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Section 1.1 Title

This Ordinance shall be known as the "Unified Development Ordinance of the Town of McAdenville, North Carolina" and may be referred to herein as the "Unified Development Ordinance", the "UDO", or "this Ordinance."

Section 1.2 Authority

This Ordinance is adopted pursuant to the authority granted to the Town of McAdenville by North Carolina General Statute (G.S.) Chapter 160D. The standards, districts, and maps identified in this Ordinance shall be in accordance with the objectives and policies of locally adopted comprehensive plans and other such plans as may have been adopted for the physical development of the Town of McAdenville. If an amendment is made to this ordinance pursuant to G.S. Chapter 160D and is deemed inconsistent with the comprehensive plan, the amendment shall have the effect of also amending any future land use map in the approved comprehensive plan.

Section 1.3 Purpose

- A. The Ordinance enables the Town of McAdenville to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of its residents. The UDO seeks to provide uniformity, certainty, and predictability regarding land use and development issues to the greatest degree feasible for properties located within the jurisdiction of this Ordinance. Notwithstanding, this Ordinance also attempts to provide flexibility in dealing with situations that may fall outside typical processes and requirements. The elements that make up

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the Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Ordinance.

- B. Other goals that this UDO is anticipated to serve include:
1. Lessen congestion on streets;
 2. Secure safety from fire, panic and dangers;
 3. Avoid undue concentration of population;
 4. Facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
 5. Provide a guide for the orderly growth and development of McAdenville;
 6. Regulate the use of buildings, structures and land;
 7. Control the bulk, scale and design of buildings and structures;
 8. Ensure adequate privacy and access to property;
 9. Maintain orderly and compatible land use and development patterns;
 10. Protect the integrity of water supply watersheds;
 11. Encourage environmentally responsible development practices;
 12. Maintain and develop economically vibrant commercial and industrial areas;
 13. Retain and expand the City's employment base;
 14. Provide attractive and effective signage that is compatible with the surrounding environment;
 15. Accommodate and promote pedestrians and pedestrian use to the greatest degree feasible and practical;
 16. Allow a range of housing choices and options;
 17. Establish clear and effective development review procedures;
 18. Coordinate transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities;
 19. Dedicate or reserve recreation areas serving residents of the immediate neighborhood within a subdivision or, alternatively,

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for provision of funds to be used to acquire recreation areas serving residents of a development or subdivision or nearby developments or subdivisions;

20. Ensure that rights-of-way or easements for street and utility purposes are secured;
21. Distribute population and traffic in a manner that will avoid congestion and overcrowding and create conditions that substantially promote the public health, welfare and safety.
22. Implement and ensure consistency with officially adopted plans;
23. Provide appropriate and effective enforcement mechanisms.

Section 1.4 Jurisdiction

- A. These regulations govern the development and use of all land and structures within the corporate limits of the Town of McAdenville as now fixed and as may be amended in the future. Such areas shall be properly depicted on the Official Zoning Map of the Town of McAdenville (hereafter referred to as "Zoning Map," "Official Zoning Map" or "McAdenville Zoning Map"). This map and its boundaries shall be incorporated and made part of this Ordinance. The Administrator shall permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection including current and prior zoning maps and any state or federal agency maps incorporated by reference into the zoning map.
- B. No building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this Ordinance for the district in which it is located and other applicable regulations, except as otherwise provided by this Ordinance.
- C. Except as herein provided, the provisions of this Ordinance shall apply to all land, buildings, structures and uses thereof located within the planning jurisdiction of this Ordinance, including land owned by municipal units of government. To the extent allowed by law, this Ordinance shall also apply to all land, buildings, structures and uses owned by county or federal agencies located within the planning jurisdiction of the Town of McAdenville. Where the provisions of this Ordinance do not apply to such structures and land, such agencies are encouraged to meet the provisions of this Ordinance. The provisions of this Ordinance shall also be applicable to the erection,

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construction and use of buildings owned by the State of North Carolina per G.S. 160D-913; however, no land owned by the State may be included within an overlay district or conditional zoning district without the approval of the Council of State.

Section 1.5 Severability

If any section or specific provision or standard of this Ordinance or any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Section 1.6 Reenactment and Repeal of Existing Ordinance (s)

This Ordinance is in part carried forward by re-enactment of some of the provisions of the Town of McAdenville Zoning Ordinance adopted by the City Council on April 9, 1991, as amended and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced. All provisions of the Town of McAdenville Zoning Ordinance, as amended which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of said Zoning Ordinance or Subdivision Ordinance heretofore in effect, which are as of the adoption date pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance had not been adopted, and any and all violations of the existing Town of McAdenville Zoning Ordinance, prosecutions or suits for which have not yet been instituted, may be hereafter filed and prosecuted. Nothing in this Ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

Section 1.7 Relationship with Other Local Ordinances

With land development, other ordinances may be applicable which are not enforced or contained within this UDO. The appendixes included in this UDO are Street / Road Numbering and Approved Tree and Shrub Species. **Note:** Street / Road Numbering Ordinance is enforced by Town of McAdenville Planning Department or their designee.

Section 1.8 Technical Corrections

The Town of McAdenville has the authority to make technical corrections to remedy typographical or clerical errors, without going through the requirements of

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G.S.160D. None of these technical corrections shall be substantive in nature.

Section 1.9 Effective Date

This Ordinance shall become effective on April 22nd, 2021.

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SECTION 2.1 OFFICIAL ZONING MAP

- A. Each lot and tract located within the territorial jurisdiction of this Ordinance shall be located in one or more zoning districts contained in this Ordinance. The map identifying the location of such zoning district boundaries shall be identified as the “Official Zoning Map.” If the Town Council enacts subsequent zoning map changes, such changes shall be made upon the Official Zoning Map. No changes to any zoning district boundaries shall be made on the Official Zoning Map except in conformance with the procedures set forth in this Ordinance.
- B. The Official Zoning Map may be comprised of one (1) or more sheets or digital maps, properly identified as such, which shall be on file with the office of the UDO Administrator. Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on a former Official Zoning Map. Regardless of the existence of any alleged copy of the Official Zoning Map, the Official Zoning Map in the UDO Administrator office shall be the final authority as to the current zoning status of a piece of property. A copy of the Official Zoning Map shall be located in the office of the UDO Administrator.

SECTION 2.2 INTERPRETATION OF ZONING MAP

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the Zoning Map, the following rules shall be used to interpret the maps:

- A. Where a map shows a boundary line located within a street or alley right-of-way, railroad or utility line right-of-way, easement, or navigable or non-navigable waterway, it shall be considered to be in the center of the right-of-

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way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway varies slightly from the location as shown on a map, then the actual location shall control.

- B. Where a map shows a boundary line as being located a specific distance from a street line or other physical feature, that distance shall control.
- C. Where a map shows a district boundary to approximately coincide with a property line or city, town, or county border, the property line or city, town, or county border shall be considered to be the district boundary, unless otherwise indicated.
- D. Where a map shows a district boundary not coinciding or approximately coinciding with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the map.
- E. In instances when a zoning case file contains detailed information regarding the boundary, that information will be used as the correct boundary location.
- F. If it is alleged by any party that an error exists on the zoning maps with respect to any zoning district designation, zoning district boundary, special use permit or conditional district boundary, the lines showing the effective dates of zoning enactment or any other matter with respect to the provisions of this ordinance relating to zoning information, the party may request a review of the alleged error by the Board of Adjustment, per Section 4.5.1A4.
- G. Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to the regulations applicable to the district in which it is located.

SECTION 2.3 FRACTIONAL REQUIREMENTS

Whenever any requirement of this Ordinance results in a fraction of a unit, a fraction of will be rounded up to the next whole unit. Whenever a density calculation for a lot of record existing prior to April 9, 1991, results in less than one dwelling unit being permitted, the fractional requirement will be disregarded and one dwelling unit will be permitted.

SECTION 2.4 TEXT CONTROLS OVER GRAPHICS

This Ordinance contains numerous graphics, pictures, illustrations and drawings. However, in case of conflict between the text and a graphic, picture, illustration or drawing or any other depiction, the Land Use Administrator shall determine the intent of

the section.

SECTION 2.5 CONFLICTING PROVISIONS

- A. Where the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provisions shall apply, however those provisions will be enforced by the designated regulatory agencies.
- B. Where the provisions of this Ordinance are inconsistent with one another, or are in conflict with provisions found in other adopted ordinances or regulations adopted by the Town of McAdenville, the more restrictive provisions shall govern. The more restrictive provision is the one that imposes greater restrictions or more stringent controls and enforced by those county agencies.
- C. This ordinance is not intended to interfere with, abrogate, or annul any deed restriction or other agreement between private parties. The Town of McAdenville and its staff shall not enforce any such private agreements.

SECTION 2.6 INTERPRETATIONS OF TERMS AND WORDS

The following rules shall be followed in interpreting words and terms used in this Ordinance.

