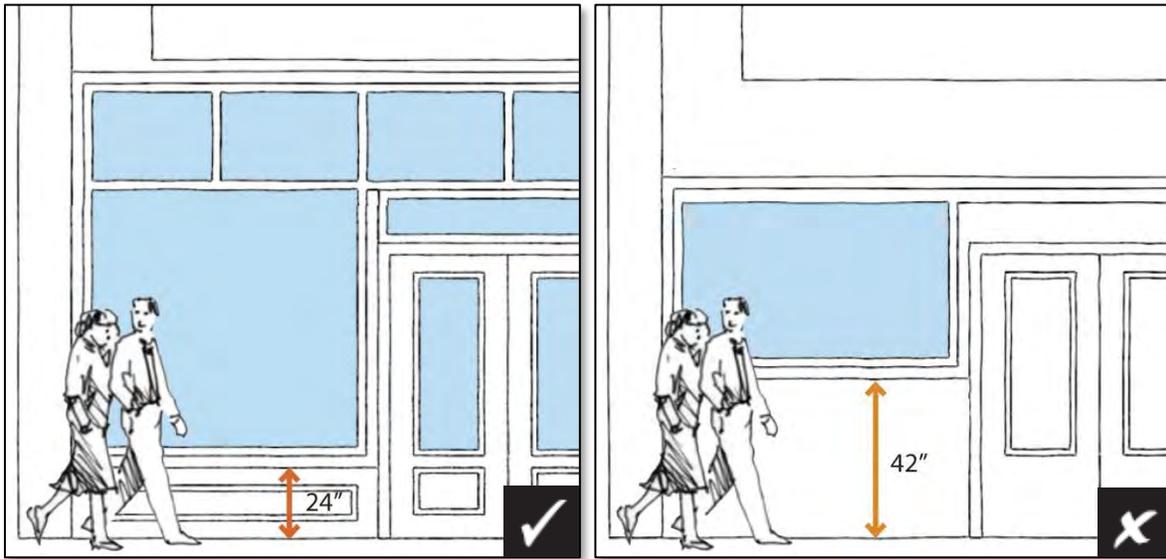
**11.4.11.4.** Bulkheads should be neither too high, blocking the view of pedestrians, nor too low, so that a completely glass walled storefront is created. Bulkheads shall be constructed along all storefront areas, excluding customer entrances. Bulkheads shall be a minimum of 24 inches and maximum of 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.

**11.4.11.5.** 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.

**11.4.11.6.** Reflective or opaque glass is prohibited.

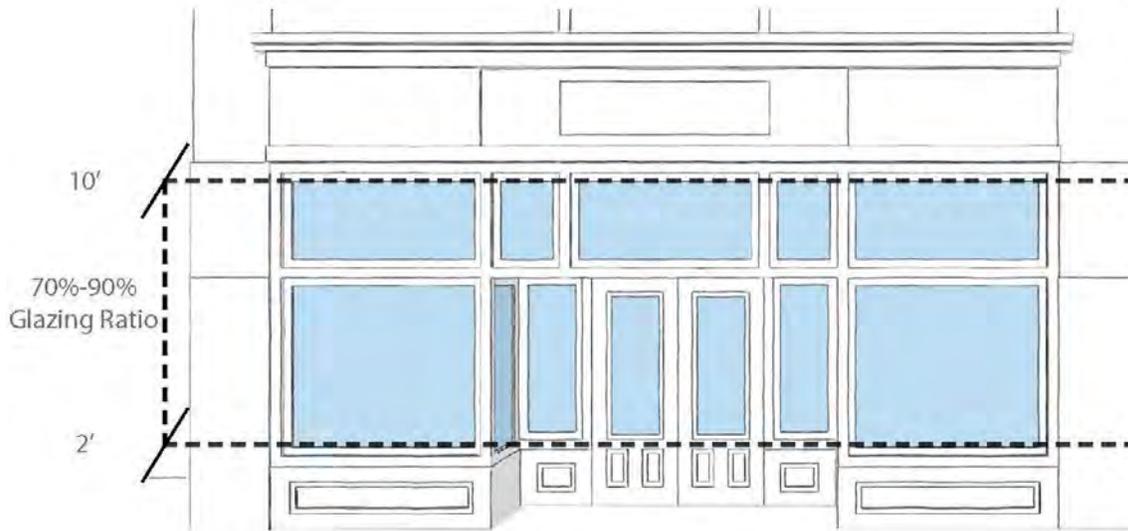
**11.4.11.7.** Permanent bars, gates, shutters, fencing or other barrier materials are prohibited on the exterior of a primary facade. Security gates may be used after business hours.

FIGURE 11.30: STOREFRONT DESIGN



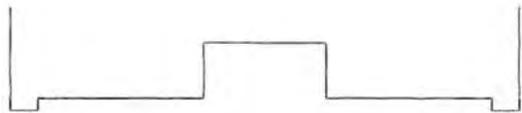
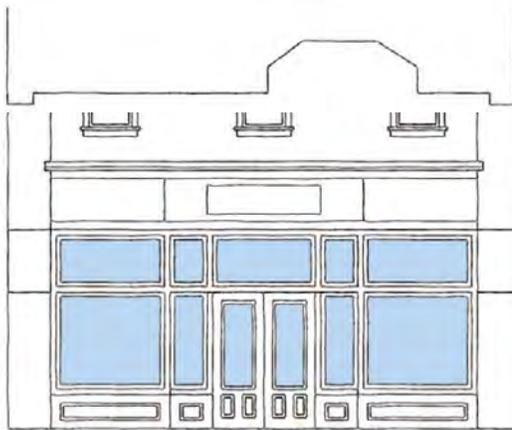
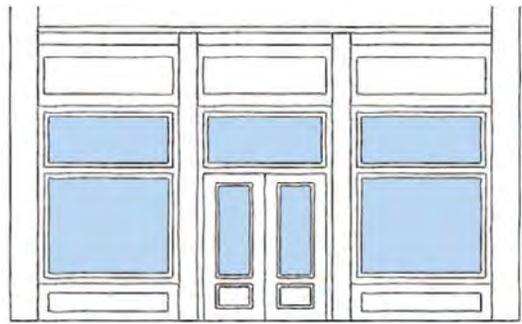
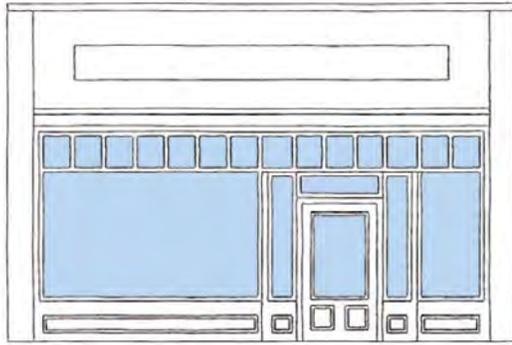
*Properly Sized Bulkhead*

*Improperly Sized Bulkhead*



Storefront extends along the width of the façade between the piers.

*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**

**11.4.12.1.** 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).

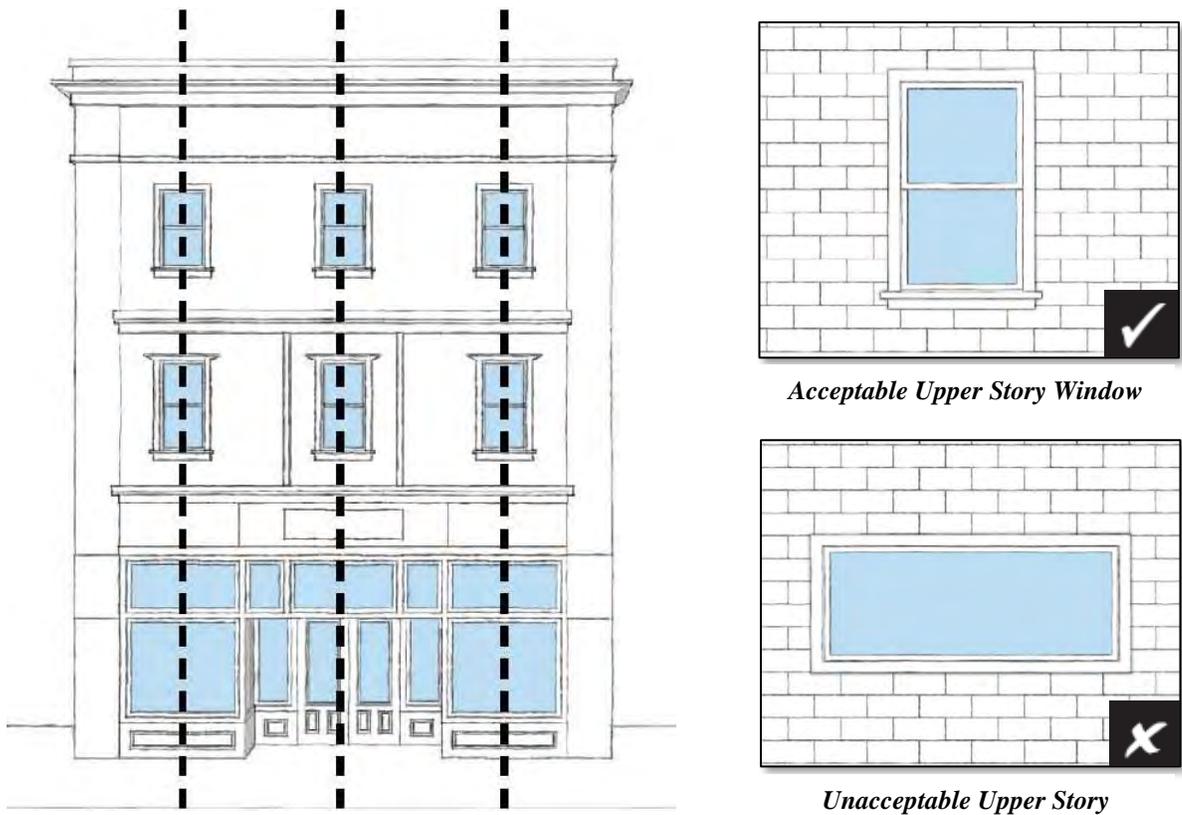
**11.4.12.2.** Windows shall have the appearance of operable double hung windows.

**11.4.12.3.** Upper story windows should align horizontally with windows on the same story and be centered on windows below.

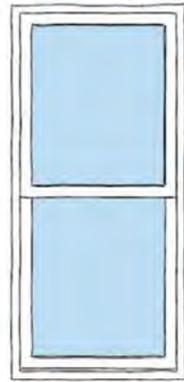
**11.4.12.4.** Only transparent, non-mirrorized glass shall be used.

**11.4.12.5.** A minimum of 30% of the linear width of each upper floor shall contain glazed area.

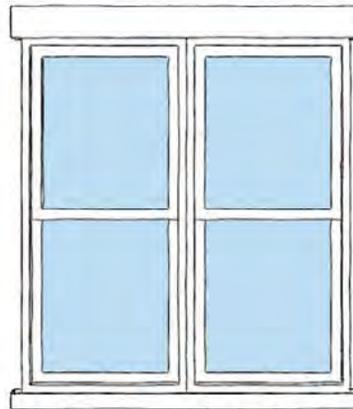
**FIGURE 11.31: UPPER STORY WINDOWS**



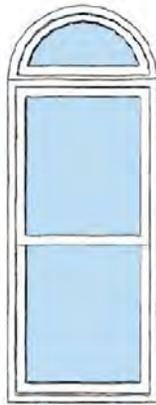
*The diagrams above illustrate proper alignment of upper story windows with first floor windows (left) and a properly designed upper story window (right).*



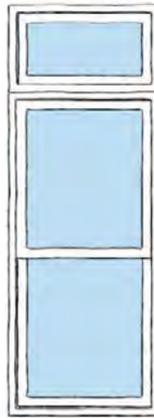
Double hung 1 over 1 window



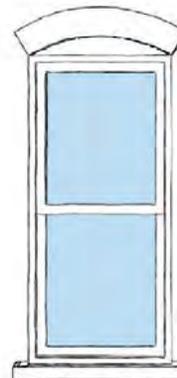
Two adjacent double hung 1 over 1 windows with lintel



Double hung 1 over 1 window with arched transom

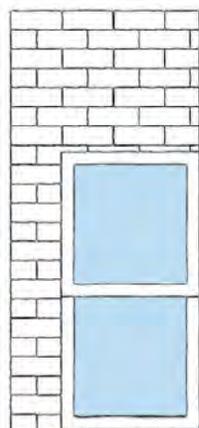


Double hung 1 over 1 window with transom

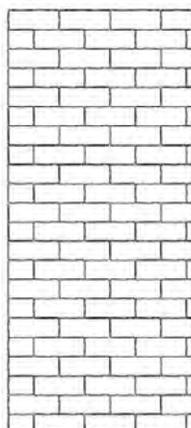


Double hung 1 over 1 window with arched lintel

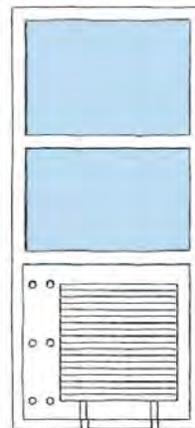
**ACCEPTABLE:** The illustrations above show examples of acceptable upper story windows.



Window frame partially filled with brick



Window frame bricked-in.



Air conditioning unit

**NOT ACCEPTABLE:** The illustrations above show examples of unacceptable upper story windows.

**11.4.13. ENTRANCES**

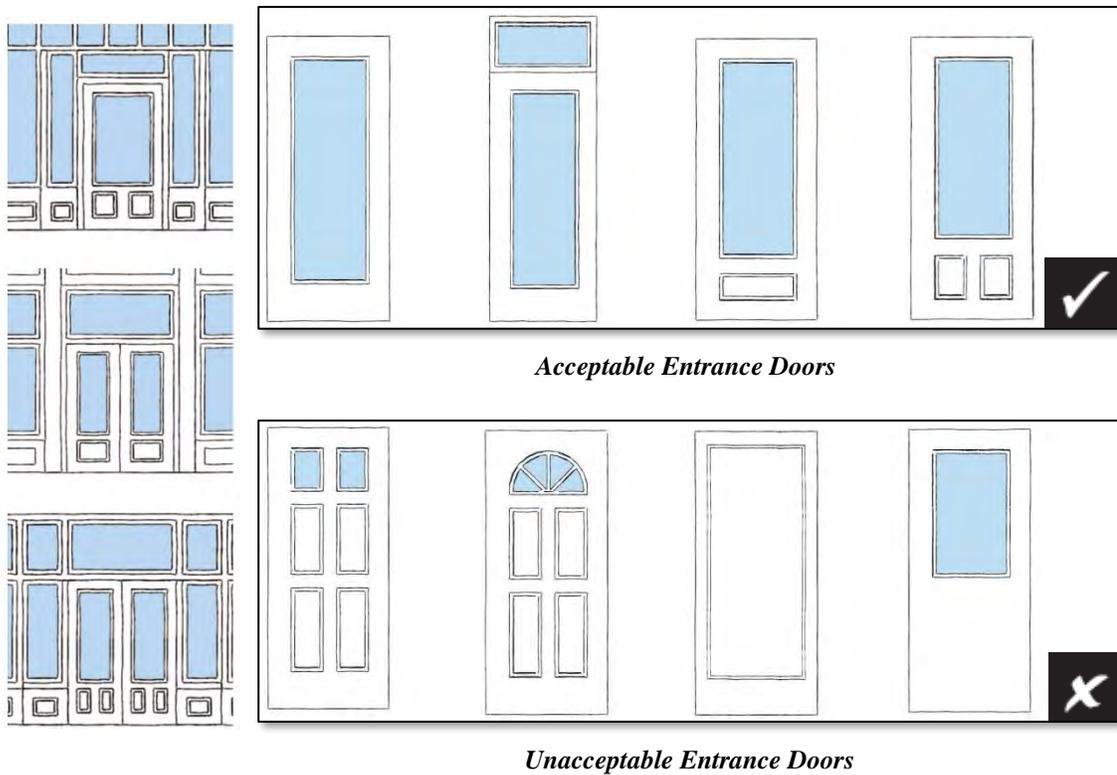
From a pedestrian point of view, doors and entranceways are one of the most obvious and recognizable building features. The door and entranceway is a gateway to building interior and therefore it is important that the entrance be perceived as a cohesive element of the storefront façade and not as a separate entity.

**11.4.13.1.** Primary entrances of first floor uses shall face the primary street frontage, while secondary entrances may face parking areas or secondary street frontages.

**11.4.13.2.** 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%.

**11.4.13.3.** Only transparent glass is permitted. Reflective or opaque glass is prohibited.

**FIGURE 11.32: ENTRANCES**



*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:

**11.4.14.1.** 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.

**11.4.14.2.** 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.

**11.4.14.3.** 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.

**11.4.14.4.** 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.

**11.4.14.5.** Awnings and canopies shall be at least eight (8) feet above the grade of the sidewalk.

**11.4.14.6.** 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.

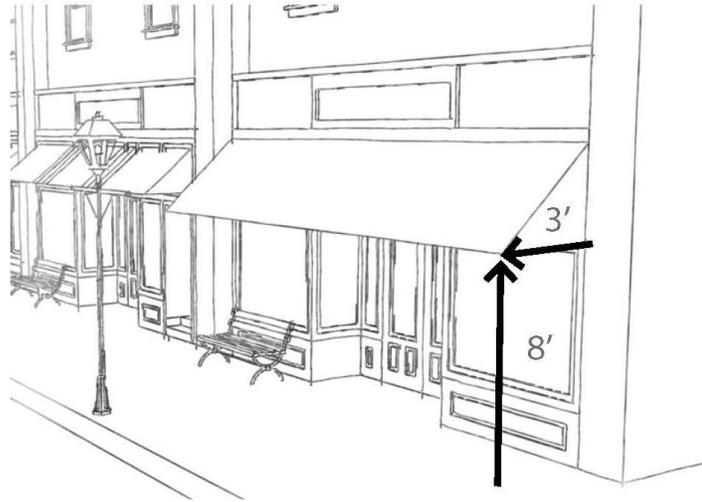


*Rectangular awning*

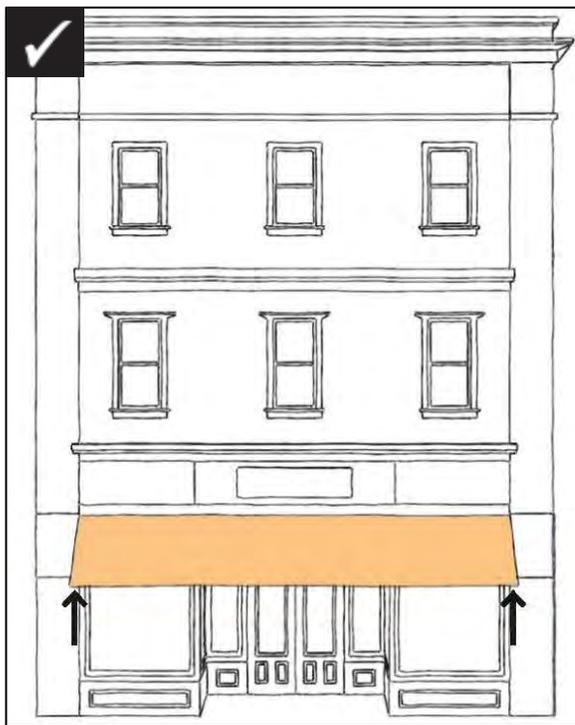


*Barrel awning*

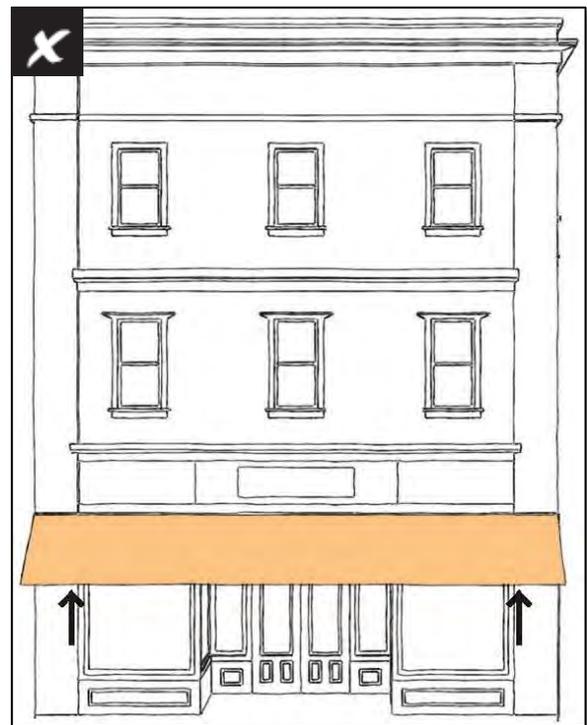
FIGURE 11.33: AWNINGS



The diagram above illustrates the minimum awning depth and clearance.



Acceptable placement



Unacceptable placement beyond storefront

**11.4.15. LIGHTING**

**11.4.15.1.** Building mounted lighting may be used to draw attention to window displays, signs, store information and a building’s architectural details.

**11.4.15.2.** Building mounted lighting shall provide particular focus on the architectural integration of lighting into the overall design of the structure.

**11.4.15.3.** Lighting shall be directed onto the display or building element not onto the street or adjacent properties.

**11.4.15.4.** Lighting fixtures shall complement the architectural elements within the existing façade.

**11.4.15.5.** Framing window displays or other architectural features of the building with neon or tube lighting is not permitted.

**11.4.15.6.** 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 following uses shall be regulated as follows:

**11.4.16.1.** 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**

**11.5.2.1.** 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:

- No retail or commercial service use or establishment may exceed (or occupy) more than 70,000 square feet of gross leasable floor area.
- No more than 30% of any property or group of properties may be used for retail or commercial service uses or establishments,
- 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.
- Automobile and truck repair and related manufacturing establishments shall be limited exclusively to such activities related to professional auto racing.
- Utilities substations other than individual transformers shall be screened as set forth in Article 7 Landscaping and Buffering.

**11.5.2.2.** 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. Rezoning 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 Conditional 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 and Zoning Board shall consider the project's relationship to adjacent CD-zoned properties, developed or undeveloped.

**11.5.4. SITE DESIGN STANDARDS**

**11.5.4.1.** 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

**11.5.4.2.** 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.

**11.5.4.3.** 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.

**11.5.4.4.** 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.

**11.5.4.5.** 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.

**11.5.4.6.** 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.

**11.5.4.7.** 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:

**11.5.4.7.1.** 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.

**11.5.4.7.2.** 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.

**11.5.4.7.3.** 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.

**11.5.4.7.4.** All on-site utilities (electrical, telephone, etc) shall be located underground.

**11.5.4.7.5.** 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:

**11.5.5.1.** 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.

**11.5.5.2.** 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.

**11.5.6.1.** 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.

**11.5.6.2.** 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.):

**11.5.6.2.1.** 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.

**11.5.6.2.2.** 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.

**11.5.6.2.3.** 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 or Rowan 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***

<b>Minimum District Size</b>	20 acres minimum
<b>Lot Width and Depth</b>	see Section 4.7
<b>Front Setback or Street Side Setback</b>	see Section 4.7
<b>Interior Side Setback</b>	see Section 4.7
<b>Rear Setback</b>	see Section 4.7
<b>Separation between Buildings</b>	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
<b>Common Open Space</b>	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:

**11.6.2.1.** 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%.

**11.6.2.2.** 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**

**11.7.1.1.** 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 11.7.1.1 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.

**11.7.1.2.** 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 that allowed under Sections 11.7.2.2-11.7.2.4.

**11.7.2.1.1.** 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.

**11.7.2.1.2.** 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).

**11.7.2.1.3.** 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.

**11.7.2.1.4.** 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.

**11.7.2.1.5.** 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.

**11.7.2.1.6.** 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.

**11.7.2.1.7.** 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**

**11.7.2.2.1.** 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.

**11.7.2.2.2.** 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.

**11.7.2.2.3.** Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff.

**11.7.2.2.4.** 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 Display of Vehicles.**

**11.7.2.3.1.** For outdoor display of vehicles for sale, see Section 5.6 of this Ordinance.

**11.7.2.3.2.** 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).

**11.7.2.4. Retail Standards.**

**11.7.2.4.1.** 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 11.7.2.4 shall not apply to the CC district or to sidewalk vendors permitted under the temporary use regulations of Section 5.22.7 of this Ordinance.

**11.7.2.4.2.** No booths, stalls, or materials on display may be located within any required setback area.

**11.7.2.4.3.** 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.

**11.7.2.5.** Non-enclosed areas for the storage and sale of seasonal inventory shall be:

- permanently defined on an approved site plan;
- completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences; and
- comprised of materials, colors, and design of screening walls and/or fences which shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

## **11.9. OUTDOOR LIGHTING STANDARDS**

### **11.9.1. PURPOSE**

This Section of the UDO 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**

**11.9.3.1.** Luminaires shall be of a type and design appropriate to the lighting application.

**11.9.3.2.** 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.

**11.9.3.3.** 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**

**11.9.4.1.** 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.

**11.9.4.2.** 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.

**11.9.4.3.** 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.

**11.9.4.4.** 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.

**11.9.4.5.** 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.

**11.9.4.6.** The lighting of structures with pole mounted floodlights is prohibited, unless required for legitimate safety or security purposes.

**11.9.5. INSTALLATION STANDARDS**

**11.9.5.1.** 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.

**11.9.5.2.** Pole mounted area lights shall be wired with underground electric feeds.

**11.9.5.3.** 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:

**11.9.6.1.** All entrance roads entering the proposed development and intersecting any public road.

**11.9.6.2.** All street intersections within the proposed development.

**11.9.6.3.** 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.

**11.9.6.4.** At all cul-de-sac bulb radii.

**11.9.6.5.** 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.

**11.9.6.6.** 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.

**11.9.6.7.** Any existing or proposed signalized intersection abutting a proposed development that does not have street lighting.

**11.9.6.8.** Fixtures shall be installed at such other locations along proposed streets as to ensure adequate lighting.



# **ARTICLE 12 SIGN STANDARDS**

## **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 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:

- A.** 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;
- B.** 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;
- C.** To prohibit all signs not expressly permitted by this Ordinance; and
- D.** To provide for the enforcement of the provisions of this Ordinance.

### **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.

**A. Permanent Signs Requiring a Permit:**

The types of permanent signs listed below shall be required to receive a permit:

1. Wall Signs (12.4.2)
2. Freestanding Ground Signs (12.4.3)

**B. Permanent Signs Not Requiring a Permit:**

The types of permanent signs listed below shall not be required to receive a permit:

1. Incidental Signs (12.4.4)
2. Permanent Flag displays (12.4.5)

**C. 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:

1. An accurate Plot Plan of the lot or parcel, at such scale as the Administrator may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;
3. 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
4. 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.
5. Permanent signs for planned developments shall be reviewed as part of the site plan.

**D. Temporary Sign Registration.**

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.

**1. Temporary Signs Requiring Registration.**

- a. Type 3 Freestanding Temporary Signs (12.3.3.D)
- b. Wall Mounted Temporary Signs (12.3.4)

**2. Registration Procedure and Standards**

- a. The Administrator shall maintain a system for the submission of temporary sign registrations.
- b. 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.
- c. 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.
- d. 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:

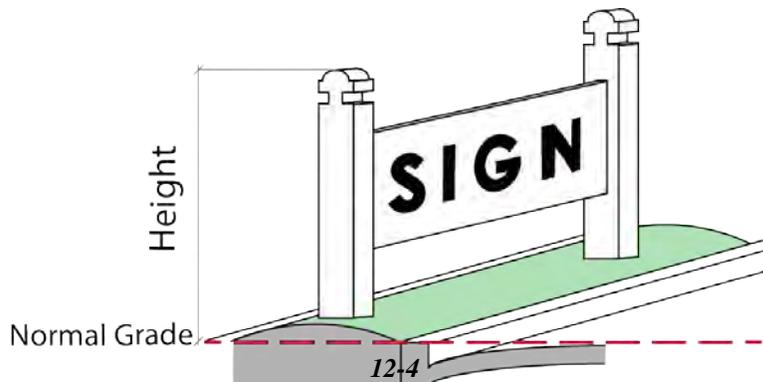
- A. Computation of Area of Single-faced Signs.** The area of a sign face shall be computed by means of the smallest square or rectangle, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the 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**



- B. 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.
- C. 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 be 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**



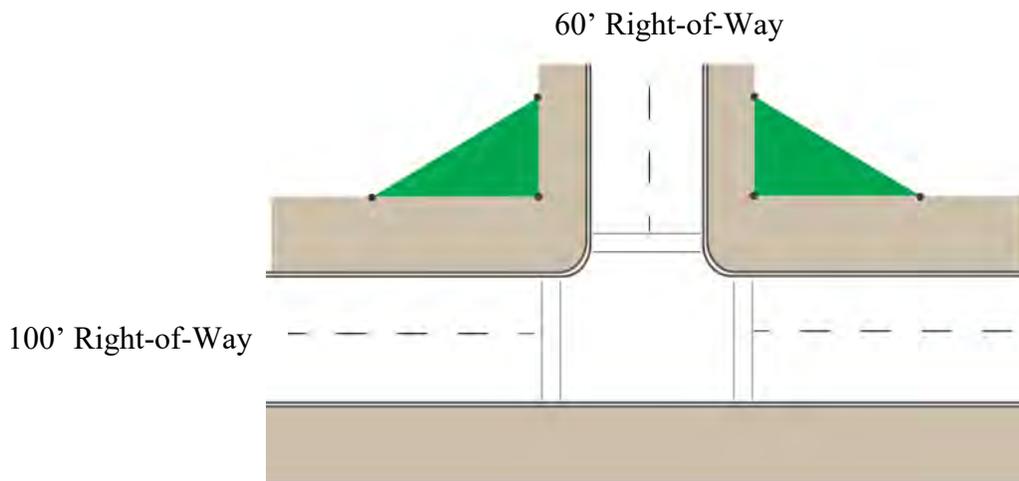
**12.1.7. CLEAR SIGHT DISTANCE REQUIRED.**

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 Conditional 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:

- A. Permitted sign types
- B. Permitted sign area and height for each proposed sign
- C. Permitted sign materials for each type of sign
- D. Permitted types of illumination for each sign type
- E. The location of all proposed signs, including permitted mounting locations for building mounted signs.
- F. 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.

**A. 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).

**B. 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.

**C. 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	<ul style="list-style-type: none"> <li>Residential Use Group for lots or developments of 3 acres or less</li> <li>Vacant or undeveloped properties of 1 acre or less</li> </ul>	<ul style="list-style-type: none"> <li>Institutional and Civic Use Group</li> </ul>	<ul style="list-style-type: none"> <li>Residential Use Group for lots or developments of greater than 3 acres</li> <li>Vacant or undeveloped properties of greater than 1 acre</li> <li>Any property with a minimum of 200 feet of frontage on a public right-of-way</li> </ul>	<ul style="list-style-type: none"> <li>Institutional and Civic Use Group</li> <li>Professional Office/Business Services Use Group</li> <li>Retail Trade Use Group</li> </ul>
Max. Size <sup>1</sup> (square feet)	6	18	18	6
Max. Height (feet)	4	4	6	4
Number Permitted <sup>2</sup>	1	1	1	1 per customer entrance <sup>4</sup>
Max. Duration	No Limit	7 days up to 12 times per calendar year	2 years <sup>3</sup>	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.	<ul style="list-style-type: none"> <li>Shall be located within 10 feet of building wall and within 10 feet of a customer entrance</li> <li>May be located on sidewalk if with a minimum 3-foot clearance</li> <li>Shall not be placed in a landscaped area or parking area or driveway</li> </ul>

<sup>1</sup>The display area may be either single or dual-sided, but shall not consist of more than one (1) distinct component.

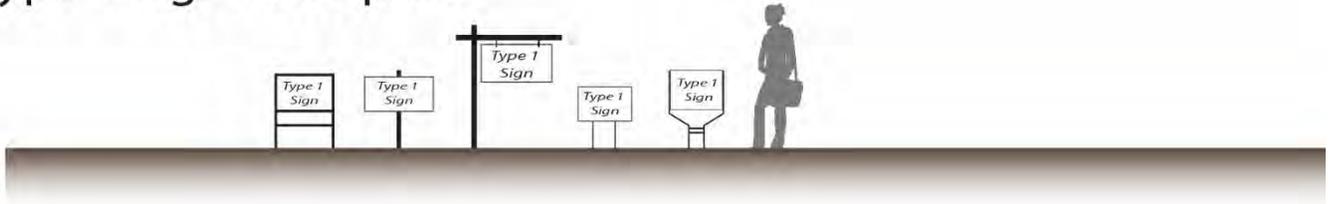
<sup>2</sup>Per parcel or group of adjacent parcels under common ownership or tenancy

<sup>3</sup>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.

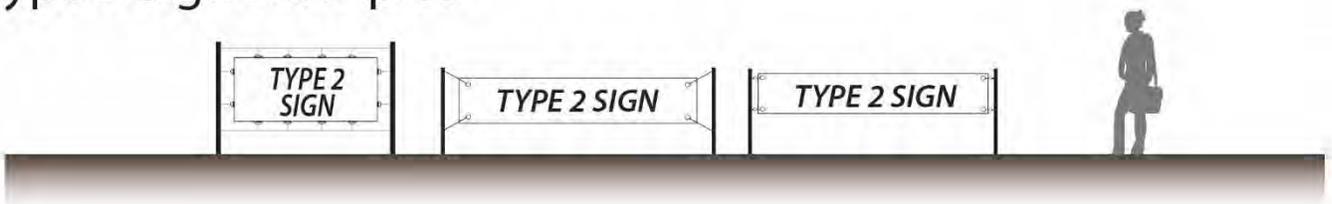
<sup>4</sup>Provided there is a separation of a minimum of 50 feet if there is more than one customer entrance per tenant space.