- 1. Words used in the present tense include the future tense.
- 2. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise.
- 3. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- 4. The word "lot" includes the word "plot" or "parcel"
- 5. The words "must" or "shall" are always mandatory and not merely directory.
- 6. The word "may" is permissive in nature, except when the context of the particular use is negative. In such case it is mandatory.
- 7. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- 8. The word "Zoning Map", or "Town of McAdenville Zoning Map", or "Official Zoning Map" shall mean the Official Zoning Map of the Town of

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9. Any word denoting gender includes the female and the male.
10. The term "Town Council" shall mean the "Town Council of McAdenville, North Carolina".
11. The term "Planning Board" shall mean the "Planning Board of the Town of McAdenville, North Carolina". The Planning Board shall also act as the Watershed Review Board.
12. The term "Board of Adjustment" shall mean the "Board of Adjustment of the Town of McAdenville, North Carolina".
13. The terms "Zoning Administrator", "UDO Administrator", "Subdivision Administrator", "Flood Plain Administrator", "Watershed Administrator" or "Administrator", shall refer to the person(s) administering said Ordinance.
14. The term "Street" shall mean "Road".
15. The Board of Adjustment shall also act as the Flood Control Appeal (or Control) Board.
16. The term "zoning jurisdiction" shall mean "planning jurisdiction" and shall refer to the geographical area in which this Ordinance has applicability.
17. The term "Town" shall refer to "the Town of McAdenville, North Carolina."
18. The term "McAdenville Planning Department" or "Planning Department" shall mean the "Town of McAdenville Planning Department."
19. The term "screening", "buffering" and "buffer" shall all mean the same.
20. The following acronyms may be used throughout this ordinance:
 - i. UDO – Unified Development Ordinance
 - ii. USO – Urban Standards Overlay District
 - iii. CH – Corridor Highway Overlay District
 - iv. SV – Scenic View Overlay District
 - v. WS – Water Supply Watershed Overlay District
 - vi. FH – Flood Hazard Overlay District
 - vii. SH – Special Highway Overlay District
 - viii. TH – Thoroughfare Highway Overlay District
 - ix. WF – Water Front Overlay District
 - x. NCDOT – North Carolina Department of Transportation
 - xi. MPO – Metropolitan Planning Organization

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- xii. RPO – Rural Planning Organization
- xiii. PIM – Public Information Meeting
- xiv. SUP– Special Use Permit
- xv. CZ – Conditional Zoning District
- xvi. FEMA – Federal Emergency Management Agency
- xvii. BOA – Board of Adjustment

SECTION 2.7 TERMS DEFINED IN THIS ORDINANCE

A. A list of definitions of terms, phrases and words used in this Ordinance follows. Other terms may be defined elsewhere in this Ordinance. Terms that are specifically defined in this Ordinance outside of Section 2.7 shall apply solely to the Sections or Chapters as so indicated, may supersede the definition list in this Section 2.7. Definitions of Terms found in Section 2.7 shall otherwise be applicable throughout the Ordinance.

B. Words not specifically defined in this Ordinance shall be defined by reference in the following order: first in the most recently adopted version of the State Building Code; second in the Merriam-Webster Dictionary, and third in the American Collegiate Dictionary. The Land Use Administrator shall make the interpretation if not found in the above references.

The list of terms defined in this Ordinance and shown in Table 2.7-1 is as follows:

(Note: an * means it is also on the Use Table in Chapter 7)

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Abandoned
Abattoir*
ABC Store*
Active Construction
Adjacent Property(ies)
Administrator, Land Use Ordinance
Adult Establishment*
Adult Hotel
Adult Video
Agricultural Use
Airport *
Airstrip*
Alley
Alteration
Amusement and Sporting Facility, Indoor*
Amusement and Sporting Facility, Outdoor*
Amusement Arcade *
Amusement Park *
Animal Grooming Services for household pets*
Animal Hospital (indoor kennels)*
Animal Hospital (outdoor kennel) *
Animal Kennel *
Animal Shelter*
Animal, Wild
Antenna
Antenna, Amateur Radio
Apartment
Appeal
Art Gallery *
Arterial, Minor
Arterial, Principal
Articulation
Assisted Living Center*
ATM (Automated Teller Machine)*
Auction
Auction House*
Auditorium / Assembly Hall / Amphitheatre*
Automobile Body Shop *
Automobile Detail Shop *
Automobile Hobbyist *
Automobile Repair Shop *
Automobile Service Station*

Automobile Towing and Wrecker Service*
Automobile, Truck, Boat, Motorcycle, Manufactured Home and Recreational Vehicle Sales and Rental*
Awning
Bail Bond *
Banner
Baseball Hitting Range*
Bay Window
Beacon
Bed and Breakfast Inn*
Berm
Billboard *
Billiard Parlor*
Bona Fide Farm*
Botanical Garden *
Boundary Structure
Bowling Lanes *
Building
Building Elevation
Building Face
Building Footprint
Building Height
Building Materials and Lumber Sales *
Building Permit
Building Setback Line
Building, Accessory
Building, Agricultural / Farm
Building, Principal
Bulletin Board
Bus or Train Terminal, Passenger*
Business Services *
Caliper
Camping and Recreational Vehicle Park*
Canopy
Car Wash, Automatic*
Car Wash, Self Service*
Cemetery *
Certificate of Compliance
Certificate of Occupancy
Changeable Copy
Charitable Service Facility*
Check Cashing Establishment *

Church/Place of Worship *
Cleaning and Maintenance Service *
Close
Club, Private (without adult entertainment)*
College/University*
Commercial Message
Commercial Vehicle and Truck Storage*
Common Open Space
Common Open Space, Improved
Community Center
Comprehensive Plan
Conservation Organization
Construction
Construction Trailer (temporary use)
Continuing Care Facility *
Contractor Storage and Equipment Yard *
Contractor's Office and Operation Center *
Convenience Store *
Correctional Facility *
Country Club *
Crematorium*
Cul-de-sac
Curb, Standard
Curb, Valley
Day Care Center, Accessory*
Day Care Center, Class A*
Day Care Center, Class B*
Day Care Center, Class C*
Deck
Density Credit
Density, Gross
Developer
Development, Multi-Family*
Development, Planned Multi-tenant*
Diameter at Breast Height
Display of Goods, Outdoors
Distribution / Wholesale / Storage Operations*
Drive-in Window
Drive-through Facility
Driveway, Front-loaded
Dry Cleaning / Laundry Plant*

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Dry Cleaning Service Outlet
Duplex
Dwelling, Atrium House
Dwelling, Detached
Dwelling, Lot Line House
Dwelling, Manufactured Home
Dwelling, Manufactured Home Accessory
Dwelling, Manufactured Home Class A*
Dwelling, Manufactured Home Class B*
Dwelling, Manufactured Home Class C*
Dwelling, Manufactured Home Class D*
Dwelling, Mixed Use *
Dwelling, Multi-family
Dwelling, Patio House
Dwelling, Row House
Dwelling, Single-family Attached
Dwelling, Single-family Detached *
Dwelling, Townhouse
Dwelling, Twin Home
Dwelling, Two-family*
Dwelling, Unit
Dwelling, Village House
Easement
Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies & Equipment Sales *
Encroachment
Engineer
Entrance, Primary
Entrance, Secondary
Essential Services
Essential Services, Class 1 *
Essential Services, Class 2 *
Essential Services, Class 3 *
Essential Services, Class 4 *
Exterminator's Office *
Extraterritorial Jurisdiction
Façade
Family
Family Burial Ground
Family Care Home *
Family Member
Farm Supply Store *

Farmers Market *
Fence
Fence, Deer
Fenestration
Financial Institution *
Firing Range *
Fish Hatcheries *
Flag
Flea Market *
Flex Space*
Floor Area Ratio
Food Catering Facility *
Food Pantry*
Fraternal and Service Organization Meeting Facility (Nonprofit and Not-For-Profit) *
Freeway
Freight and Flying Services*
Fuel Nozzle
Fueling Pump
Funeral Home *
Furniture Store
Furrier*
Game Room*
Garage, Private
Garage, Rear Load Detached
Glass and Mirror Shop *
Golf, Course *
Golf, Driving Range*
Golf, Miniature*
Grade, Finished
Grade, Street
Greenhouse, Commercial
Greenway
Grocery Store (Food Store)*
Grooming Services*
Gross Floor Area
Ground Covers
Group Home *
Gunsmith, Gun and Ammunition Sales *
Handicapped Person
Hardware Sales *
Health and Behavioral Care Facility*
Health Club, Spa, Gymnasium (principal use)*

Heavy, Industrial, Farm Equipment Sales and Service *
Heliport / Helistop*
Highway, Corridor
Highway, Special
Holiday Decorations
Home Occupation, Customary*
Home Occupation, Rural *
Hospital *
Hotel *
Hotel, Full service*
HVAC Equipment
Impervious Surface
Impervious Surface Ratio
Industrial Heavy Equipment Bulk Storage Yard *
Junkyard and Salvage Yard*
Laboratories – Dental, Medical *
Land-disturbing Activity
Landfill, Beneficial Fill*
Landfill, Land Clearing and Inert Debris (major)*
Landfill, Land Clearing and Inert Debris (minor)*
Landfill, Onsite
Landowner
Laundromat *
Lawn and Garden Center *
Leasable Area, Gross
Library *
Loading Space, Off-street
Logo
Lot
Lot Area
Lot Line
Lot Line, Front
Lot Line, Interior
Lot Line, Rear
Lot Line, Side
Lot of Record
Lot Width
Lot, Corner
Lot, Interior
Lot, Nonconforming
Lot, Reverse Frontage