# 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 30<sup>th</sup> 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 10<sup>th</sup> 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	<ul style="list-style-type: none"> <li>• Area calculated based on total area of building wall upon which the sign(s) is (are) located</li> <li>• Max. area may be split between number of signs allowed</li> </ul>
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

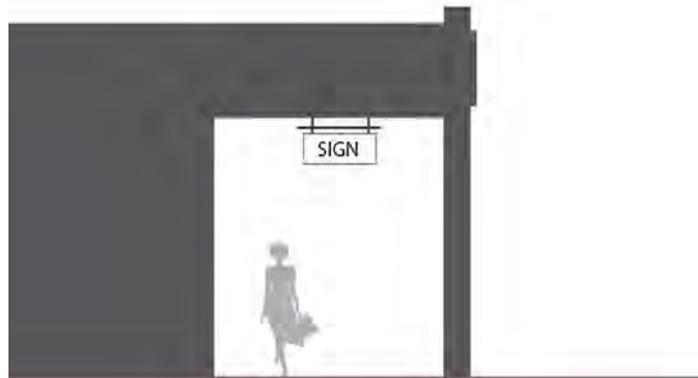
**FIGURE 12-5: BUILDING SIGN TYPES**



**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

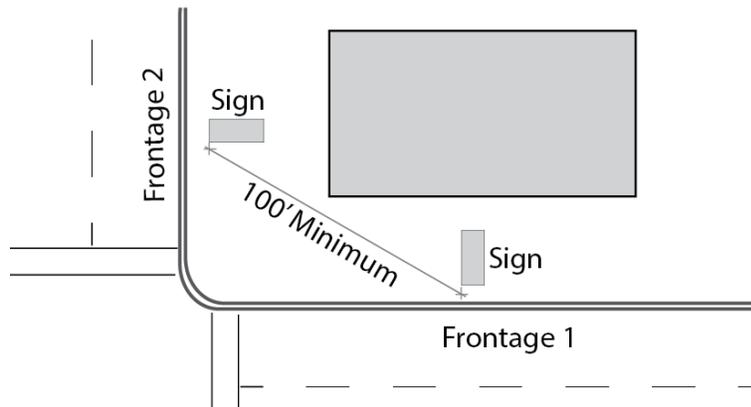
FIGURE 12-9: GROUND SIGN TYPES



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.

***12.4.4.5 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.

***12.4.4.6 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.

***12.4.4.7 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.**

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. 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  
NONCONFORMING USES AND STRUCTURES  
AND VESTED RIGHTS**

<b>SECTION</b>	<b>PAGE</b>
13.1 NONCONFORMING USES AND LOTS .....	13-2
13.2 VESTED RIGHTS .....	13-5
13.3 EXPIRATION OF DEVELOPMENT APPROVALS .....	13-11

## **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.**

#### **13.1.2.1. Single Lot of Record.**

**13.1.2.1.1.** 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.

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.

**13.1.2.1.2.** 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 per cent (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.**

**13.1.3.1.** A Nonconforming Use shall not be expanded, enlarged or changed to another Nonconforming Use except as provided in this section 13.1.3.

**13.1.3.2.** No structural alterations shall be made to a Building or other Structure substantially occupied by a Nonconforming Use except as necessary:

**13.1.3.2.1.** to comply with the requirements of a federal or state laws or regulations, or local ordinance of general applicability;

**13.1.3.2.2.** to accommodate a Conforming Use; or

**13.1.3.2.3.** to make such structure conform to the applicable dimensional regulations.

**13.1.3.3.** 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.**

**13.1.4.1.** 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.

**13.1.4.2.** 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.**

**13.1.5.1.** 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 § 13.1.5.

**13.1.5.2.** 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.** A Certificate of Nonconformity

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.** 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 an detailed explanation of the current Use including documentation of traffic generated by the current use.

**13.1.6.3.** A Certificate of Nonconforming Adjustment may be granted by the Administrator in accordance with the provisions of this section. Steps in the nonconformity adjustment process are:

- **Step 1 - Application.** An application for a nonconformity adjustment will be considered by the Zoning Administrator upon the filing of a form entitled "Request for Nonconformity Adjustment", available within the office of the Administrator.
- **Step 2 - Notification of neighboring landowners.** All landowners adjoining to any degree (including lying across roadways) the site of the nonconformity will receive notification of the filing of the request for a Certificate of Nonconformity Adjustment and given an opportunity, should they desire, to comment on the nonconformity within

seven (7) days of the date of filing.

- **Step 3 - Decision by Zoning Administrator.** Within 30 days of the date of receipt of a request for a nonconformity adjustment, the Zoning Administrator will either approve or deny the request. His decision to approve may be based upon the applicant agreeing to site changes. The decision to approve or deny will be made based on the following criteria:
  - Noise. Does the nonconformity create noise above and beyond levels considered normal to the area?
  - Traffic. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
  - Other measurable, physical effects. Does the nonconformity generate any other negative effects including but not limited to: dust, air pollution, foul smell, etc.?
  - Surrounding property values. Does the nonconformity detract from the prevailing property values?
  - Aesthetics. Does the nonconformity compliment or detract from the overall aesthetic character of the area?
- **Step 4 - Changes to the nonconformity.** The Zoning Administrator will determine what the nonconformity operator/owner must do to the property for certification. For example, landscaping or fencing may be required or a shift of operations away from adjoining properties may be stipulated.

**13.1.6.4. Denial by Administrator.** If the Administrator, after an analysis of the facts of the situation, finds the nonconformity cannot be adjusted, it will be handled as such and subject to those provisions of this Ordinance which deal with unreformable nonconformities. A denied applicant may petition the Planning & Zoning Board acting as a Board of Adjustment for a review of the Administrator's decision within 30 days. The procedures for an appeal are set forth in § 3.7 of this Ordinance.

**13.1.6.5. Approval by Administrator.** Certificates of Nonconformity Adjustment may be issued with or without conditions. Those with conditions will be issued after a visual inspection by the Administrator.

**13.1.7. REPLACEMENT OF NONCONFORMING MANUFACTURED HOMES ON INDIVIDUAL LOTS.**

**13.1.7.1.** Nonconforming manufactured homes on individual lots may not be replaced in the Corporate Town Limits.

**13.1.8. NONCONFORMING MANUFACTURED HOME PARKS.**

**13.1.8.1.** All manufactured home parks made nonconforming by this Ordinance and not operating under a conditional use permit in accordance with 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 will be utilized as verification reflecting the number of lots the individual paid taxes on.

**13.1.8.2.** 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 Section 4.17.8.2 of this Ordinance.

## **13.2. VESTED RIGHTS.**

### **13.2.1. PURPOSE AND INTENT.**

The purpose and intent of this Section is:

- To provide detailed administrative rules, regulations and procedures in order to guide officials in the administration, interpretation and implementation of the the Unified Development Ordinance, and/or any other ordinances, regulations and or administrative rules adopted by the Town in order to implement a comprehensive plan for development.
- To establish predictability and fairness for affected landowners;
- To recognize that development projects for which vested rights have been obtained must be accounted for in the *Comprehensive Plan*, the Unified Development Ordinance, capital improvements programs, and other land development regulations.
- To provide a method for determining and quantifying the number of projects, development projects, and land uses, which do not now comply with this Ordinance, or which may in the future fail to comply with this Ordinance due to subsequent amendments to this Ordinance but which are vested, so that such projects, development projects and land uses can be accounted for in the existing and future general plans and this Ordinance.
- To establish uniform and non-burdensome procedures and specific criteria for the determination of vested rights and claims of equitable estoppel in order to aid in the accomplishment of sound and orderly planning;
- To define the scope of vested rights that have been obtained by virtue of prior development approvals, including the expiration of development permits;
- To protect legitimate investment-backed expectations;
- To protect the planning and implementation process;
- To settle potential disputes and to minimize protracted and costly litigation;
- To facilitate implementation of the goals, objectives and policies set forth in the *Comprehensive Plan*; and
- To ensure that all applicable legal standards and criteria are utilized in the determinations to be made hereunder.
- To implement the provisions of NCGS § 160A-385.1 *Vested Rights*.

### **13.2.2. APPLICABILITY.**

This § 13.2 shall apply to any person(s) desiring to obtain a right to develop land beyond the time limitations as set forth in other sections of this Ordinance.

### **13.2.3. AUTHORIZATION.**

The provisions of this Section 13.2 are authorized by NCGS § 160A-385.1 *Vested Rights*.

**13.2.4. DEFINITIONS.**

The following terms shall have the definitions provided in this Section 13.2.3. If a contrary definition appears in § 160A-385.1(b), the term shall have the meaning set forth in that section. Any terms not defined herein shall have the meaning assigned in Appendix A to this Ordinance.

**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 or contract 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.

**TOWN** - The Town of Mount Pleasant, North Carolina.

**PHASED DEVELOPMENT PLAN** - A plan which has been submitted to a Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan.

**PROPERTY** - All real property subject to zoning regulations and restrictions and zoning boundaries by the Town.

**SITE SPECIFIC DEVELOPMENT PLAN** - A plan which has been submitted to a Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such 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 TND Greenfield plan, a subdivision plat, a conditional or special use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by the Town. Such plans include the information set required by § 13.2.8. A variance shall not constitute a site specific development plan. Neither a Sketch Plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

**VESTED RIGHT** - The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

**13.2.5. ESTABLISHMENT OF VESTED RIGHTS.**

**13.2.5.1.** A Vested Right shall be deemed established for any property upon the approval (with or without conditions) of a Site Specific Development Plan or a Phased Development Plan by the appropriate Town decision-making agency in accordance with the provisions of this section 13.2.

**13.2.5.2.** Notwithstanding the provisions of this § 13.2.4, the approval of a Site Specific Development Plan with the condition that a Variance be obtained shall not establish or be deemed to establish a Vested Right unless and until the Variance is obtained.

**13.2.6. DURATION.**

**13.2.6.1.** An amendment or modification of a Site Specific Development Plan or Phased Development Plan shall not extend the Vested Rights period unless the approval shall specifically provide for such extension.

**13.2.6.2.** A Building Permit which is issued for a development for which Vested Rights have been established shall not expire or be revoked because of the time limitations on validity of permits under NCGS § 160A-418 prior to the expiration of the Vested Rights period.

**13.2.6.3.** Where a Variance is required as a condition of the approval of a Site Specific Development Plan, the effective date of the approval which commenced the period for development shall be the date on which the Variance

is granted.

**13.2.6.4.** A right to develop a Building or Structure or Use which has been vested as provided in this section 13.2 shall terminate at the end of the applicable vesting period for all Buildings or Structures and Uses for which no valid application for a Building Permit has been filed.

**13.2.6.5. Voluntary Annexation.** In accordance with NCGS § 160A-31(h) and 160A-58.1(d), petitioners filing for voluntary annexation shall also submit a statement declaring whether or not vested rights with respect to the properties subject to the petition have been established. Whenever the Town acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The Town may take any action regarding such a permit, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its ordinances and regulations.

**13.2.7. PROCEDURE FOR APPROVAL OF A VESTED RIGHT.**

**13.2.7.1.** The procedures for approval of a Site Specific Development Plan are set forth in § 13.2.8, below. The procedures for approval of a Phased Development Plan are set forth in § 13.2.9, below.

**13.2.7.2.** Upon approval of a Site Specific Development Plan or a Phased Development Plan, each and every map, plat, site plan or other document prepared or used for the Development shall contain the following notation:

“Approval of this Site Specific Development Plan establishes a Vested Right under North Carolina General Statutes § 160A-385.1. Unless terminated at an earlier date, the Vested Right shall be valid until [date approved by Town].”

**13.2.8. SCOPE OF VESTED RIGHTS.**

**13.2.8.1.** Following approval or conditional approval of a site specific development plan or a phased development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals by the Town to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval. Nothing in this section shall prohibit the Town from revoking the zoning clearance permit for failure to comply with applicable terms and conditions of the approval or this Ordinance as set forth in Section 1.6.

**13.2.8.2.** 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 development plan or an approved phased development plan, except:

**13.2.8.2.1.** With the written consent of the affected landowner;

**13.2.8.2.2.** Upon findings, by ordinance after notice and a public 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 development plan or the phased development plan;

**13.2.8.2.3.** 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 consultant's fees incurred after approval by the Town, together with

interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of

the property which is caused by such action;

**13.2.8.2.4.** Upon findings, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site specific development plan or the phased development plan; or

**13.2.8.2.5.** Upon the enactment or promulgation of a State or federal law or regulation which precludes development as contemplated in the site specific development 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 a hearing.

**13.2.8.3.** The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does 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 land-use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property which is subject to a site specific development plan or a phased development plan upon the expiration or termination of the vesting rights period provided for in this section.

**13.2.8.4.** Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing nonconforming situations or uses. (See § 13.1 of this Ordinance).

**13.2.8.5.** A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan or a phased development plan, all successors to the original landowner shall be entitled to exercise such rights.

**13.2.8.6.** Nothing in this section shall preclude 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.

**13.2.9. SITE-SPECIFIC DEVELOPMENT PLANS (SSDPs).**

**13.2.9.1. GENERAL.** The Town Board or the Planning and Zoning Board (for preliminary subdivision plats) may, but under no circumstances is it required, to approve a Site-Specific Development Plan (SSDP). The SSDP shall bind the applicant and the Town Board (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this Section. The Administrator and the Town Attorney, or their designees, are authorized to negotiate Development Agreements on behalf of the Town Board to enforce a SSDP.

**13.2.9.2. Applicability.** The Town Board or the Planning and Zoning Board may approve a SSDP pursuant to this Section only if the proposed development to which the SSDP pertains is in conformity with the then adopted *Comprehensive Plan* and capital improvements program, zoning regulations, and other applicable requirements of this Ordinance. The SSDP shall be used solely as a means to enforce compliance with the terms of this Ordinance, and shall not be considered an inducement for the approval of any application for development approval.

**13.2.9.3. Duration.**

**13.2.9.3.1.** Upon approval of a Site Specific Development Plan, the right to develop such Development or Use shall continue for period of two (2) years from the date of approval of such Site Specific Development Plan.

**13.2.9.3.2.** Notwithstanding the foregoing, the Town, in its approval, may authorize a Vested Rights

development period of longer than two (2) years, but in no event longer than five (5) years, if, in the Town's sole discretion, such longer period is necessary because of the size and phasing of the Development, the investment in the Development, the need for the Development, economic cycles, and such other conditions as the Town may consider relevant.

**13.2.9.4. Procedure for Approval of an SSDP.**

**13.2.9.4.1.** An application for an SSDP may be made to the Administrator in accordance with the procedures set forth herein. Application may be made by the landowner. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed SSDP executed by the landowner. Application may be made by the Planning Board or the Town Board. If made by the Planning Board or the Town Board, the applicant shall obtain and attach a notarized statement of consent to proceed with the proposed SSDP executed by the owner of the subject property.

**13.2.9.4.2. Coordination of SSDP Application with other Discretionary Approvals.**

It is the intent of these regulations that the application for an SSDP will be made and considered simultaneously with the review of other necessary applications; including, but not limited to, land-use approval designation as may be utilized by the Town. If combined with an application for rezoning, subdivision and plat approval, planned development or conditional use permit, the application for a SSDP shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A SSDP is not a substitute for, nor an alternative to, any other required permit or approval, and the applicant must comply with all other required procedures for development approval.

**13.2.9.4.3. Contents of a SSDP.** No SSDP shall be approved by the Town Board or Planning and Zoning Board, nor shall any such SSDP or any provision of such SSDP have any legal force and effect, unless the application contains the following minimum provisions:

- the approximate boundaries of the site;
- significant topographical and other natural features effecting 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;
- the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and
- Any other matters set forth in NCGS § 160A-385-1(b)(5).
- The provisions of this Section supplement, but do not replace, any additional information required by Appendix B for any site plan, Planned Unit Development plan, a subdivision plat, a conditional use permit, a conditional use district zoning plan, or any other application for development approval required for the proposed development.

**13.2.9.4.4. Approval of Town Board or Planning and Zoning Board.**

No SSDP shall become effective until approved by the Town Board or Planning and Zoning Board. What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the document that triggers such vesting shall be so identified at the time of its

approval. The Town Board or Planning and Zoning Board shall consider the proposed SSDP consistent with any procedures as may be established pursuant to NCGS § 160A-385.1. The Town Board or Planning and Zoning Board may:

- Approve the SSDP;
- Approve the SSDP with conditions; or
- Reject the SSDP, in whole or in part, and take such further action as it deems to be in the public interest.
- The Town Board or Planning and Zoning Board, in approving an SSDP, shall expressly find that the agreement meets those criteria in this Ordinance for approval of the Applications for Development Approval.

**13.2.9.5. Recordation of SSDP.**

No later than ten (10) days after the Town Board or Planning and Zoning Board approves an SSDP, the Administrator shall record a copy of the SSDP with the county register of deeds, and the recordation constitutes notice of the SSDP to all persons. The burdens of the SSDP are binding on, and the benefits of the SSDP inure to, the parties to the agreement and to all their successors in interest and assigns.

**13.2.9.6. Covenants.** Unless otherwise provided in the SSDP, any covenant by the Town Board or Planning and Zoning Board contained in the SSDP to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period not exceeding that specified in NCGS § 160A-385(d)(1). The covenant shall also contain a proviso that the Town Board or Planning and Zoning Board may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to public health, safety and general welfare. The covenant shall contain the additional proviso that the Town Board or Planning and Zoning Board may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

**13.2.9.7. Notice of Decision.**

Within ten (10) days following a decision of an SSDP, the Administrator shall give notice of such action to the applicant.

**13.2.9.8. Third Party Rights.** Except as otherwise expressly provided in the SSDP, the SSDP shall create no rights enforceable by any party who/which is not a party to the SSDP.

**13.2.9.9. Amendment or Cancellation.** An SSDP may be amended, or cancelled in whole or in part, by mutual consent of the parties to the SSDP or by their successors in interest or assigns.