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Lot, Through
Lounge / Nightclub *
Machine, Metal and Woodworking Shop*
Manufactured Goods
Manufactured Goods, Class 1*
Manufactured Goods, Class 2*
Manufactured Home Park*
Manufactured Home Space
Marina, Accessory *
Marina, Commercial *
Maternity Home*
Military Reserve Center *
Mini-Warehouse*
Mobile Home
Mobile Home Park
Model Sales Home
Modular Home
Monument Sales *
Motel *
Motor Home
Moving and Storage Facilities *
Multi-family Development*
Museum *
Noncommercial Copy
Nonconformity
Nursery (garden)*
Nursing Home*
Office*
Office, Medical Services*
Open Space
Organic Waste
Outdoor Event (temporary use)
Outdoor Resale Business
Outparcel
Package Treatment Plant
Paintball Facility*
Paintball Game
Parapet
Park *
Parking Bay
Parking Deck
Parking Facility, Overflow

Parking Lot (principal use)*
Parking Space, Off-street
Pennant
Permit, Zoning
Personal Business Service*
Petroleum Distribution Facility
Photo Finish Laboratory *
Planned Residential Development (PRD) *
Planned Unit Development (PUD) *
Plat
Playground
Plaza
Porch
Portable Toilet Services*
Post Office*
Postal & Parcel Processing & Bulk Handling Facility *
Premises
Private Residential Quarters *
Produce Stand*
Property Owner
Public Information Meetings (PIM)
Public Safety Station
Quarry
Racetrack, Large*
Racetrack, Small*
Railroad Terminal and Yard*
Recreation Center and Sports Center *
Recreation, Active
Recreational Vehicle
Recycling Deposit Station, Accessory *
Recycling Deposit Station, Principal Use *
Recycling Processing Facility*
Residential Development, Infill*
Restaurant*
Restaurant with Drive Through U
Restaurant within Other Facilities*
Retail*
Riding Stable*
Right-of-Way
Road, Frontage
Road, Private
Road, Public

Rodeo*
Rodeo, Accessory*
Rooming House
Satellite Dish
School, Elementary and Middle (Public and Private) *
School, Senior High (Public and Private)*
School, Vocational*
Schools for the Arts, Etc.*
Septic Tank Cleaning Service *
Setback
Setback, Front
Setback, Rear
Setback, Side
Sewer, Community
Shopping Center *
Shrub
Sight Triangle
Sign
Sign Face
Sign Shop *
Sign, Awning
Sign, Building Marker
Sign, Canopy
Sign, Changeable Copy
Sign, Copy
Sign, Directional
Sign, Directory
Sign, Flashing
Sign, Government
Sign, Ground
Sign, Identification
Sign, Incidental
Sign, Light Emitting Diode (LED)
Sign, Mailbox
Sign, Marquee
Sign, Menu Board
Sign, Monument
Sign, Non-commercial Copy
Sign, Nonconforming
Sign, Off-premise Advertising
Sign, Pole
Sign, Political

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Sign, Portable
Sign, Projecting
Sign, Real Estate
Sign, Roof
Sign, Rotating
Sign, Sandwich Board
Sign, Subdivision Identification
Sign, Suspended
Sign, Wall
Sign, Vehicular
Site Plan
Site Specific Development Plan
Skating Rink *
Sketch Plan
Slope
Solid Waste and Septic Tank Contractor's Office and Operation Center*
Solid Waste Transfer Station*
Special Outdoor Event
Special Use Permit (SUP)
Square
Stadium*
Staging Space
Stay
Story, Building
Street, Center-line
Street, Collector
Street, Marginal Access
Street, Residential
Street, Right-of-Way
Structure
Structure, Accessory
Structure, Detached
Structure, Nonconforming
Structure, Permanent
Structure, Principal
Structure, Temporary
Subdivision
Subdivision, Major
Subdivision, Major1
Subdivision, Major2
Subdivision, Minor
Swimming Pool Sales, Service and Supplies *

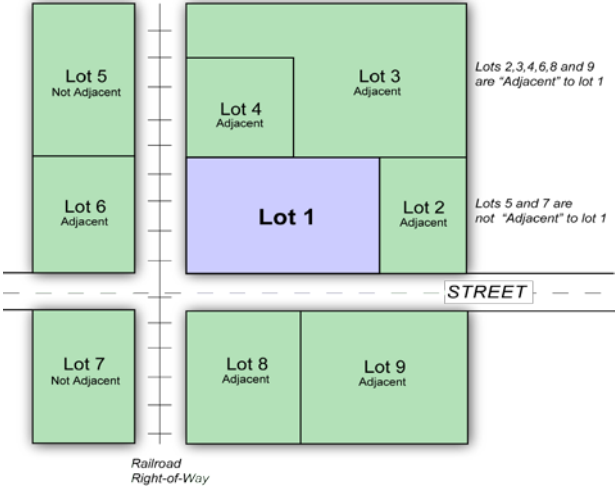
Tattoo Parlor / Body Piercing Establishment
Taxidermy*
Technical Review Committee (TRC)
Terminal Vista
Theater, Indoor Movie *
Theater, Outdoor Movie *
Thoroughfare
Thoroughfare Plan
Thoroughfare, Major
Thoroughfare, Minor
Tire Recap Facility *
Tire Sales, New and / or Used*
Tower and/or Station, Radio and Television Broadcast*
Tower, Co-location on
Tower, Ham Radio
Tower, Height
Tower, Lattice
Tower, Monopole
Tower, Stealth*
Tower, Telecommunication *
Tower, Telecommunication Equipment Buildings*
Tract, Parent
Traditional Neighborhood Development (TND)*
Traffic Impact Analysis
Transit Station*
Tree, Canopy
Tree, Understory
Truck Stop *
Truck Terminal*
Truck Washing Facility*
Upholstery Shop *
Use, Accessory
Use, By Right
Use, Conditional
Use, Incidental
Use, Nonconforming
Use, Permitted
Use, Principal
Use, Temporary
Variance
Vehicle, Commercial

Vehicle, Emergency
Vehicle, Inoperable
Vehicle, Junked
Vehicle, Passenger
Vehicle, Recreational
Vehicle, Septic Tank
Vehicle, Solid Waste
Vested Right
Wall, Building
Wall, Shared
Warehouse *
Water, Public
Wireless Communications
Wood Waste Grinding Operation*
Working Days
Yard Sale
Yard, Front
Yard, Rear
Yard, Side
Zoning District, Commercial
Zoning District, Conditional
Zoning District, Industrial
Zoning District, Office
Zoning District, Overlay
Zoning District, Residential
Zoning District, Urban Standards Overlay (USO)
Zoo*

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TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Abandoned		A use shall be considered abandoned when: (i) The use is discontinued for a continuous period of at least one hundred-eighty (180) days, other than in association with the settlement of an estate or for any cause that is seasonal in nature); or, (ii) The premises are devoted to another use; or, (iii) Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease for a period of at least two (2) years.
Abattoir	Industrial / General Manufacturing	A slaughter house for livestock.
ABC Store	Sales and Service	A retail establishment at which liquors are sold to the general public and which is run under the auspices of the local Alcohol and Beverage Control (ABC) Board.
Active Construction		On-site activities not discontinued for a continuous period of at least one hundred-eighty (180) days, such as installation, erection, fabrication, alteration, demolition or removal of structures, facilities, or additions that contribute directly to the completion of improvements contemplated or shown on construction plans.

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Term	Use Table Subcategory*	Definition
Adjacent Property(ies)		One (1) or more lots or tracts that abut or touch and having a boundary, or portion thereof, which is contiguous to the lot in question. Such determination shall be made by extending the exterior lot lines of the lot in question to adjacent lots and/or adjacent roads, streams, easements or rights-of-way. The term “adjacent” or “adjacent property” shall also mean "contiguous" or “contiguous property”, "abutting" or “abutting property”, "adjacent or adjacent property". An example of how this definition is to be applied is shown below: <i>Adjacent Properties</i>  Railroad Right-of-Way
Adjoining (Property(ies))		See "Adjacent Property"

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Term	Use Table Subcategory*	Definition
Administrative Decision		A decision made in the implementation administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in G.S. 160D or local development regulations. These are sometimes referred to as ministerial
Administrative Hearing		A proceeding to gather facts needed to make an administrative decision.
Administrator, Land Use Ordinance		A person (or his designee) and any other officials designated by the governing board for the administration of this Ordinance. Such person(s) may also be referred to as the "Administrator."
Adult Establishment	All Other Uses	Any structure or use of land that meets the definition of "Adult Establishment" as outlined in G.S. 14-202.10 and includes, but is not limited to adult video stores and adult hotels.
Adult Hotel	All Other Uses	A hotel, motel, or similar establishment that: (i) Provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or, (ii) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or, (iii) Allows a tenant or occupant of a sleeping room to sub-rent a sleeping room for a period of time that is less than ten (10) hours.
Adult Video	All Other Uses	Any store which predominantly displays or which receives a preponderance of its gross income during any calendar month from sale or rental of films, motion pictures, video cassettes or video reproductions, slides, computer media, or other visual or audio representations that depict or describe "specified sexual activities" or "specified anatomical areas" as defined in G.S. 14-202.10.
Agricultural Use	Agricultural Uses	The commercial production, keeping or maintenance, of plant and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as "agricultural uses" include: (i) zoos, (ii) kennels, and (iii) riding stables.