**13.2.10. PHASED DEVELOPMENT PLANS (PDP's).**

The procedures and requirements pertaining to Phased Development Plans (PDP's) shall be the same as those set forth for SSDP's in § 13.2.8, except as provided below:

**13.2.10.1. Duration.** The Town Board or Planning and Zoning Board may, but under no circumstances is it required, provide by ordinance that approval by the Town Board or Planning and Zoning Board of a phased development plan shall vest the zoning classification or classifications so approved for a period not to exceed five years.

**13.2.10.2. Procedure.** The document that triggers such vesting shall be so identified at the time of its approval.

The Town Board or Planning and Zoning Board still may require the landowner to submit a site specific development plan for approval by the Town with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classification or classifications.

**13.2.10.3. Discretion.** Nothing in this section shall be construed to require the Town Board or Planning and Zoning Board to adopt an ordinance providing for vesting of rights upon approval of a phased development plan.

## **13.3. EXPIRATION OF DEVELOPMENT APPROVALS.**

### **13.3.1. TIME OF EXPIRATION.**

Unless otherwise specifically provided for in this Ordinance, development applications shall automatically expire and become null and void, and all activities taken pursuant to such development application shall cease and become null and void, and all activities pursuant to such approval thereafter shall be deemed in violation of this Ordinance, when: 1) the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the application for development approval, or that was made pursuant to the terms of any development agreement, including the failure to abide by specified time limits established therein; or 2) the applicant fails to present a subsequent development application as required by this title within the time so required or as may be required by Table 13.3-1 or 13.3-2 this Ordinance or North Carolina law. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be twelve (12) months from the date of approval.

### **13.3.2. DATE FROM WHICH TIME LIMIT IS MEASURED.**

**13.3.2.1.** Each time period referenced on Table 13.3-1 and Table 13.3-2 shall run from the final action of the appropriate official, officer, commission, Board or the governing body with valid and legal jurisdiction to take such action or to approve such plans or to issue such permits. Except as may be otherwise indicated herein, the date of final action shall be the date such action was taken or such approval was granted or such permit was issued, as set forth on such action, approval or permit.

**13.3.2.2.** In order to assure that all applicants for actions, approvals or permits are informed of the applicable time limit, the date of final action and the expiration date shall be shown on each such action, permit or approval; but provided, however, that the Administrator's failure to include either the date of final action or the expiration date shall not be deemed to be a waiver of such dates nor shall it be the basis of any action by the applicant to challenge the applicable expiration date. The burden is on the applicant to know the date of issuance and the expiration date. If either or both of such dates are not shown, the applicant may request, and the Administrator shall promptly supply such date or dates.

**13.3.2.3.** All actions, approvals or permits shall expire on the expiration date unless a valid extension has been granted on or before the expiration date pursuant to section 13.3.3 herein.

### **13.3.3. EXTENSIONS OF TIME LIMITS.**

**13.3.3.1. First Extension.** Unless otherwise prohibited by North Carolina law or this Ordinance, the Administrator may extend the time for expiration of a development permit or approval for a period not to exceed one (1) year from the date of the original decision granting approval, if the application for extension is made in writing within the original period of validity. Subsequent extensions may be made by the final approval body upon finding that conditions at the time of approval have not changed.

**13.3.3.2. Additional Extensions.** There shall be no additional extensions of any time limits for actions, approvals or permits set forth herein, as of right. Any extensions must be expressly requested by the applicant, in writing, and approved by the appropriate official, officer, board, commission or the governing body which originally took the action, approved the plan or issued the permit.

**13.3.3.3.** A request for an extension of an expiration date shall be made on a form provided by the Administrator and shall include, but shall not necessarily be limited to, the following:

- the current date of expiration;

- the extension period requested, which shall be no longer than the original period of time granted; and
- the reason(s) that the applicant has been unable to proceed within the period of the original expiration date.

**13.3.3.4.** Before granting an extension, the official, officer, board, commission or the governing body

shall determine whether any applicable changes in land use regulations have occurred which would impose new requirements with respect to such action, approval or permit, if an extension were denied, and the applicant were compelled to re-file for an original action, approval or permit. If changes have occurred, the official, officer, board, commission or the governing body shall balance the burden imposed on the applicant if required to re-file for an original action, approval or permit against the benefit accruing to the public by requiring the applicant to comply with the new regulation.

**Table 13.3-1  
TIME LIMITS FOR USE OF ZONING APPROVALS AND PERMITS \***

<b>Action/Permit/Approval</b>	<b>Time Limit</b>
Conditional Use Permit under the current or a former ordinance (or a Special Use Permits under a former Ordinance)	One year to obtain a building permit and commence construction of the primary use authorized by the permit or, in the case of home occupations, to complete any necessary alterations, adjustments, modifications, or other activities authorized by the permit.
Variance	Six (6) months to obtain a building permit and to commence construction of the primary use authorized by the variance
Preliminary Site Plan	The approval of a preliminary site plan shall be effective for a period of one (1) year from the date of approval, at the end of which time the applicant must have submitted a complete final site plan for approval. If a final site plan is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan for review.
Final Site Plan	The approval of a final site plan shall be effective for a period of one (1) year from the date that the final site plan is approved by the Administrator at the end of which time, substantial construction shall have commenced and shall continue without interruption, or a complete building permit application shall be submitted and reviewed by the Administrator. Failing same, the final approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan subject to the then existing provisions of this Ordinance.

\* Where Vested Rights have been established in accordance with Section 13.2 of this Ordinance, the time limits as set forth in Section 13.2 shall apply.

**Table 13.3-2  
TIME LIMITS FOR USE OF SUBDIVISION APPROVALS**

<b>Plan/Plat Approval</b>	<b>Time Limit</b>
Sketch Plan	Not applicable (not approved or rejected)
Preliminary Plat (for Major Subdivision)	Two years to obtain final plat approval.
Final Plat or Conveyance Plat	Thirty (30) days to record plat.

**ARTICLE 13  
NONCONFORMING USES AND STRUCTURES  
AND VESTED RIGHTS**

<b>SECTION</b>	<b>PAGE</b>
13.1 NONCONFORMING USES AND LOTS .....	13-2
13.2 VESTED RIGHTS .....	13-5
13.3 EXPIRATION OF DEVELOPMENT APPROVALS .....	13-11

## **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.**

#### **13.1.2.1. Single Lot of Record.**

**13.1.2.1.1.** 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.

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.

**13.1.2.1.2.** 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 per cent (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.**

**13.1.3.1.** A Nonconforming Use shall not be expanded, enlarged or changed to another Nonconforming Use except as provided in this section 13.1.3.

**13.1.3.2.** No structural alterations shall be made to a Building or other Structure substantially occupied by a Nonconforming Use except as necessary:

**13.1.3.2.1.** to comply with the requirements of a federal or state laws or regulations, or local ordinance of general applicability;

**13.1.3.2.2.** to accommodate a Conforming Use; or

**13.1.3.2.3.** to make such structure conform to the applicable dimensional regulations.

**13.1.3.3.** 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.**

**13.1.4.1.** 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.

**13.1.4.2.** 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.**

**13.1.5.1.** 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 § 13.1.5.

**13.1.5.2.** 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.** A Certificate of Nonconformity

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.** 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 an detailed explanation of the current Use including documentation of traffic generated by the current use.

**13.1.6.3.** A Certificate of Nonconforming Adjustment may be granted by the Administrator in accordance with the provisions of this section. Steps in the nonconformity adjustment process are:

- **Step 1 - Application.** An application for a nonconformity adjustment will be considered by the Zoning Administrator upon the filing of a form entitled "Request for Nonconformity Adjustment", available within the office of the Administrator.
- **Step 2 - Notification of neighboring landowners.** All landowners adjoining to any degree (including lying across roadways) the site of the nonconformity will receive notification of the filing of the request for a Certificate of Nonconformity Adjustment and given an opportunity, should they desire, to comment on the nonconformity within

seven (7) days of the date of filing.

- **Step 3 - Decision by Zoning Administrator.** Within 30 days of the date of receipt of a request for a nonconformity adjustment, the Zoning Administrator will either approve or deny the request. His decision to approve may be based upon the applicant agreeing to site changes. The decision to approve or deny will be made based on the following criteria:
  - Noise. Does the nonconformity create noise above and beyond levels considered normal to the area?
  - Traffic. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
  - Other measurable, physical effects. Does the nonconformity generate any other negative effects including but not limited to: dust, air pollution, foul smell, etc.?
  - Surrounding property values. Does the nonconformity detract from the prevailing property values?
  - Aesthetics. Does the nonconformity compliment or detract from the overall aesthetic character of the area?
- **Step 4 - Changes to the nonconformity.** The Zoning Administrator will determine what the nonconformity operator/owner must do to the property for certification. For example, landscaping or fencing may be required or a shift of operations away from adjoining properties may be stipulated.

**13.1.6.4. Denial by Administrator.** If the Administrator, after an analysis of the facts of the situation, finds the nonconformity cannot be adjusted, it will be handled as such and subject to those provisions of this Ordinance which deal with unreformable nonconformities. A denied applicant may petition the Planning & Zoning Board acting as a Board of Adjustment for a review of the Administrator's decision within 30 days. The procedures for an appeal are set forth in § 3.7 of this Ordinance.

**13.1.6.5. Approval by Administrator.** Certificates of Nonconformity Adjustment may be issued with or without conditions. Those with conditions will be issued after a visual inspection by the Administrator.

**13.1.7. REPLACEMENT OF NONCONFORMING MANUFACTURED HOMES ON INDIVIDUAL LOTS.**

**13.1.7.1.** Nonconforming manufactured homes on individual lots may not be replaced in the Corporate Town Limits.

**13.1.8. NONCONFORMING MANUFACTURED HOME PARKS.**

**13.1.8.1.** All manufactured home parks made nonconforming by this Ordinance and not operating under a conditional use permit in accordance with 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 will be utilized as verification reflecting the number of lots the individual paid taxes on.

**13.1.8.2.** 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 Section 4.17.8.2 of this Ordinance.

## **13.2. VESTED RIGHTS.**

### **13.2.1. PURPOSE AND INTENT.**

The purpose and intent of this Section is:

- To provide detailed administrative rules, regulations and procedures in order to guide officials in the administration, interpretation and implementation of the the Unified Development Ordinance, and/or any other ordinances, regulations and or administrative rules adopted by the Town in order to implement a comprehensive plan for development.
- To establish predictability and fairness for affected landowners;
- To recognize that development projects for which vested rights have been obtained must be accounted for in the *Comprehensive Plan*, the Unified Development Ordinance, capital improvements programs, and other land development regulations.
- To provide a method for determining and quantifying the number of projects, development projects, and land uses, which do not now comply with this Ordinance, or which may in the future fail to comply with this Ordinance due to subsequent amendments to this Ordinance but which are vested, so that such projects, development projects and land uses can be accounted for in the existing and future general plans and this Ordinance.
- To establish uniform and non-burdensome procedures and specific criteria for the determination of vested rights and claims of equitable estoppel in order to aid in the accomplishment of sound and orderly planning;
- To define the scope of vested rights that have been obtained by virtue of prior development approvals, including the expiration of development permits;
- To protect legitimate investment-backed expectations;
- To protect the planning and implementation process;
- To settle potential disputes and to minimize protracted and costly litigation;
- To facilitate implementation of the goals, objectives and policies set forth in the *Comprehensive Plan*; and
- To ensure that all applicable legal standards and criteria are utilized in the determinations to be made hereunder.
- To implement the provisions of NCGS § 160A-385.1 *Vested Rights*.

### **13.2.2. APPLICABILITY.**

This § 13.2 shall apply to any person(s) desiring to obtain a right to develop land beyond the time limitations as set forth in other sections of this Ordinance.

### **13.2.3. AUTHORIZATION.**

The provisions of this Section 13.2 are authorized by NCGS § 160A-385.1 *Vested Rights*.

**13.2.4. DEFINITIONS.**

The following terms shall have the definitions provided in this Section 13.2.3. If a contrary definition appears in § 160A-385.1(b), the term shall have the meaning set forth in that section. Any terms not defined herein shall have the meaning assigned in Appendix A to this Ordinance.

**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 or contract 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.

**TOWN** - The Town of Mount Pleasant, North Carolina.

**PHASED DEVELOPMENT PLAN** - A plan which has been submitted to a Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan.

**PROPERTY** - All real property subject to zoning regulations and restrictions and zoning boundaries by the Town.

**SITE SPECIFIC DEVELOPMENT PLAN** - A plan which has been submitted to a Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such 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 TND Greenfield plan, a subdivision plat, a conditional or special use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by the Town. Such plans include the information set required by § 13.2.8. A variance shall not constitute a site specific development plan. Neither a Sketch Plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

**VESTED RIGHT** - The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

**13.2.5. ESTABLISHMENT OF VESTED RIGHTS.**

**13.2.5.1.** A Vested Right shall be deemed established for any property upon the approval (with or without conditions) of a Site Specific Development Plan or a Phased Development Plan by the appropriate Town decision-making agency in accordance with the provisions of this section 13.2.

**13.2.5.2.** Notwithstanding the provisions of this § 13.2.4, the approval of a Site Specific Development Plan with the condition that a Variance be obtained shall not establish or be deemed to establish a Vested Right unless and until the Variance is obtained.

**13.2.6. DURATION.**

**13.2.6.1.** An amendment or modification of a Site Specific Development Plan or Phased Development Plan shall not extend the Vested Rights period unless the approval shall specifically provide for such extension.

**13.2.6.2.** A Building Permit which is issued for a development for which Vested Rights have been established shall not expire or be revoked because of the time limitations on validity of permits under NCGS § 160A-418 prior to the expiration of the Vested Rights period.

**13.2.6.3.** Where a Variance is required as a condition of the approval of a Site Specific Development Plan, the effective date of the approval which commenced the period for development shall be the date on which the Variance

is granted.

**13.2.6.4.** A right to develop a Building or Structure or Use which has been vested as provided in this section 13.2 shall terminate at the end of the applicable vesting period for all Buildings or Structures and Uses for which no valid application for a Building Permit has been filed.

**13.2.6.5. Voluntary Annexation.** In accordance with NCGS § 160A-31(h) and 160A-58.1(d), petitioners filing for voluntary annexation shall also submit a statement declaring whether or not vested rights with respect to the properties subject to the petition have been established. Whenever the Town acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The Town may take any action regarding such a permit, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its ordinances and regulations.

**13.2.7. PROCEDURE FOR APPROVAL OF A VESTED RIGHT.**

**13.2.7.1.** The procedures for approval of a Site Specific Development Plan are set forth in § 13.2.8, below. The procedures for approval of a Phased Development Plan are set forth in § 13.2.9, below.

**13.2.7.2.** Upon approval of a Site Specific Development Plan or a Phased Development Plan, each and every map, plat, site plan or other document prepared or used for the Development shall contain the following notation:

“Approval of this Site Specific Development Plan establishes a Vested Right under North Carolina General Statutes § 160A-385.1. Unless terminated at an earlier date, the Vested Right shall be valid until [date approved by Town].”

**13.2.8. SCOPE OF VESTED RIGHTS.**

**13.2.8.1.** Following approval or conditional approval of a site specific development plan or a phased development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals by the Town to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval. Nothing in this section shall prohibit the Town from revoking the zoning clearance permit for failure to comply with applicable terms and conditions of the approval or this Ordinance as set forth in Section 1.6.

**13.2.8.2.** 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 development plan or an approved phased development plan, except:

**13.2.8.2.1.** With the written consent of the affected landowner;

**13.2.8.2.2.** Upon findings, by ordinance after notice and a public 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 development plan or the phased development plan;

**13.2.8.2.3.** 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 consultant's fees incurred after approval by the Town, together with

interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of

the property which is caused by such action;

**13.2.8.2.4.** Upon findings, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site specific development plan or the phased development plan; or

**13.2.8.2.5.** Upon the enactment or promulgation of a State or federal law or regulation which precludes development as contemplated in the site specific development 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 a hearing.

**13.2.8.3.** The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does 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 land-use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property which is subject to a site specific development plan or a phased development plan upon the expiration or termination of the vesting rights period provided for in this section.

**13.2.8.4.** Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing nonconforming situations or uses. (See § 13.1 of this Ordinance).

**13.2.8.5.** A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan or a phased development plan, all successors to the original landowner shall be entitled to exercise such rights.

**13.2.8.6.** Nothing in this section shall preclude 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.

**13.2.9. SITE-SPECIFIC DEVELOPMENT PLANS (SSDPs).**

**13.2.9.1. GENERAL.** The Town Board or the Planning and Zoning Board (for preliminary subdivision plats) may, but under no circumstances is it required, to approve a Site-Specific Development Plan (SSDP). The SSDP shall bind the applicant and the Town Board (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this Section. The Administrator and the Town Attorney, or their designees, are authorized to negotiate Development Agreements on behalf of the Town Board to enforce a SSDP.

**13.2.9.2. Applicability.** The Town Board or the Planning and Zoning Board may approve a SSDP pursuant to this Section only if the proposed development to which the SSDP pertains is in conformity with the then adopted *Comprehensive Plan* and capital improvements program, zoning regulations, and other applicable requirements of this Ordinance. The SSDP shall be used solely as a means to enforce compliance with the terms of this Ordinance, and shall not be considered an inducement for the approval of any application for development approval.

**13.2.9.3. Duration.**

**13.2.9.3.1.** Upon approval of a Site Specific Development Plan, the right to develop such Development or Use shall continue for period of two (2) years from the date of approval of such Site Specific Development Plan.

**13.2.9.3.2.** Notwithstanding the foregoing, the Town, in its approval, may authorize a Vested Rights

development period of longer than two (2) years, but in no event longer than five (5) years, if, in the Town's sole discretion, such longer period is necessary because of the size and phasing of the Development, the investment in the Development, the need for the Development, economic cycles, and such other conditions as the Town may consider relevant.

**13.2.9.4. Procedure for Approval of an SSDP.**

**13.2.9.4.1.** An application for an SSDP may be made to the Administrator in accordance with the procedures set forth herein. Application may be made by the landowner. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed SSDP executed by the landowner. Application may be made by the Planning Board or the Town Board. If made by the Planning Board or the Town Board, the applicant shall obtain and attach a notarized statement of consent to proceed with the proposed SSDP executed by the owner of the subject property.

**13.2.9.4.2. Coordination of SSDP Application with other Discretionary Approvals.**

It is the intent of these regulations that the application for an SSDP will be made and considered simultaneously with the review of other necessary applications; including, but not limited to, land-use approval designation as may be utilized by the Town. If combined with an application for rezoning, subdivision and plat approval, planned development or conditional use permit, the application for a SSDP shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A SSDP is not a substitute for, nor an alternative to, any other required permit or approval, and the applicant must comply with all other required procedures for development approval.

**13.2.9.4.3. Contents of a SSDP.** No SSDP shall be approved by the Town Board or Planning and Zoning Board, nor shall any such SSDP or any provision of such SSDP have any legal force and effect, unless the application contains the following minimum provisions:

- the approximate boundaries of the site;
- significant topographical and other natural features effecting 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;
- the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and
- Any other matters set forth in NCGS § 160A-385-1(b)(5).
- The provisions of this Section supplement, but do not replace, any additional information required by Appendix B for any site plan, Planned Unit Development plan, a subdivision plat, a conditional use permit, a conditional use district zoning plan, or any other application for development approval required for the proposed development.

**13.2.9.4.4. Approval of Town Board or Planning and Zoning Board.**

No SSDP shall become effective until approved by the Town Board or Planning and Zoning Board. What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the document that triggers such vesting shall be so identified at the time of its

approval. The Town Board or Planning and Zoning Board shall consider the proposed SSDP consistent with any procedures as may be established pursuant to NCGS § 160A-385.1. The Town Board or Planning and Zoning Board may:

- Approve the SSDP;
- Approve the SSDP with conditions; or
- Reject the SSDP, in whole or in part, and take such further action as it deems to be in the public interest.
- The Town Board or Planning and Zoning Board, in approving an SSDP, shall expressly find that the agreement meets those criteria in this Ordinance for approval of the Applications for Development Approval.

**13.2.9.5. Recordation of SSDP.**

No later than ten (10) days after the Town Board or Planning and Zoning Board approves an SSDP, the Administrator shall record a copy of the SSDP with the county register of deeds, and the recordation constitutes notice of the SSDP to all persons. The burdens of the SSDP are binding on, and the benefits of the SSDP inure to, the parties to the agreement and to all their successors in interest and assigns.

**13.2.9.6. Covenants.** Unless otherwise provided in the SSDP, any covenant by the Town Board or Planning and Zoning Board contained in the SSDP to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period not exceeding that specified in NCGS § 160A-385(d)(1). The covenant shall also contain a proviso that the Town Board or Planning and Zoning Board may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to public health, safety and general welfare. The covenant shall contain the additional proviso that the Town Board or Planning and Zoning Board may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

**13.2.9.7. Notice of Decision.**

Within ten (10) days following a decision of an SSDP, the Administrator shall give notice of such action to the applicant.

**13.2.9.8. Third Party Rights.** Except as otherwise expressly provided in the SSDP, the SSDP shall create no rights enforceable by any party who/which is not a party to the SSDP.

**13.2.9.9. Amendment or Cancellation.** An SSDP may be amended, or cancelled in whole or in part, by mutual consent of the parties to the SSDP or by their successors in interest or assigns.

**13.2.10. PHASED DEVELOPMENT PLANS (PDP's).**

The procedures and requirements pertaining to Phased Development Plans (PDP's) shall be the same as those set forth for SSDP's in § 13.2.8, except as provided below:

**13.2.10.1. Duration.** The Town Board or Planning and Zoning Board may, but under no circumstances is it required, provide by ordinance that approval by the Town Board or Planning and Zoning Board of a phased development plan shall vest the zoning classification or classifications so approved for a period not to exceed five years.

**13.2.10.2. Procedure.** The document that triggers such vesting shall be so identified at the time of its approval.

The Town Board or Planning and Zoning Board still may require the landowner to submit a site specific development plan for approval by the Town with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classification or classifications.

**13.2.10.3. Discretion.** Nothing in this section shall be construed to require the Town Board or Planning and Zoning Board to adopt an ordinance providing for vesting of rights upon approval of a phased development plan.

## **13.3. EXPIRATION OF DEVELOPMENT APPROVALS.**

### **13.3.1. TIME OF EXPIRATION.**

Unless otherwise specifically provided for in this Ordinance, development applications shall automatically expire and become null and void, and all activities taken pursuant to such development application shall cease and become null and void, and all activities pursuant to such approval thereafter shall be deemed in violation of this Ordinance, when: 1) the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the application for development approval, or that was made pursuant to the terms of any development agreement, including the failure to abide by specified time limits established therein; or 2) the applicant fails to present a subsequent development application as required by this title within the time so required or as may be required by Table 13.3-1 or 13.3-2 this Ordinance or North Carolina law. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be twelve (12) months from the date of approval.

### **13.3.2. DATE FROM WHICH TIME LIMIT IS MEASURED.**

**13.3.2.1.** Each time period referenced on Table 13.3-1 and Table 13.3-2 shall run from the final action of the appropriate official, officer, commission, Board or the governing body with valid and legal jurisdiction to take such action or to approve such plans or to issue such permits. Except as may be otherwise indicated herein, the date of final action shall be the date such action was taken or such approval was granted or such permit was issued, as set forth on such action, approval or permit.

**13.3.2.2.** In order to assure that all applicants for actions, approvals or permits are informed of the applicable time limit, the date of final action and the expiration date shall be shown on each such action, permit or approval; but provided, however, that the Administrator's failure to include either the date of final action or the expiration date shall not be deemed to be a waiver of such dates nor shall it be the basis of any action by the applicant to challenge the applicable expiration date. The burden is on the applicant to know the date of issuance and the expiration date. If either or both of such dates are not shown, the applicant may request, and the Administrator shall promptly supply such date or dates.

**13.3.2.3.** All actions, approvals or permits shall expire on the expiration date unless a valid extension has been granted on or before the expiration date pursuant to section 13.3.3 herein.

### **13.3.3. EXTENSIONS OF TIME LIMITS.**

**13.3.3.1. First Extension.** Unless otherwise prohibited by North Carolina law or this Ordinance, the Administrator may extend the time for expiration of a development permit or approval for a period not to exceed one (1) year from the date of the original decision granting approval, if the application for extension is made in writing within the original period of validity. Subsequent extensions may be made by the final approval body upon finding that conditions at the time of approval have not changed.

**13.3.3.2. Additional Extensions.** There shall be no additional extensions of any time limits for actions, approvals or permits set forth herein, as of right. Any extensions must be expressly requested by the applicant, in writing, and approved by the appropriate official, officer, board, commission or the governing body which originally took the action, approved the plan or issued the permit.

**13.3.3.3.** A request for an extension of an expiration date shall be made on a form provided by the Administrator and shall include, but shall not necessarily be limited to, the following:

- the current date of expiration;

- the extension period requested, which shall be no longer than the original period of time granted; and
- the reason(s) that the applicant has been unable to proceed within the period of the original expiration date.

**13.3.3.4.** Before granting an extension, the official, officer, board, commission or the governing body

shall determine whether any applicable changes in land use regulations have occurred which would impose new requirements with respect to such action, approval or permit, if an extension were denied, and the applicant were compelled to re-file for an original action, approval or permit. If changes have occurred, the official, officer, board, commission or the governing body shall balance the burden imposed on the applicant if required to re-file for an original action, approval or permit against the benefit accruing to the public by requiring the applicant to comply with the new regulation.

**Table 13.3-1  
TIME LIMITS FOR USE OF ZONING APPROVALS AND PERMITS \***

<b>Action/Permit/Approval</b>	<b>Time Limit</b>
Conditional Use Permit under the current or a former ordinance (or a Special Use Permits under a former Ordinance)	One year to obtain a building permit and commence construction of the primary use authorized by the permit or, in the case of home occupations, to complete any necessary alterations, adjustments, modifications, or other activities authorized by the permit.
Variance	Six (6) months to obtain a building permit and to commence construction of the primary use authorized by the variance
Preliminary Site Plan	The approval of a preliminary site plan shall be effective for a period of one (1) year from the date of approval, at the end of which time the applicant must have submitted a complete final site plan for approval. If a final site plan is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan for review.
Final Site Plan	The approval of a final site plan shall be effective for a period of one (1) year from the date that the final site plan is approved by the Administrator at the end of which time, substantial construction shall have commenced and shall continue without interruption, or a complete building permit application shall be submitted and reviewed by the Administrator. Failing same, the final approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan subject to the then existing provisions of this Ordinance.

\* Where Vested Rights have been established in accordance with Section 13.2 of this Ordinance, the time limits as set forth in Section 13.2 shall apply.

**Table 13.3-2  
TIME LIMITS FOR USE OF SUBDIVISION APPROVALS**

<b>Plan/Plat Approval</b>	<b>Time Limit</b>
Sketch Plan	Not applicable (not approved or rejected)
Preliminary Plat (for Major Subdivision)	Two years to obtain final plat approval.
Final Plat or Conveyance Plat	Thirty (30) days to record plat.

**ARTICLE 14  
ADEQUATE PUBLIC FACILITIES (APF) STANDARDS**

*Table of Contents*

14.1 GENERAL STANDARDS .....2  
14.2 APF PROCESSIONG PROCEDURES .....4  
14.3 CRITERIA FOR DETERMINATION OF ADEQUACY.....7

## **14.1. GENERAL STANDARDS.**

### **14.1.1. PURPOSE AND INTENT.**

The purpose and intent of this Section is:

- To ensure that Public Facilities needed to support new development meet or exceed the Level of Service standards established herein.
- To ensure that no applications for development approval are approved which would cause a reduction in the levels of service for any Public Facilities below the Adopted Level of Service established in this Section;
- 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 Level of Service standards; 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 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.

**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.**

**14.1.3.1.** The provisions of this section shall apply to any:

- application for conditional district rezoning;
- application for Major or Minor Site Plan Approval of any project that generates 2,000 or more trips per day;

- application for Major or Minor Site Plan Approval of a multi-family or attached single-family residential project, except that the only APF review to be applied is school capacity.
- any application for a Preliminary Subdivision Plat. Subdivision plats that qualify as Minor Subdivisions shall not be subject to this article.

**14.1.3.1.1.** The provisions of this Ordinance shall apply to Final Plats or Final Site Plans (Major Site Plans) to the extent that the availability of a Public Facility is made a condition of preliminary plat or preliminary site plan approval.

**14.1.3.1.2.** 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.

**14.1.3.2.** This Section shall not apply to any use, development, project, structure, fence, sign or activity which does not result in a new equivalent dwelling unit.

## **14.2. APF PROCESSING PROCEDURES.**

**14.2.3. SUBMISSION REQUIREMENTS.** 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 to the Department and shall be accompanied by all required administrative fees.

**14.2.3.1.** 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 conditional use permit that would otherwise be inconsistent with the *Comprehensive Plan*.

### **14.2.4. PROCEDURES FOR DETERMINATION.**

**14.2.4.1.** 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 14.2.4.2, below.

**14.2.4.2.** 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 subsection 14.3.1 of 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:

- the number of equivalent dwelling units proposed by the Applicant, by type, for each Public Facility;
- the timing and phasing of the proposed development, if applicable;
- the specific Public Facilities impacted by the proposed development;
- the extent of the impact of the proposed development in the applicable Impact Areas;
- the Capacity of existing Public Facilities in the Impact Areas which will be impacted by the proposed development;
- the demand on existing Public Facilities in the Impact Areas from existing and approved development;
- the availability of Existing Capacity to accommodate the proposed development; and
- 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.**

**14.2.6.1.** 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 confirm:

- 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.

**14.2.7. EXPIRATION OF DETERMINATION.**

**14.2.7.1.** A determination pursuant to subsection 14.2.6.1, above, shall be deemed to expire when the Development Order 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.

**14.2.7.2.** 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.**

**14.2.8.1.** A determination of adequacy of public facilities for a Development Order shall be deemed to indicate that:

- Public Facilities are available at the time of issuance of the determination; and

- 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 Order 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 Order is submitted within the time frames set forth in this document. If no expiration date is provided in the UDO, 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 Order.

**14.2.8.2.** The provisions of §14.2.8.1, above shall not apply to any rezoning except a Site-Specific Development Plan or Phased Development Plan.

**14.2.8.3.** 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**

**14.2.9.1.** No advancement of Capacity for Public Facilities needed to avoid a deterioration in the adopted levels of service shall be accepted by the Town Board 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:

- For Planned Capital Improvements, a finding that the Planned Capital Improvement is included within the Capital Improvements Program of the applicable service provider;
- an estimate of the total financial resources needed to construct the Planned Capital Improvement and a description of the cost participation associated therewith;
- 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;
- a statement, based on analysis, that the Planned Capital Improvement is consistent with the applicable *Area Plan* and, if applicable, the *Comprehensive Plan*; and
- at the option of the Town Board 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**

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:

- adequate, as measured by the adopted level of service (“LOS”), as set forth in this § 14.3 and Column (B) of Table 14-2; and
- available, as set forth in this § 14.3 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.

	<b>Table 14-1</b>		
	<b>ZONING DISTRICT TIER</b>		
	<u>Rural</u>	<u>Suburban</u>	<u>Urban</u>
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 municipalit

**Table 14-2  
APF LEVEL OF SERVICE (LOS) STANDARDS**

<b>(A) Public Facility</b>	<b>(B) Adopted LOS Standard Criteria</b>	<b>(C) Impact Area</b>	<b>(D) Availability</b>
<b>Water</b>	215 gpd per ERU*  *see Table 14-3	<u>Water Treatment Plants (WTPs)</u> – 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.
<b>Sewer</b>	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.
<b>Streets/ Roads</b>	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.
<b>Schools</b>	The capacity of public schools as calculated in accordance with the Public Schools of North Carolina, State Board of Education, <i>North Carolina Public School Facility Guidelines</i> (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**

<i>Land Use</i>	<i>Variable</i>	<i>Factor</i>	<i>ERU</i>
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