Term	Use Table Subcategory*	Definition
Airport	Transportation	A facility where aircraft can land and take off on a recurring basis and which is equipped with hangers, refueling facilities and/or repair facilities.
Airstrip	Transportation	An area of land or water that is designed or used on a recurring basis for the landing and takeoff of aircraft, ultra lights, model airplanes or other flying apparatus excluding hot air balloons and which does not contain hangers, refueling facilities or repair facilities.
Alley		A travel way that affords only a secondary means of access to an abutting property and is not intended for general traffic circulation.
Alteration		A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.
Amusement and Sporting Facility, Indoor	Recreation	A facility providing entertainment or games of skill activities to the general public for a fee and that is wholly enclosed in a building. This shall include, but not be limited to: a bowling alley, indoor paintball facility and movie theater. This definition does not include game rooms.
Amusement and Sporting Facility, Outdoor	Recreation	A facility providing recreational activities outside of an enclosed building. Typical uses include: miniature golf, golf driving range, skeet shooting, etc... but does not include a stadium.
Amusement Arcade	Recreation	A place of entertainment primarily featuring coin-operated gaming machines. Does not include Electronic Gaming Operations.
Amusement Park	Recreation	A commercially operated park that offers rides, games, and other forms of entertainment.
Animal Grooming Services for household pets	Commercial Services	A facility where animals are groomed, shampooed, clipped, etc. No long term stay shall be allowed.
Animal Hospital (indoor kennels)	Medical	A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.
Animal Hospital (outdoor kennel)	Medical	A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. Facilities may be located outdoors and may include but not be limited to: kennels and training/ exercise areas.
Animal Kennel	Commercial Services	A location where more than six (6) dogs or other domesticated animals, or wild animals are kept, groomed, bred, boarded, trained, or sold.
Animal Shelter	Civic / Community Organizations	A facility which is used to house or contain animals and which is owned, operated, or maintained by an 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.

Term	Use Table Subcategory*	Definition
Animal, Wild		Any animal, which can normally be found in the wild state, particularly those feral, aggressive, able to harbor or transmit disease, dangerous, or non-domesticated, which generally do not live in or about the habitation of humans. These animals include, but not are limited to, deer, lions, non-human primates, bats, wolves, and wolf hybrids, hyenas, felids, as regulated by the Captive Wildlife Safety Act, bears, elephants, rhinoceros, hippopotamus, exotic wild cattle, crocodilians, venomous reptiles, constrictor snakes, raccoons, and skunks. Generally, local pet stores in Gaston County do not sell items for such animals. Wild animals specifically do not include animals of a species customarily used as farm animals, fish contained in an aquarium, pool or pond, birds or insects.
Antenna		Any system of wires, poles, rods, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
Antenna, Amateur Radio		An antenna owned and utilized by a FCC-licensed amateur radio operator.
Apartment		A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family and is located in a building that contains two (2) or more such rooms or suites.
Appeal		A request to a higher authority as a result of a decision determined by the Administrator or governing body, elected or appointed.
Art Gallery	Sales and Services	A commercial establishment where individual pieces of art are sold to the general public on a retail basis. Works of art may also occasionally be sold on an auction basis at such an establishment.
Arterial, Minor		A road so designated on the most recently adopted version of the Gaston Urban Area Thoroughfare Plan and any other adopted thoroughfare plan. Roads designated as “minor thoroughfares” shall also be classified as “minor arterials” for purposes of this Ordinance.
Arterial, Principal		A road so designated on the most recently adopted version of the Gaston Urban Area Thoroughfare Plan and any other adopted thoroughfare plan. Roads designated as “major thoroughfares” shall also be classified as “principal arterials” for purposes of this Ordinance.
Articulation		A building’s detailing and ornamentation, which includes windows, balconies, porches, entries, etc. It divides large buildings into smaller identifiable pieces.

Term	Use Table Subcategory*	Definition
Assisted Living Center	Civic / Community Organizations	An institution licensed by the state as an "assisted living residence" and which provides, at a minimum, one meal a day, housekeeping service and personal care services to seven (7) or more aged or disabled residents.
ATM (Automated Teller Machine)	Commercial Services	An automated device that performs banking or financial functions at a location outside of or remote from the controlling financial institution.
Auction		A public or private sale in which property or items of merchandise are sold to the highest bidder.
Auditorium / Assembly Hall / Amphitheatre	Civic / Community Organization	A structure or facility designed, intended, or used primarily for outside and/or inside performing art events or other spectator events and contains seating for spectators of those events. The sale of beverages, snack foods, and sundries geared to on-premise consumption or usage by spectators shall be permitted.
Automobile Body Shop	Commercial Services	Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.
Automobile Detail Shop	Commercial Services	An establishment primarily engaged in the hand cleaning and waxing of automobiles. Such activities may take place indoors and outdoors. Such establishments are distinguished from "car washes" in that there is no automated equipment involved with the cleaning or waxing the vehicles. No more than three (3) vehicles can be stored on-site overnight.
Automobile Hobbyist	All Other Uses	The use of a structure or building for storing and restoring automobiles for hobby purposes, with no automobile-related commercial or sales activity taking place. All vehicles shall be titled to the tenant of the building and all automobile restoration and repair shall be done indoors.
Automobile Repair Shop	Commercial Services	A commercial establishment whose primary purpose involves the maintenance and servicing of vehicles. "Auto body work" (i.e., work normally associated with an "automobile body shop,") may not be performed on premises unless the zoning district in which the use is located allows an "automobile body shop." The sale of automotive fuels and accessory automobile parts to the public may be provided on an accessory basis. Notwithstanding, an "automobile repair shop" is differentiated from an "auto parts store" in that the sale of automotive parts is not the primary service being offered.

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Term	Use Table Subcategory*	Definition
Automobile Service Station	Commercial Services	A use where vehicular fuels are sold at the retail level and where the installation of automotive items such as lubricants, tubes, batteries and similar accessories takes place and where minor automobile repair and maintenance work is conducted. Vehicle repair services (except for paint and body work) may be conducted on premises. Not more than one (1) automatic car wash may be provided on site so long as the car wash meets all of the criteria in that zoning district for an "Automatic Car Wash". Such use shall be distinguished from a "convenience store" given that the primary product for sale is automotive fuel and not food and sundry items. Such use shall be allowed to have up to one (1) towing vehicle.
Automobile Towing and Wrecker Service	Commercial Services	An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations or the sale of salvaged vehicular parts. This use is not to be construed as a junkyard and salvage yard. An "Automobile Towing and Wrecker Service" may be part of an "Automobile Body Shop" in zoning districts where an "Automobile Body Shop" is allowed.
Automobile, Truck, Boat, Motorcycle, Manufactured Home and Recreational Vehicle Sales and Rental	Sales and Services	Any building, premises, and land, in which or upon the primary use of land is a business that involves the maintenance, servicing or sale of new or used automobiles, boats, and/or manufactured homes. This may also include light trucks [i.e. trucks weighing less than two and one-half (2.5) tons] or vans, trailers, or recreation vehicles. Also included in this definition is vehicle leasing, rental, parking service, preparation or repair work conducted as an accessory use. Notwithstanding the above, any premise upon which there is a regular sale of boats, vehicles, etc. shall be considered an "Automobile, Truck, Boat, Motorcycle, Manufactured Home and Recreational Vehicle Sales and Rental" establishment.
Awning		A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.  Awning