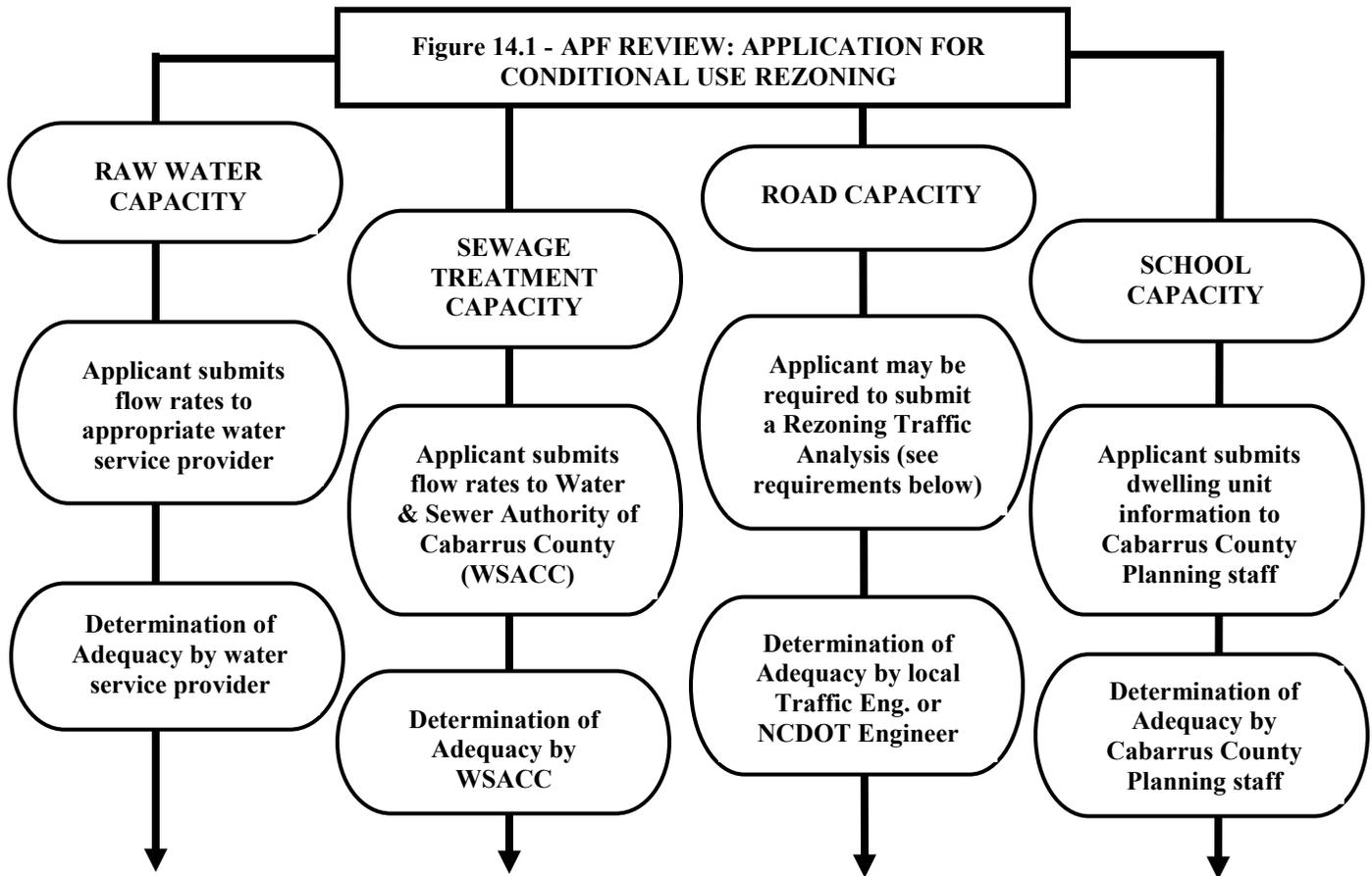
***TOWN OF MOUNT PLEASANT UNIFIED DEVELOPMENT ORDINANCE***

***Article 14***

---

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

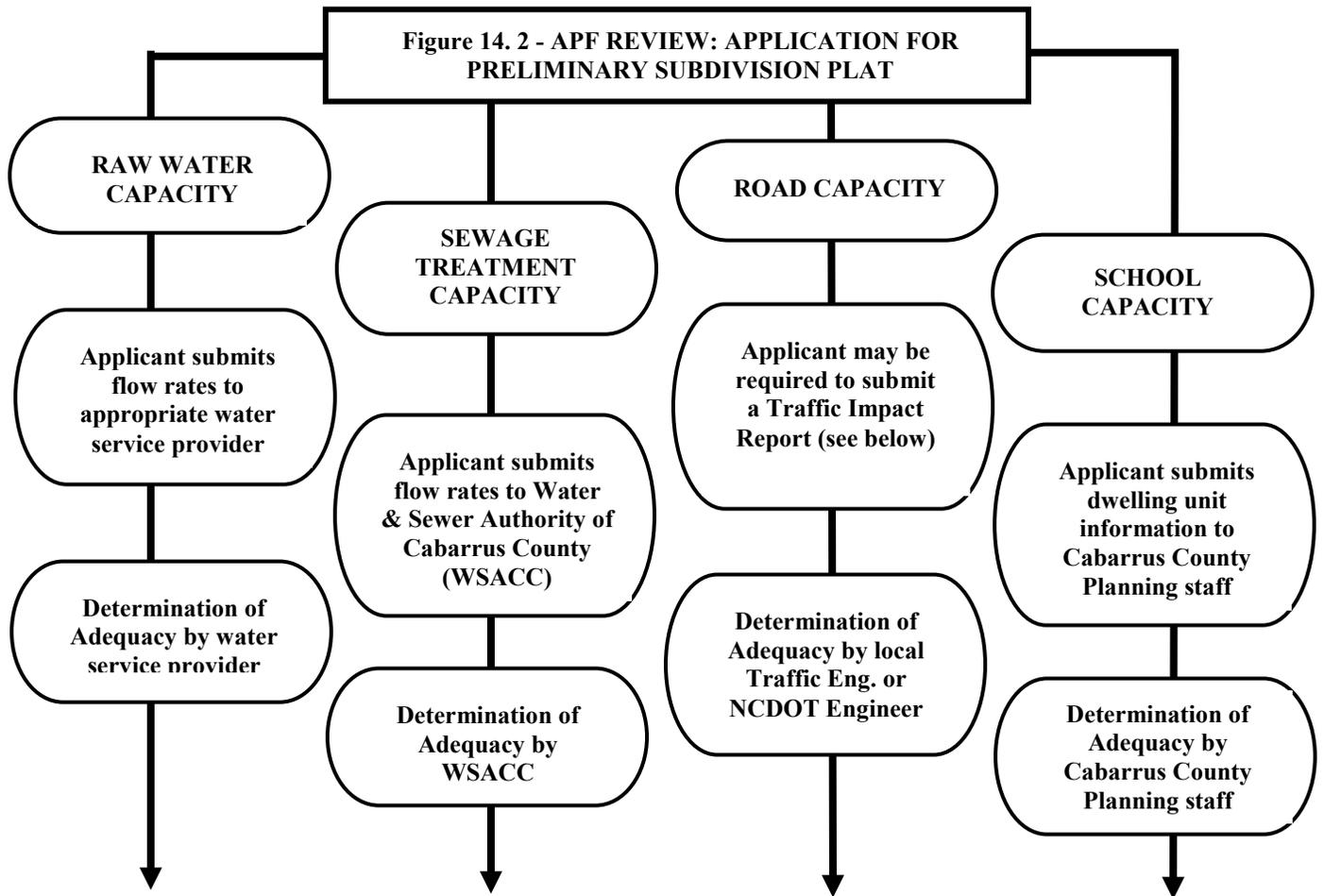


**Rezoning Decision by Planning and Zoning Board (or Town Board – if not approved as an expedited rezoning)**  
 Planning Board shall review APF determinations and decide:

- 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 Traffic Analysis has been reviewed for completeness and has been accepted by the Administrator as meeting the content requirements of the ordinance.

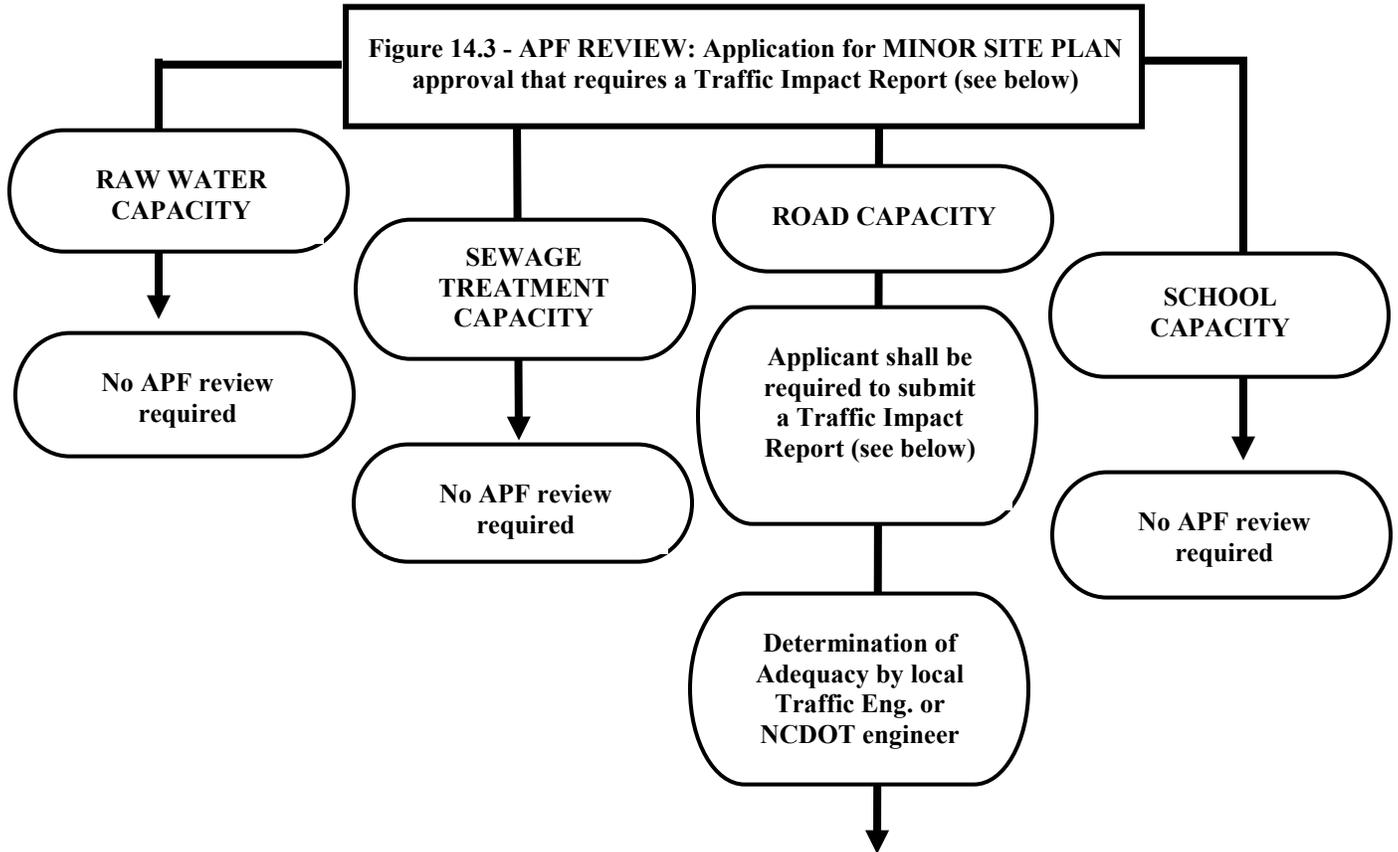


**Final Decision by Planning and Zoning Board**  
 Planning Board shall review APF determinations and decide:

- 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.

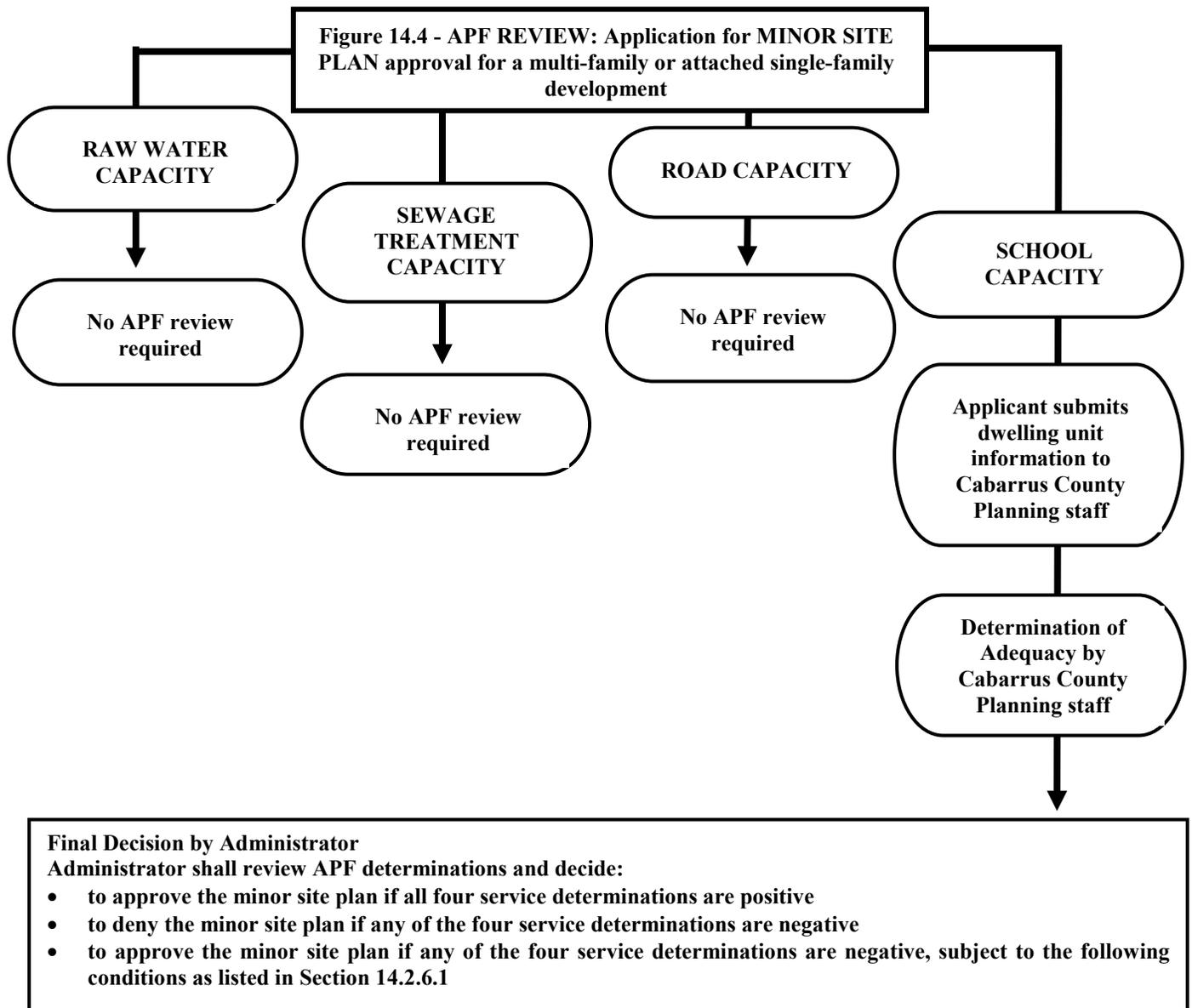


**Final Decision by Administrator**  
 Administrator shall review APF determinations and decide:

- 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 14-5 - 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.

## **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 Unified 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 Mt. 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, 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 G.S. 106-758.
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.

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. (Source: NCGS 106-581.1)

**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** - See "Junkyard."

**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 INN** - A business of not more than five (5) guest rooms that offers bed and breakfast accommodations to at least one but not more than ten persons per night for a period of less than one 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; and is the permanent residence of the owner or the manager of the business.

(Source: NCGS 130A-247)

**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.

BOARD - Unless otherwise indicated in the text, Board shall refer to the Town of Mount Pleasant Board of Adjustment.

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 - A farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plants, 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.

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** - Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

**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."

**CARPOR** - 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 is 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 or 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 which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

**DWELLING, DUPLEX** - A building containing two 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 - An adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Source: NCGS 168-21)

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 heating 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 an 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/HORTICULTURAL 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 FOR THE MENTALLY RETARDED** 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).

**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 160A-407)

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 and 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** - 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 PLAN - A plan which has been submitted to a Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan. (Source: NCGS § 160A-385.1)

PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION - An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

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 of 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) the location and extent of all external buffers from surrounding areas.

PLAN, SITE-SPECIFIC DEVELOPMENT - A plan which has been submitted to a Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such 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 conditional or special use permit, a conditional or special use zoning district plan, or any other land-use approval designation as may be utilized by a Town. Unless otherwise expressly provided by the Town, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting 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 development plan under this section that would trigger a vested right shall be finally determined by the Town pursuant to Article 13 of this Ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. A variance shall not constitute a site-specific development plan, and approval of a site-specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site-specific development plan. (Source: NCGS 160A-385.1)

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 CAPACITY - See Adequate Public Facilities Standards of this Ordinance.

PLANNED CAPITAL IMPROVEMENT - See Adequate Public Facilities Standards 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, § 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. ~~Any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.~~

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 (see 15A 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-9-2 (formerly 160A-181.1); 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.

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 erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code, including an edifice or building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures.

**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-8-2, formerly 160A-376).

**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-9-14 (formerly 160A-383.5).

**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 devoted 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 than 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. These 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 mat 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 development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS 160A-385.1)

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 - An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, selling, or remediating junk or scrap material, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning

of "junk" as defined by subdivision (3) of NCGS 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of 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 establishment or place of business upon which six 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-9-31, formerly 160A-400.51.

**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 § 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**

*Table of Contents*

**B-1 General Provisions .....2**  
**B-2 Major Subdivisions .....3**  
**B-3 Minor Subdivisions .....8**  
**B-4 Major Site Plans .....12**  
**B-5 Minor Site Plans .....13**  
**B-6 Landscaping and Maintenance Plan .....14**  
**B-7 Grading and Conservation Plan .....15**  
**B-8 Architectural Plan.....16**  
**B-9 Flood Prevention Plan .....17**  
**B-10 Watershed Variance .....18**  
**B-11 Traffic Impact Study .....19**  
**B-12 Plot Plan .....21**  
**B-13 Sign Packages .....22**

## **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 SUBDIVISION 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 angles, 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 than 8 1/2 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:** The 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.