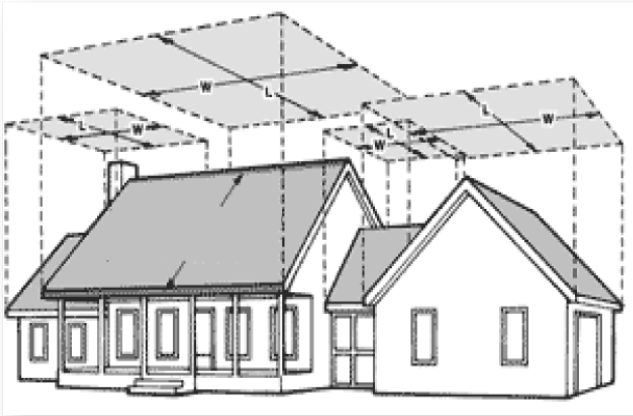
Term	Use Table Subcategory*	Definition
Bail Bond	Commercial Services	An office that engages in the sale or issuance of bail bonds or other financial transfers for the purpose of securing the release from jail of an accused defendant pending trial.
Banner		A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations. Banners include windblown signs such as feather flags, pennants and any similar flag.
Baseball Hitting Range	Recreation	A place of business with an indoor / outdoor temporary or permanent type cage for the hitting of a baseball as practice or recreation. The baseball may either be pitched by a person or by a pitching machine within the cage to a batter within the cage to disallow the ball from going outside of the cage.
Bay Window		A window or series of windows forming a bay or recess in a room and projecting outward from the wall.
Beacon		Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same site as the light source; also, any light with one (1) or more beams that rotate or move.
Bedroom		A room designated as sleeping or bedroom on the plans and permit application.
Bed and Breakfast Inn	Commercial Services	A use that (i) takes place within a building that prior to such establishment, was designed and used as a single-family residence, (ii) that consists of renting one (1) or more dwelling rooms on a daily basis to tourist, vacationers and similar transients, (iii) where the provision of meals, if provision of meals is made, is limited to the breakfast meal, and is available only to guests, and (iv) where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one (1) full-time employee. The maximum number of rooms available for rent shall be five (5); the maximum length of stay shall be fourteen (14) consecutive days.
Berm		Any elongated earthen mound designed or constructed on a site to separate, screen or buffer adjacent land uses.
Billboard		See “Sign, Off-premise Advertising”
Billiard Parlor	Recreation General	Business establishments open to the public whose primary source of income is from billiards.

Term	Use Table Subcategory*	Definition
Bona Fide Farm		The production and activities relating or incidental to the production of crops, fruits, vegetables, sod, or ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market meeting one (1) of the present use value criteria: i) Agricultural land, consisting of at least ten (10) acres, or horticultural land, consisting of at least five (5) acres, both of which may be in one or more contiguous tracts that are in actual production. These tracts may be owned or leased by the operator and had a minimum sales of one thousand dollars (\$1000.00) for the three (3) years preceding January 1 of the year of application; or ii) A minimum of twenty (20) acres of forestland for which a woodland management plan has been prepared by the N.C. Forest Service.
Botanical Garden	Agricultural Uses	A facility owned by a public or private nonprofit entity containing at least ten (10) acres of land that is primarily used for the public display and conservation of plants and related botanical education and research purposes. Such facility may also include the following facilities: conservatories; greenhouses; plant maintenance and propagation facilities; visitor centers; museums; education and research facilities; trails; boat touring and mooring facilities; bird, insect and water life observation facilities; living farm museums; petting zoos; concession facilities including meeting rooms, eating establishments, lodging and gift shops; and permanent housing for caretakers and other on-site employees.
Boundary Structure		A brick, stone, stucco or other decorative masonry, wooden, iron or vinyl clad metal fence, excluding chain link and wire fences, constructed entirely or partially around a single-family subdivision, a multifamily or multi-tenant development. Such walls or fences, regardless of their length, also include structures constructed as a signature entrance to a single-family subdivision, a multifamily complex or an office, business or retail complex.
Bowling Lanes	Recreation	A building, which contains one (1) or more alleys or lanes for bowling, whereby a bowling ball is rolled on an alley or lane (flat surface) in order to knock down objects call pins.
Building		Any structure used or intended for supporting or sheltering any use or occupancy.
Building, Accessory		See “Structure, Accessory”

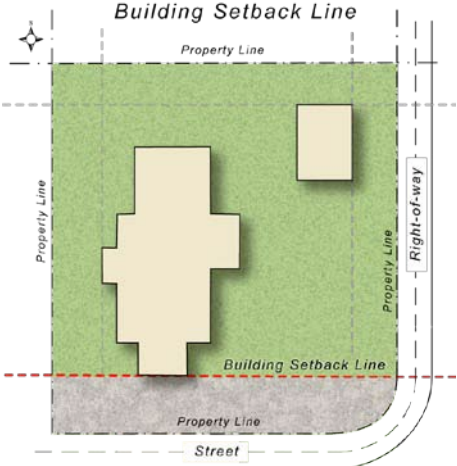
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Term	Use Table Subcategory*	Definition
Building, Agricultural / Farm		A structure designed and constructed to house farm implements, hay, grain, poultry, live-stock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. In a situation where an existing principle structure is located on a parcel of five (5) acres or greater, a farm building may be constructed when it is determined by the Land Use Administrator that the primary activity to be conducted within the accessory structure is agricultural in nature as described above. This structure cannot be used to house items that would be typically associated with a normal residential accessory structure (i.e., vehicles, boats, car trailers, recreation vehicles, personal items, etc.)
Building, Principal		A building in which the principal use is on the lot on which it is situated. A multi-occupant property may have more than one (1) principal building.
Building Elevation		The view of any building or other structure from any one (1) of four (4) sides showing features such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.
Building Face		The dominant structural feature of the elevation of any side of a building. 

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Term	Use Table Subcategory*	Definition
Building Footprint		The outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. 
Building Height		The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, a mansard roof, or a gable, hip or gambrel roof. Roof appurtenances such as skylights; roof structures for elevators; stairways; tanks; heating, ventilating and air conditioning equipment; or similar operating and/or maintenance equipment shall be excluded from this measurement. In computing the height of a building, the height of a basement, if below the grade from which the height is measured, shall not be included.
Building Materials and Lumber Sales	Sales and Services	An establishment where lumber and building materials goods are the primary products sold.
Building Permit		An official document issued by Gaston County pursuant to this Ordinance and the State building code that authorizes the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure.

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Term	Use Table Subcategory*	Definition
Building Setback Line		A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), and the nearest edge of the street right-of-way or property line when measured perpendicular thereto. 
Bulletin Board		A board for posting notices which are designed to be read by pedestrians. 
Bus or Train Terminal, Passenger	Transportation	Any premises for the transient housing or parking of inter-Town motor-driven buses (e.g., Greyhound, Trailways) and the loading and unloading of passengers going on such bus trips. Refer to “transit station” for facilities designed to accommodate intra-Town transit services.
Business Services	Commercial Services	The provision of services required for the day-to-day operation of a business such as, but not limited to, consulting service, photocopy or office supply. Such stores may have extended operating hours.

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Term	Use Table Subcategory*	Definition
Caliper		A horticultural method of measuring the diameter of a tree trunk for the purpose of size grading. The caliper of the trunk is measured six (6) inches above the ground for trees up to and including four (4) inches in diameter, twelve (12) inches above the ground for trees greater than four (4) inches up to twelve (12) inches in diameter, and at breast height (4.5 feet) for trees greater than twelve (12) inches in diameter.
Camping and Recreational Vehicle Park	Residential	Land containing two (2) or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation, vacation purposes or temporary housing for construction or farm workers. Occupancy for recreation or vacation purposes shall be limited to individual stays of no greater than thirty (30) days and occupancy for temporary housing shall be limited to individual stays of no greater than one-hundred eighty (180) days.
Canopy		A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy shall not be considered as being a completely enclosed structure. 
Car Wash, Automatic	Commercial Services	A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done using a combination of automatic washing devices and manual labor provided by the commercial establishment. The retail sale of fuels may also be provided in an accessory capacity. Accessory self-vacuuming facilities shall be allowed.

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Term	Use Table Subcategory*	Definition
Car Wash, Self Service	Commercial Services	A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer (i.e., the use of fully automated devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.
Cemetery	Civic / Community Organizations	Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. This definition shall be construed to include bona fide pet cemeteries.
Certificate of Compliance		A statement, signed by the Administrator, setting forth that a building, structure or use complies with this Ordinance.
Certificate of Occupancy		A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable building codes and regulations.
Changeable Copy		The display area of a sign where characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign. 
Charitable Service Facility	Civic / Community Organizations	A facility, other than a food pantry (see definition), operated by a public or private entity that directly distributes charity or relief services directly to the public. Examples of such a facility include soup kitchens and homeless shelters. Public office facilities (e.g., Department of Social Services facilities) and a church/place of worship shall not be deemed a charitable service facility.
Check Cashing Establishment	Commercial Services	A business engaged in cashing checks for the general public as an element of its operation that exceeds fifty (50) percent of its gross revenue and is not licensed by the appropriate state or federal agencies as a bank, savings and loan, or credit union. Primary signage associated with a business that includes the phrase "check cashing" will be considered prima facie evidence that the business is a check cashing business.

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Term	Use Table Subcategory*	Definition
Church/Place of Worship	Civic / Community Organizations	A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Certain customary accessory uses shall be allowed to take place on church premises. These include bookshops, recreation centers, outdoor playing fields, youth facilities, parsonage, cemetery, food pantry, and certain types of day care centers and schools. The overnight lodging of transient persons shall not be considered as a customary accessory use. Such accessory uses shall be subject to any applicable supplemental regulations located elsewhere in this Ordinance.
Cleaning and Maintenance Service	Commercial Services	An operation based within a building or office that offers services that includes both interior and exterior cleaning of commercial and residential building, homes, apartments, outbuildings, agricultural buildings, etc.
Close		As used for transportation/land use purposes, a small square or rectangular space providing road access to several adjacent lots. Such area is landscaped with grass and may contain benches. 
Club, Private (without adult entertainment)	Sales and Services	For-profit establishments that (i) is organized and operated solely for social and recreational purposes; (ii) and which may include the sale of alcoholic beverages; (iii) and that is not open to the general public, but open only to the members of the organization and their bona fide guests. Excluded from this definition are facilities used by nonprofit fraternal and service organizations.
College/University	Education	A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university shall not be considered a "vocational school" or a "school for the arts."

Term	Use Table Subcategory*	Definition
Commercial Message		Any sign, wording, logo or other representation, that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.
Commercial Vehicle and Truck Storage	Industrial / General Manufacturing	A piece of property that is used primarily for the outdoor storage, on a regular basis, of trucks and other commercial vehicles, excluding septic tank and solid waste vehicles.
Common Open Space		Land and/or water areas within the site designated for a particular development, not individually owned, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.
Common Open Space, Improved		Common open space which has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses, etc.
Community Center	Civic / Community Organizations	A building used for recreational, social, educational and cultural activities owned and operated by a public or nonprofit group or agency.
Comprehensive Plan		A plan, formally adopted by the local governing board, that includes policy statements, goals and objectives, maps and statistical data for the physical and economic development of the community. The may also be referred to as Land Use Plan.
SUP Special Use Permit		A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.
Conservation Organization		A nonprofit corporation or trust, or any private corporation or business entity authorized to do business in North Carolina, intended to exist indefinitely, an whose ongoing purpose includes: I. The permanent and perpetual preservation of land areas for outdoor recreation by, or for the education of, the general public; or II. The permanent and perpetual protection of the natural habitat for fish, wildlife, or plants or similar ecosystem; or III. The permanent and perpetual preservation of open space (including farmland and forest land) where such preservation is: (i) for the scenic enjoyment of the general public, (ii) pursuant to a clearly delineated Federal, State or local governmental conservation policy and will yield a significant public benefit.

Term	Use Table Subcategory*	Definition
Construction		The act of adding an addition to an existing building or structure, or the erection of a new principal or accessory building or structure on a lot; or the addition of walls, driveways, or parking lots, or the addition of appurtenances to a building or structure.
Construction Trailer (temporary use)		A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at a construction site on a temporary basis for office and/or storage purposes.
Continuing Care Facility	Civic / Community Organizations	A residential complex that contains a variety of living facilities that may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.
Contractor Storage and Equipment Yard	Industrial / General Manufacturing	A place where construction equipment and material used by contractors are externally stored on a regular basis.
Contractor's Office and Operation Center	Commercial Services	Any establishment from which services are contracted for building construction, building repair or building equipment installation or repair, such as, but not limited to flooring, HVAC, plumbing, etc. Employee vehicles are not to exceed one (1) ton in weight.
Convenience Store	Sales and Services	A one (1) story, retail store containing less than three-thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase relatively few items (in contrast to a "grocery store"). A "convenience store" is designed to attract and depends upon a large volume of stop-and-go traffic.
Correctional Facility	Civic / Community Organizations	A facility operated by a governmental entity (or a private contractor thereof) used primarily for the incarceration or housing of persons serving criminal sentences. State prisons, prison camps, and penitentiaries are examples of such a facility.
Country Club	Civic / Community Organizations	A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests that are privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and clubhouses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a freestanding entity or as part of a residential community or planned residential development.
Crematorium	Industrial / General Manufacturing	A facility whose primary function is for the cremation of human bodies or animals.

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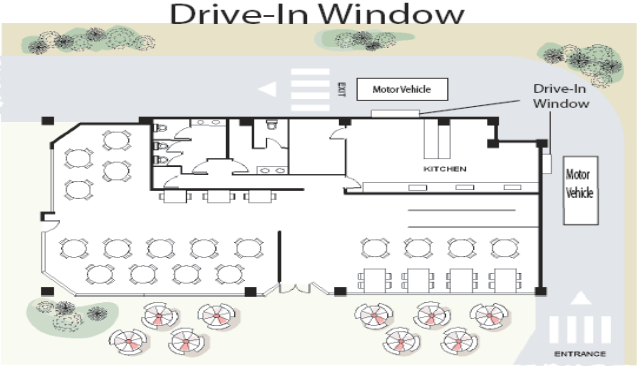
Term	Use Table Subcategory*	Definition
Cul-de-sac		Any street having only one outlet for vehicular traffic.
Curb, Standard		Raised strip of concrete along the edges of streets or parking lots providing a barrier. 
Curb, Valley		Also called a depressed curb which allow easy access to vehicles without damage. 
Day Care Center, Accessory	Civic / Community Organizations	A day care center facility located on the premises or adjacent to the premises of an office use, institutional use, commercial use, industrial use or group development for the primary purpose of care for the dependents of employees of such commercial, office, institutional or industrial use. At least sixty-six (66) percent of the clients enrolled shall be dependents of employees of the establishment or group development sponsoring such facility.
Day Care Center, Class A	Civic / Community Organizations	A place where daytime care is provided to not more than six (6) pre-school children, handicapped persons, or senior citizens, and not more than three (3) school aged children unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult, within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.
Day Care Center, Class B	Civic / Community Organizations	A place where daytime care is provided to more than six (6) but less than fifty (50) pre-school children, after school care children, handicapped persons or senior citizens unrelated by blood or marriage, and not the legal wards or foster children of the attendant adult. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

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Term	Use Table Subcategory*	Definition
Day Care Center, Class C	Civic / Community Organizations	A place where daytime care is provided to fifty (50) or more pre-school children, after school care children, handicapped persons or senior citizens unrelated by blood or marriage, and not the legal wards or foster children of the attendant adult. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.
Deck		A structure without a roof, either freestanding or attached to a building, which is supported by posts or pillars. 
Density Credit		The potential for the improvement or subdivision of part or all of a parcel of real property, to an intensity or degree that otherwise is not allowed in the underlying zoning district. Such ability to improve or develop the property is based on the dedication of land for transportation improvement purposes in exchange for the ability to develop the property to this greater standard.
Density, Gross		A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area of the parcel(s) to be developed.
Determination		Determination is a “written, final, and binding order, requirement or determination regarding an administrative decision.” Whereas development approvals are the permits and certificates for development to move forward, determinations are the stop work orders and notices of violation to force development to halt.
Developer		A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Term	Use Table Subcategory*	Definition
Development		Unless the context clearly indicates otherwise, the term means: (a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; (b) excavation, grading, filling, clearing, or alteration of land; (c) the subdivision of land as defined in G.S. 160D-802; or (d) the initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by the Articles of G.S. 160D.
Development Approval		An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.
Development, Multi-Family	Residential	A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements that is planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two (2) or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.
Development, Planned Multi-tenant		A development containing more than one (1) principal nonresidential use that is planned as a single entity in one (1) or more phases. Such development may have an internal network of public or private streets linking the various uses. Such uses may be located on one (1) or more lots. Some lots (commonly referred to as "outparcels") need not have direct access onto a public street. Such developments shall also include any individual lots (including outparcels) located therein.
Diameter at Breast Height		The measurement of the diameter of a tree trunk over twelve (12) inches in diameter taken at a height of four and one-half (4.5) feet above the ground.

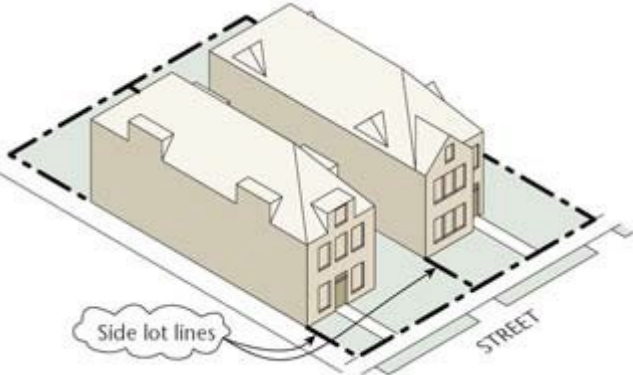
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Term	Use Table Subcategory*	Definition
Display of Goods, Outdoors		The display and sale of products outside of a building or structure including garden supplies, clothing, toys, play equipment, agricultural products, building and landscape materials, food and beverages.
Distribution / Wholesale / Storage Operations	Industrial / General Manufacturing	A facility where goods are received and/or stored for delivery to wholesale customers in remote locations.
Drive-in Window		A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles. 
Drive-through Facility		A business or facility which is designed or intended to enable a customer to transact business without exiting a motor vehicle parked on or moving through the premises.