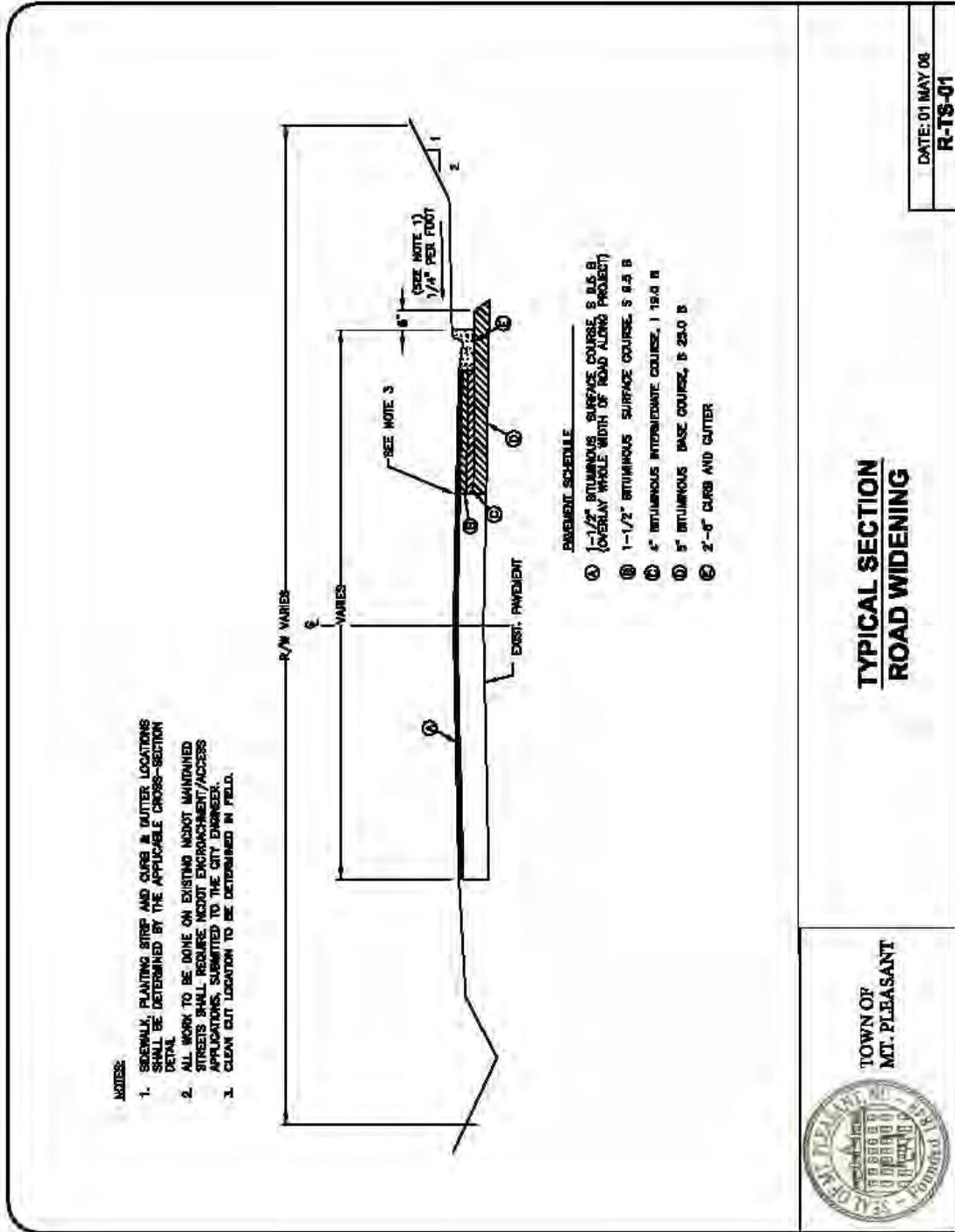
**APPENDIX C**  
**Infrastructure Details**

*Table of Contents*

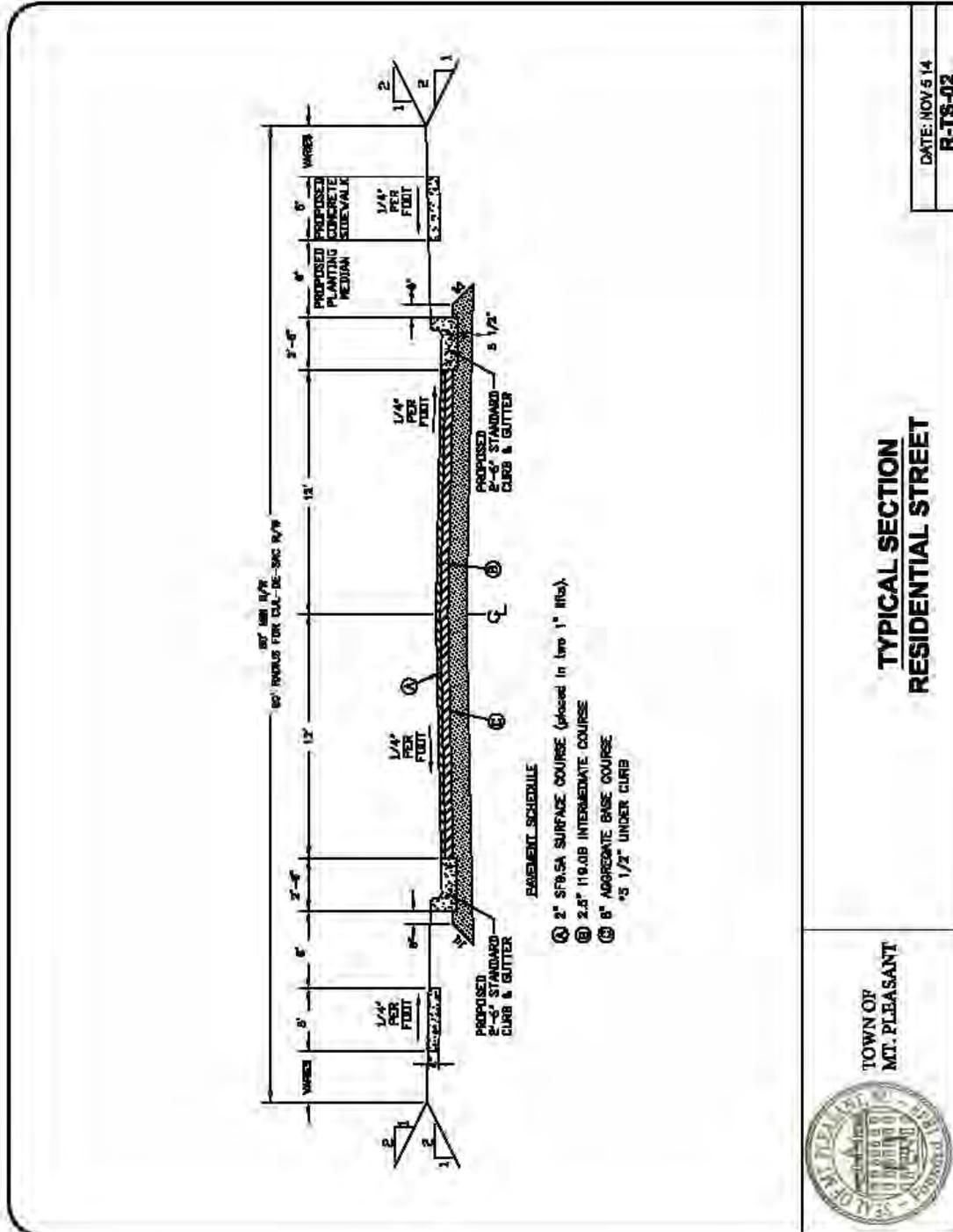
C.1 STANDARD DETAILS AND CROSS-SECTIONS DRAWINGS .....C-1

**C.1. STANDARD DETAILS AND CROSS-SECTION DRAWINGS.**

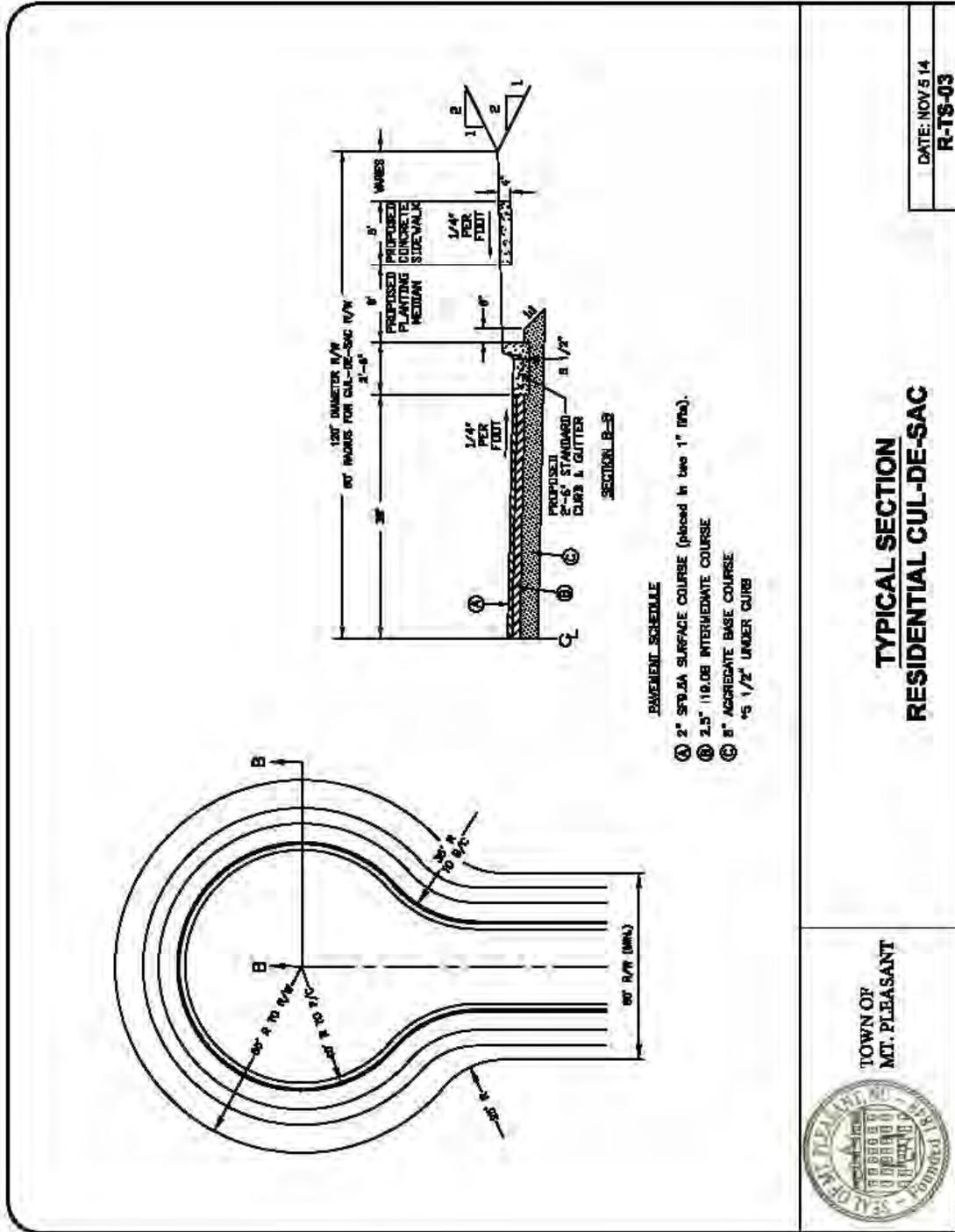
Drawing No. 1:



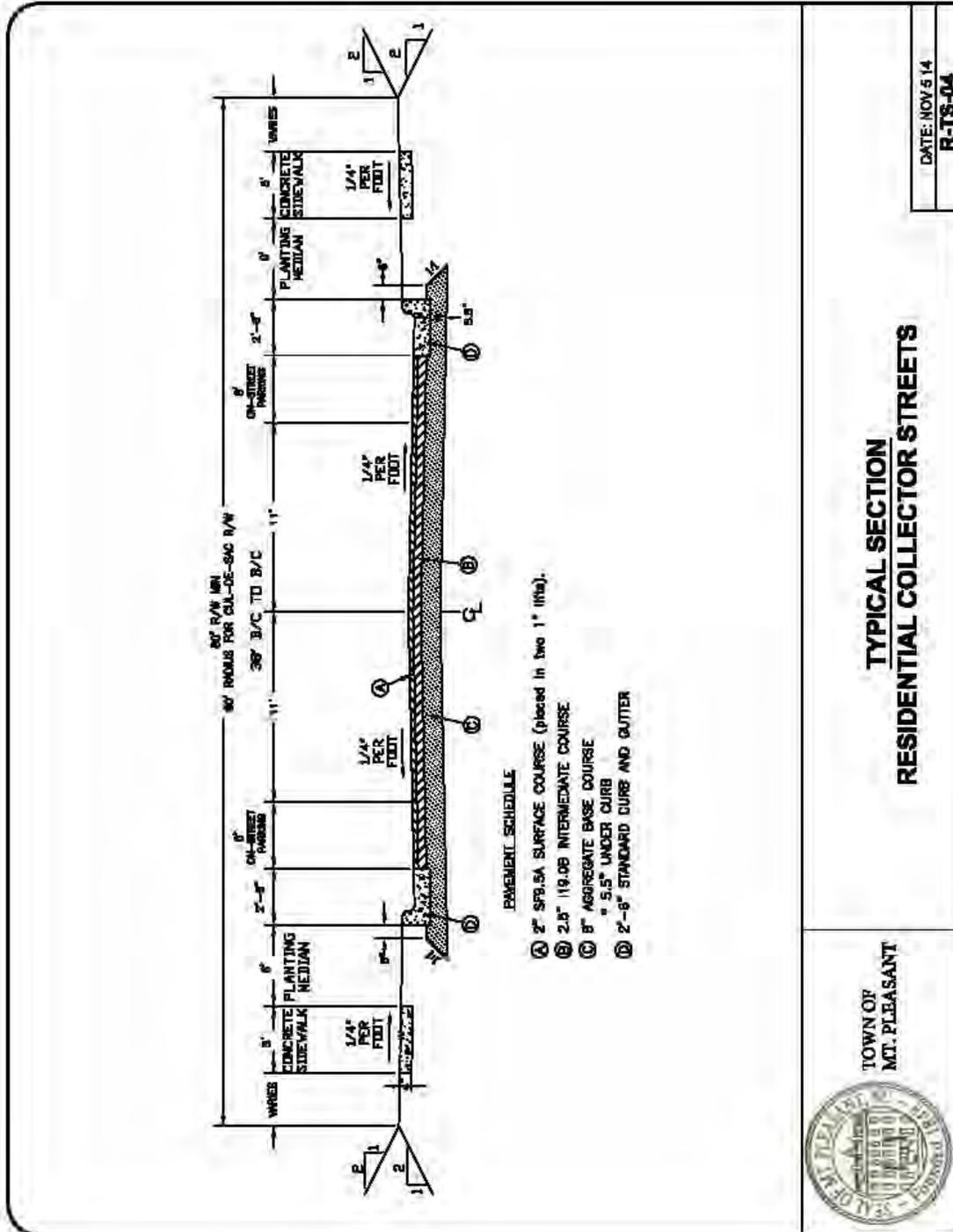
Drawing No. 2:



Drawing No. 3:



Drawing No. 4:



**TYPICAL SECTION  
RESIDENTIAL COLLECTOR STREETS**

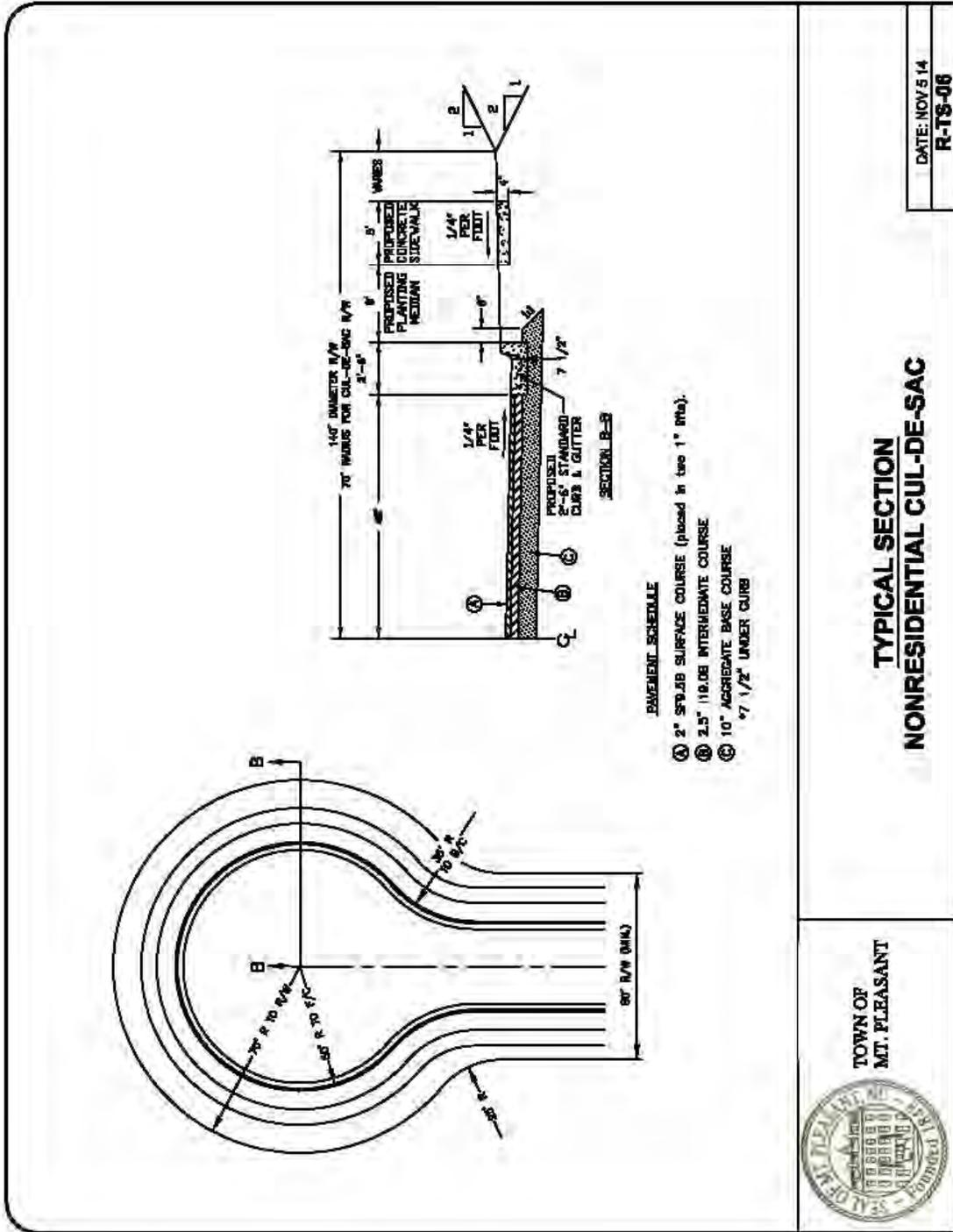


TOWN OF  
MT. PLEASANT

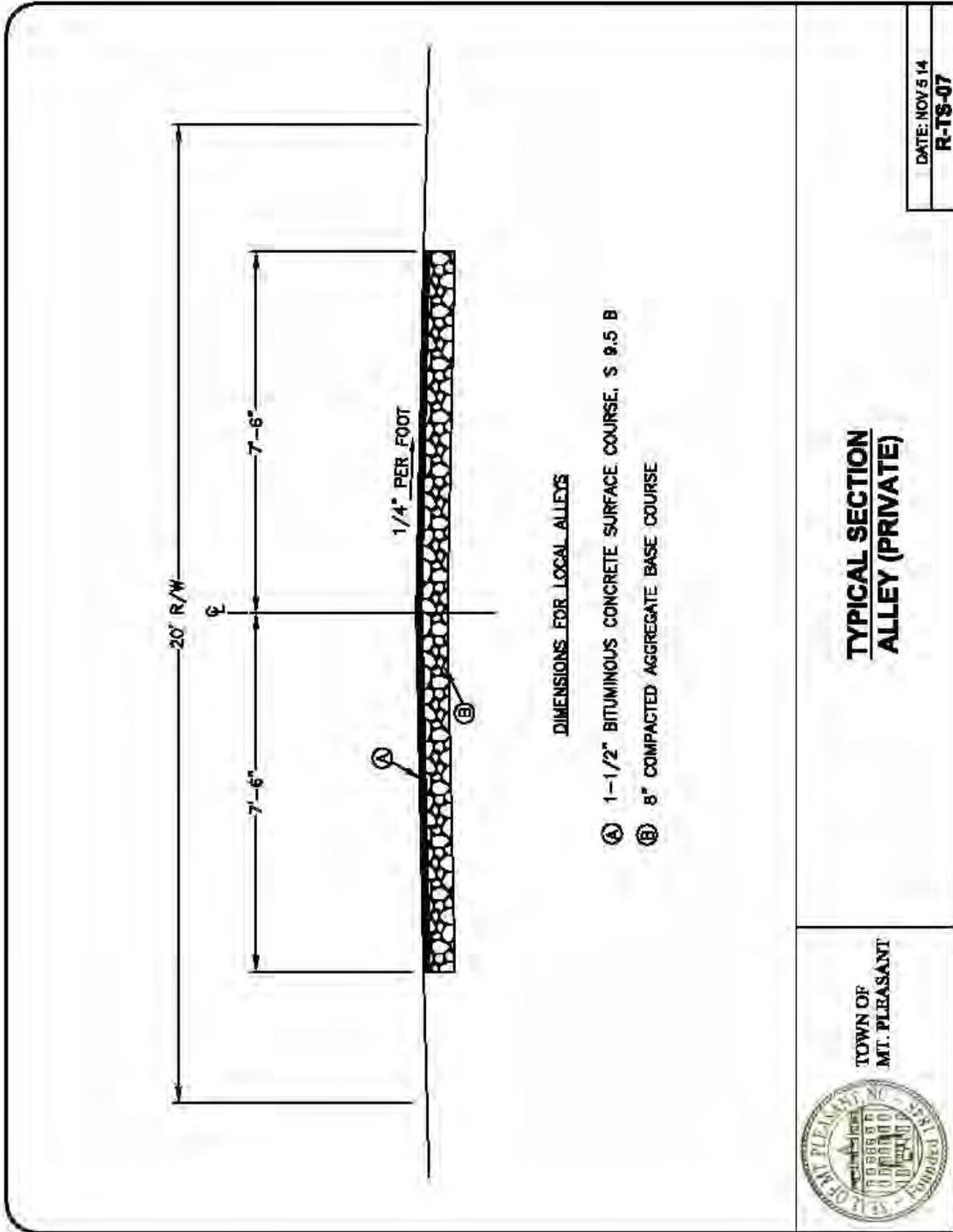
DATE: NOV 5 14  
R-TS-04



Drawing No. 6:

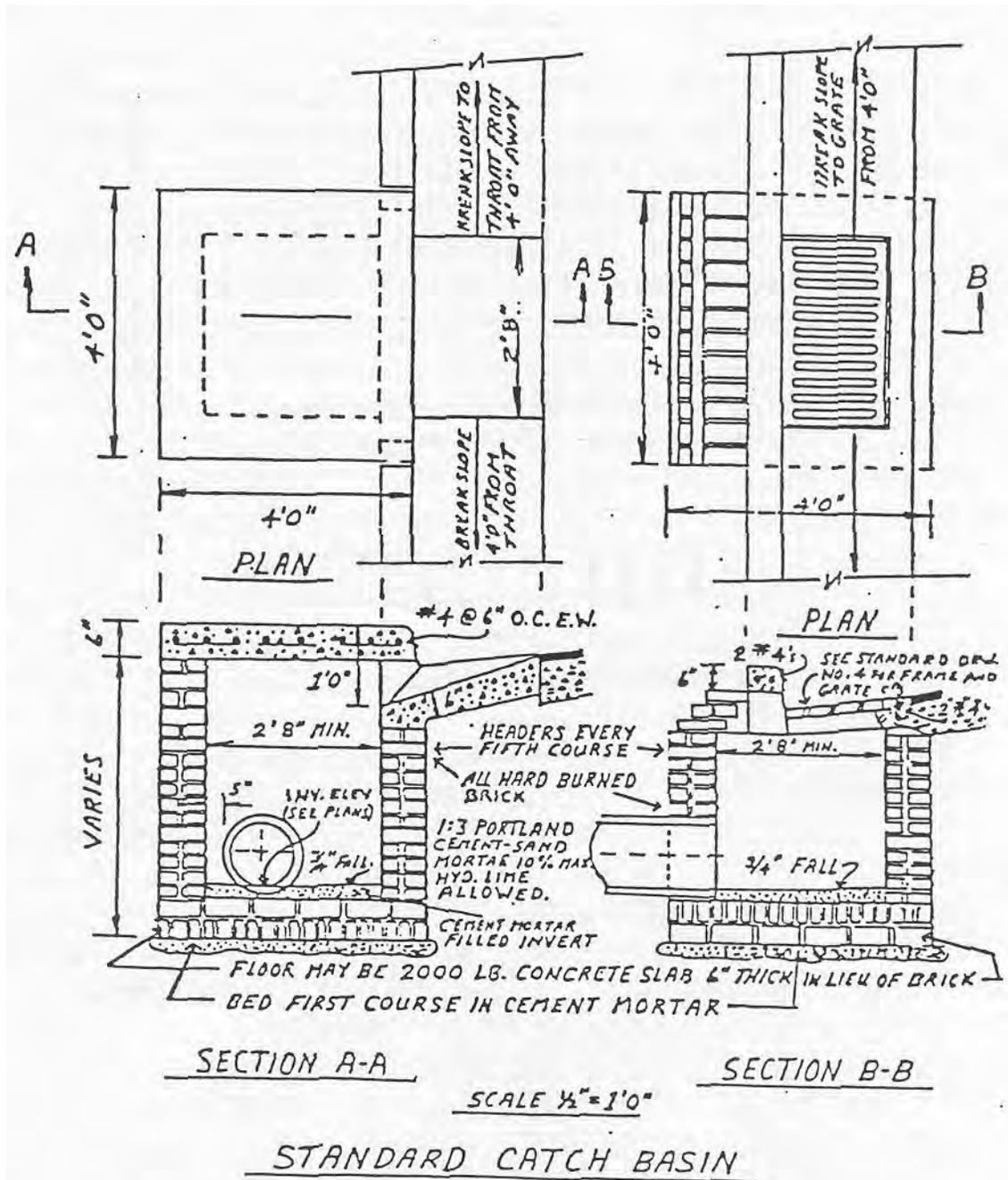


Drawing No. 7:

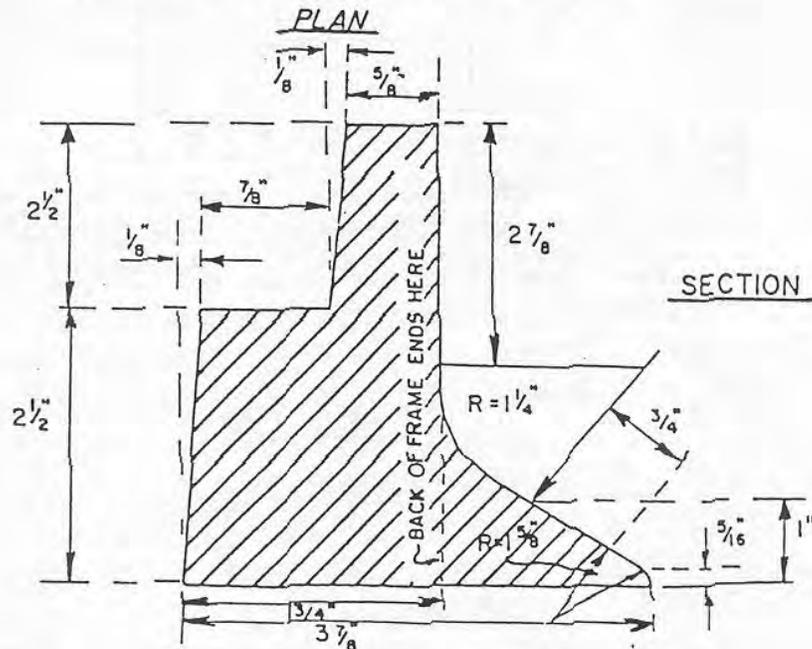
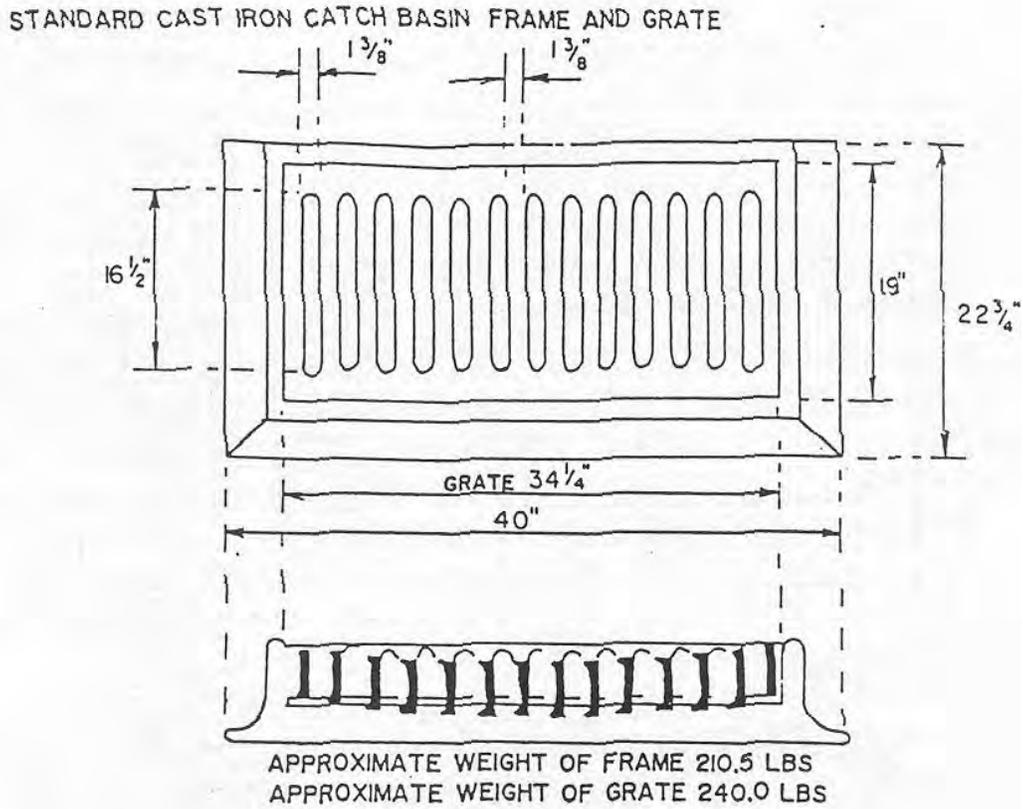




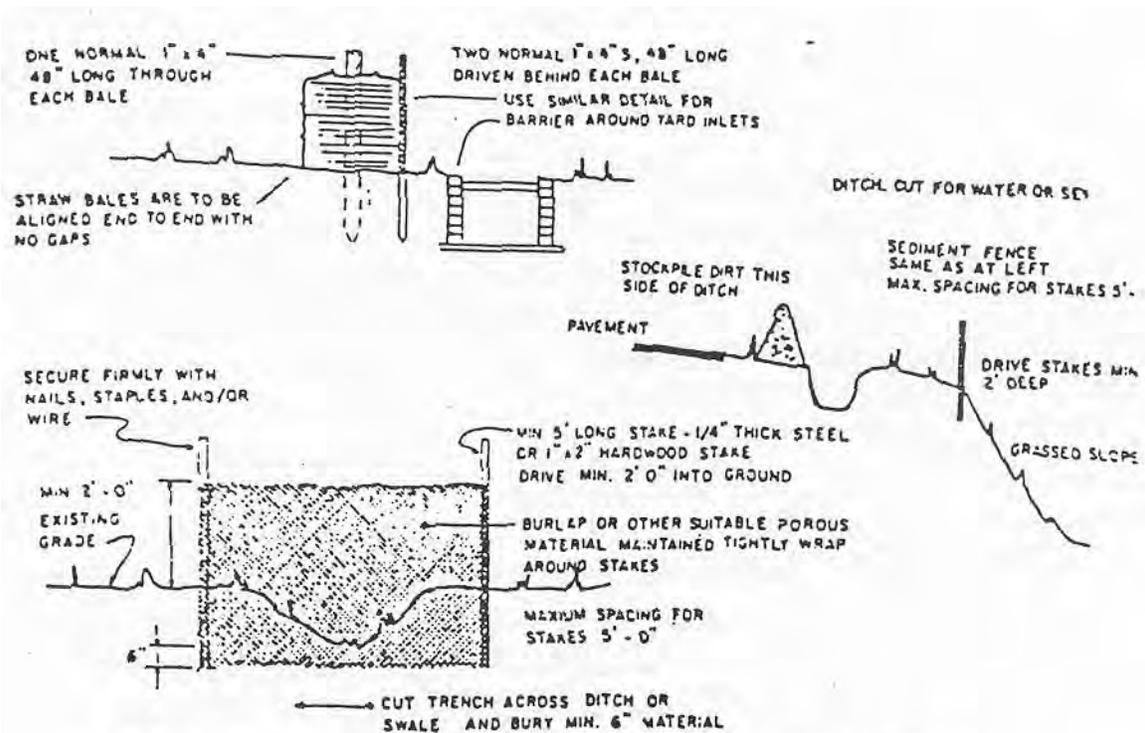
Drawing No. 9:



Drawing No. 10:



Drawing No. 11:



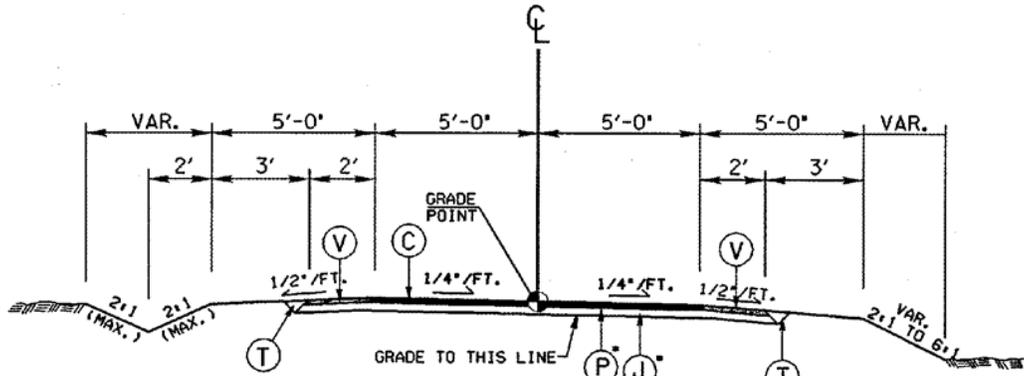
## SEDIMENT FENCE / STRAW BALE LINE

- 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 - ALEEMARLE, N.C. (TELE. 1-704-962-1010)

**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**

*Table of Contents*

**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 than 1"=10' or less than 1"=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, of 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:

<b>Land Use</b>	<b>Minimum Side Clearance</b>
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.