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Term	Use Table Subcategory*	Definition
Driveway, Front-loaded		A driveway that begins at, or abuts, the front yard line of the lot. Front-Loaded Driveway 
Dry Cleaning Service Outlet	Personal Services	Establishments engaged in providing laundry, dry cleaning and other related services on a pick up and drop off basis to individual customers.
Dry Cleaning / Laundry Plant	Industrial / General Manufacturing	A commercial facility at which clothes are brought to be dry cleaned and / or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a Laundromat.
Duplex		See "Dwelling, Two-family"
Dwelling, Atrium House		An attached or semi-attached one-story house on a small lot, said lot having a small yard space that is surrounded by the house and its privacy walls. As distinguished from a "patio house," an atrium house usually has a smaller lot size and it is always attached (to another unit) in some fashion. 

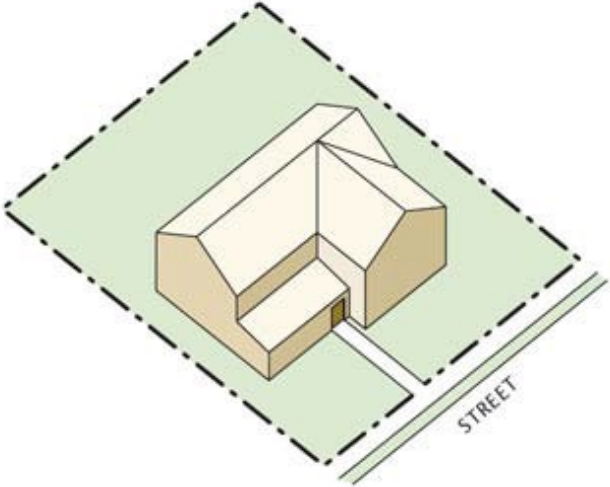
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Term	Use Table Subcategory*	Definition
Dwelling, Detached		A dwelling unit not attached to another dwelling unit.
Dwelling, Lot Line House		A single-family detached dwelling unit that is placed against one (1) of the side lot lines. Such dwelling unit has a front and rear yard but only one side yard.  The diagram shows a 3D perspective of a two-story house with a gabled roof and multiple windows. The house is situated on a rectangular lot. Dashed lines represent the lot boundaries. A cloud-shaped callout with an arrow points to the dashed line on the left side of the house, labeled 'Side lot lines'. The front of the lot is adjacent to a street, indicated by a dashed line and the word 'STREET'.
Dwelling, Manufactured Home	Residential	A residential dwelling unit that: 1.) Is constructed in accordance with the standards set forth in the Federal Housing and Urban Development (HUD) Code; 2.) Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and 3.) Is at least forty (40) feet in length and eight (8) feet in width. A manufactured home may also be referred to as a "mobile home".
Dwelling, Manufactured Home Accessory		A manufactured home that was placed on a lot as a second dwelling as an accessory to an existing principal manufactured home or a site built / modular home prior to the adoption of this Ordinance.

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Dwelling, Manufactured Home Class A	Residential	A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria: (a) The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least twenty (20) feet. (b) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run; the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint; the roof has an overhang (eave) extending at least ten (10) inches from each vertical exterior wall. A site-installed gutter may be counted in the width of the eave. (c) The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint. (d) A continuous, permanent masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy. (e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy. (f) The manufactured home is set up on the site in accordance with the standards set by the N.C. Department of Insurance. (g) Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance. (h) A front porch, a minimum of eight (8) feet in width and eight (8) feet in depth.
Dwelling, Manufactured Home Class B	Residential	A manufactured home that meets all of the criteria of a Class A Manufactured Home, except criteria (a), (b), and (c).

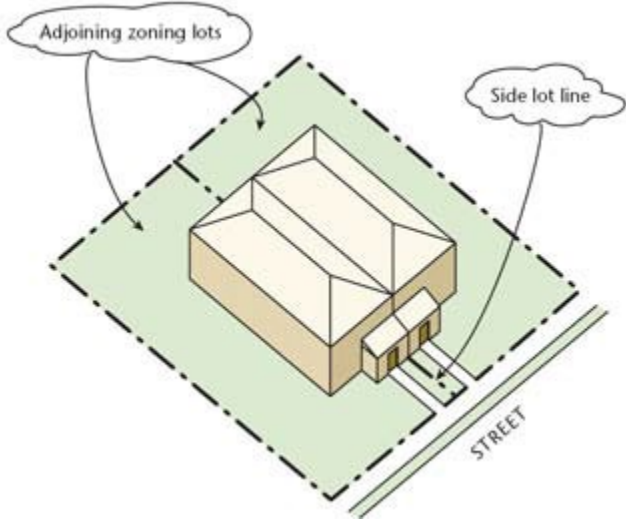
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Term	Use Table Subcategory*	Definition
Dwelling, Manufactured Home Class C	Residential	A manufactured home that meets all of the requirements of a Class A Manufactured Home, except criteria (a), (b), (c), (d), and (e); said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, pressure treated wood (except plain standard-surface, pressure treated plywood shall not be considered acceptable), or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and an access door.
Dwelling, Manufactured Home Class D	Residential	A manufactured home that does not meet the requirements of a Class A, Class B, or Class C Manufactured Home.
Dwelling, Mixed Use	Residential	A structure that contains both a principal residential and nonresidential (i.e., office or retail) use.
Dwelling, Multi-family	Residential	A building or portion thereof designed or occupied as three (3) or more dwelling units sharing common walls.
Dwelling, Patio House		A single-family dwelling on a separate lot with open space on three (3) sides on that lot. 

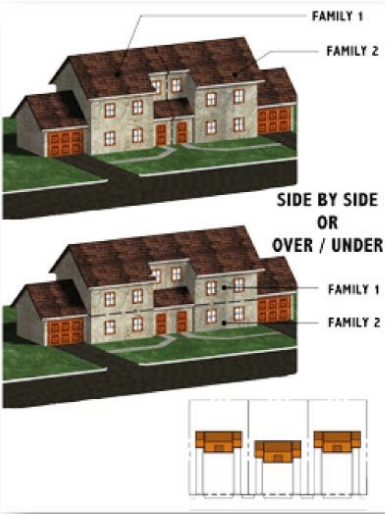
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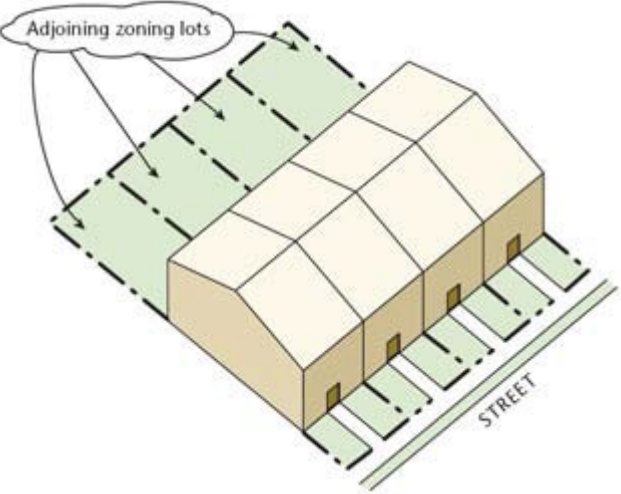
Term	Use Table Subcategory*	Definition
Dwelling, Row House		A house that is one (1) of a row of identical or mirror-image houses situated side by side and sharing common walls. 
Dwelling, Single-family Attached		A single-family dwelling that is connected by means of a common dividing structure or load-bearing wall, or by means of a floor-to-ceiling connection, of at least ten (10) linear feet, to one (1) or more other single-family dwellings. 
Dwelling, Single-family Detached	Residential	A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance. 

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Term	Use Table Subcategory*	Definition
Dwelling, Townhouse		A form of single-family attached dwelling where three (3) or more dwelling units located on separate lots are joined by a common building wall. 
Dwelling, Twin Home		Two (2) dwelling units on separate lots joined by a common building wall along the property line. 

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Term	Use Table Subcategory*	Definition
Dwelling, Two-family	Residential	Two (2) dwelling units, including modular homes, attached along and sharing one (1) or more common walls. 
Dwelling, Unit		Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Term	Use Table Subcategory*	Definition
Dwelling, Village House		A single-family detached dwelling built on a small lot (typically smaller than the minimum lot size for the zoning district). Land saved by use of smaller lots is dedicated for common use. Houses may be placed close to the street to maximize rear yards. Shared driveways with separate parking areas may be utilized.  The diagram shows a row of three small, single-story houses with gabled roofs, colored in a light tan. They are situated on a street frontage. Behind each house is a green-shaded area representing a rear yard. Dashed lines indicate the boundaries of the lots. A callout bubble with the text 'Adjoining zoning lots' points to the green rear yard areas, indicating they are shared or common use. The word 'STREET' is written along the front edge of the lots.
Easement		A grant by a property owner to the public, a corporation, or other person or persons of the right to use an identifiable piece of land for specified purposes, such as for access or utilities, and which has been recorded in the Gaston County Register of Deeds Office.
Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies & Equipment Sales	Sales and Services	The supply and sales of heating, air conditioning, ventilating, plumbing equipment and accessories. A small indoor area for a showroom shall be allowed.
Electronic Gaming Operations	All Other Uses	Any business or entity, where as a principal or accessory use persons use electronic machines, including but not limited to computers and gaming terminals, to conduct games, whether games of odds or chance or games of skill or dexterity, 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 by any other method. Electronic Gaming Operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines, or cybercafés. This definition does not include any lottery approved by the State of North Carolina.
Encroachment		The projection or intrusion of a building, structure, or other land-disturbing activity into an area where such projections are typically prohibited.

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Engineer		A professional engineer licensed by the State of North Carolina.
Entrance, Primary		An entrance or entrances leading from collector streets, major thoroughfares, arterials, or highways to subdivisions, multi-family uses, planned developments, industrial, commercial, or office and institutional subdivisions and developments.
Entrance, Secondary		An entrance, or entrances, other than the primary entrance, leading from collector or local streets to subdivisions, multi-family uses, planned developments, industrial, commercial, or office and institutional subdivisions.
Essential Services		Publicly or privately owned facilities or systems for the distribution of gas, electric, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. The provision of public safety services (i.e. law enforcement, emergency medical services, rescue services, fire protection), governmental uses, and related services shall be included as an essential service as described in Essential Service, Class 4. Essential Services are divided into the following four (4) classes as defined below.
Essential Services, Class 1	Civic / Community Organizations	Transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; telephone switching facilities [up to one-hundred (100) square feet gross floor area].
Essential Services, Class 2	Civic / Community Organizations	Elevated water storage tanks; booster stations, package treatment plants, telephone switching facilities [over one-hundred (100) square feet gross floor area], substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities, and solid waste / recycling convenience center.
Essential Services, Class 3	Civic / Community Organizations	Generation facilities such as power plants; sanitary landfills; septic tank waste disposal facilities; water treatment plant; sewage treatment plans (excluding package treatment plants); microwave towers.

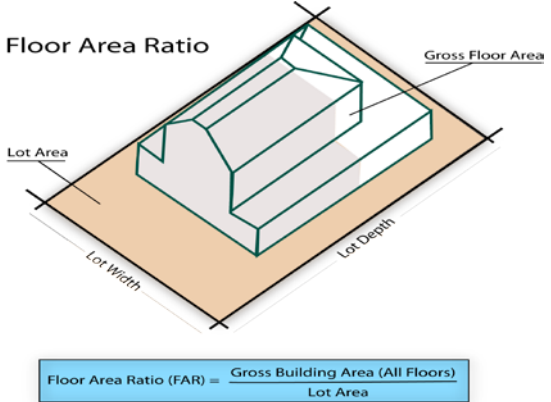
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Term	Use Table Subcategory*	Definition
Essential Services, Class 4	Civic / Community Organizations	A use or facility owned or operated by the Town or its designee, serving in one (1) of the following capacities, including, but not limited to: an agency office, rescue services (including volunteer rescue services), emergency medical services, public safety station, fire station (including volunteer fire station), public safety services and dispatch, or personnel training and development center. A public safety station may contain living quarters for on-duty personnel. Facilities for the maintenance of equipment housed at the operation site are also permitted. The following uses and/or activities shall not be classified as a Class 4 Essential Service: vehicle storage yard; outdoor/indoor firing range; jail; prison; sanitary landfill; solid waste transfer or disposal facility; wastewater treatment facility; educational or health institution; university; group home; half- way house or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.
Evidentiary Hearing		A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. 160D.
Exterminator's Office	Sales and Services	A business designed to apply measures to either control or eliminate indoor or outdoor pests.
Extraterritorial Jurisdiction		The area adjacent to and beyond the municipal limits over which the municipality has been granted an exercise of municipal governmental powers, including but not limited to the power to regulate development, in accordance with G.S. 160D-202, and -903.
Façade		The exterior wall of a building exposed to public view or that wall viewed by persons who are not in such building. 
Family		An individual, or two (2) or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than six (6) persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit.
Family Burial Ground		A privately owned, noncommercial graveyard created and maintained for the interment of family members of the property owner and restricted to such use.

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Term	Use Table Subcategory*	Definition
Family Care Home	Residential	A 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 (6) resident handicapped persons.
Family Member		Direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters.
Familial Relationship		A spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
Farm Supply Store	Sales and Services	An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.
Farmers Market	Civic / Community Organizations	A market at which fruits and vegetables are regularly sold to the general public on a retail basis. Other food items, handmade crafts, and baked goods not native to this region may also be sold at such establishments, provided these items may not constitute a majority of total sales.
Fence		An exterior structure serving as an enclosure, barrier, or boundary constructed of materials commonly considered to be fence materials.
Fence, Deer		A fence specifically designed to thwart the movement of deer and similar animals. Such fences are typically eight (8) to ten (10) feet in height and have an electrically charged wire on top.
Fenestration		Architectural treatment over, around, or near a window, door, or other feature of relief on the elevation of a building. 

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Term	Use Table Subcategory*	Definition
Financial Institution	Commercial Services	A commercial bank, a mortgage bank, a savings bank, a saving and loan association, or a credit union any of which are licensed, insured or chartered by the United States of America or the State of North Carolina. Manned drive-through services are provided on site. Outdoor automatic teller machines (ATMs) may or may not be provided.
Firing Range	Sales and Service	An enclosed or outdoor facility for firearms practice with targets. Detonation of explosives may be included in this definition.
Fish Hatcheries	Agricultural	A commercial facility consisting of tanks or ponds in which fish are raised for food.
Flag		A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.
Flea Market	Sales and Services	A market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities, booths, or temporary structures.
Flex Space	All Other Uses	A building or portion thereof that can be used and/or easily converted to use for office, retail sales, wholesale sales, distribution or storage use.
Floor Area Ratio		The gross floor area of all buildings and structures on a lot divided by the lot area.  Floor Area Ratio (FAR) = $\frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$
Food Catering Facility	Commercial Services	A facility at which a prearranged amount and type of food is prepared for consumption off-premises or in a meeting room on premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

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Term	Use Table Subcategory*	Definition
Food Pantry	Civic / Community Organizations	A facility operated by a public or non-profit entity that directly distributes unprepared packaged food items to the public on a charitable basis. Such facilities may also distribute clothing to the general public in such manner.
Fraternal and Service Organization Meeting Facility (Nonprofit and Not-For-Profit)	Civic / Community Organizations	A facility operated by an association of persons for activities which include, but are not limited to social, literary, political, educational, fraternal, charitable, or labor activities, with regular meetings and membership requirements. The facility is not operated for profit or to render a service that is customarily conducted as a business.
Freeway		A major thoroughfare providing for high-speed mobility and having no at-grade crossings.
Freight and Flying Services	Transportation	A facility operated for the transport of goods, merchandise, materials and commodities of any kind that may be transported from one place to another by air.
Fuel Nozzle		The projecting part of a hose attached to a Fueling Pump through which fuel is discharged or dispensed.
Fueling Pump		A fuel-dispensing pump, which may contain more than one (1) fuel nozzle, designed to accommodate one (1) or two (2) vehicles at a time. If two (2) vehicles are accommodated at the same time, fuel nozzles serving the two (2) vehicles shall be located on opposite sides of the fuel pump.

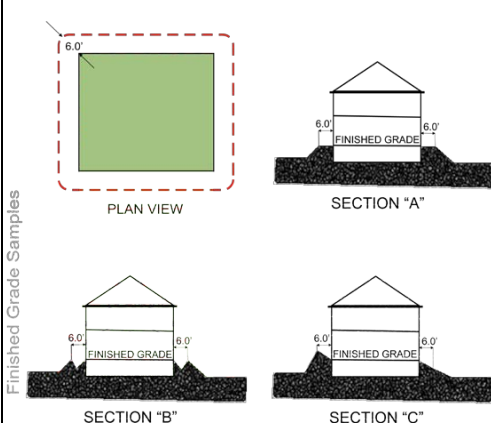
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Term	Use Table Subcategory*	Definition
Funeral Home	Commercial Services	A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith. Such facility may also sell caskets and other items associated with a funeral service.
Furniture Store	Sales and Services	A retail establishment that is primarily engaged in the sale of home or office furniture and related goods.
Furrier	Sales and Services	An occupation or business that deals in furs or the dressing, designing, cleaning, or repairing of fur garments.
Game Room	Recreation	A building or a part of a building containing eight (8) or more video, pinball, or similar player operated amusement devices, in any combination, for commercial use. An establishment containing a game room may have more than one (1) principal use. Does not include Electronic Gaming Operations.
Garage, Private		A building or portion thereof that is accessory to a principal structure and providing for the storage of automobiles, and in which there is no occupation or business for profit carried on. Such garage shall be enclosed on all four (4) sides, and may be attached to or detached from the principal dwelling unit.
Garage, Rear Load Detached		A building, attached or detached, which is loaded and accessible only by an alley way or street along the rear of the lot. No vehicular access from the front street is allowed.
Glass and Mirror Shop	Commercial Services	Glass and mirror is cut to size as per order, including edge finishing and / or tempering.
Golf, Course	Recreation	A tract of land for playing golf, improved with tees, fairways, hazards and which may include as accessory uses: clubhouses, shelters and golf driving range. Such definition shall not include "miniature golf" or "golf driving range" establishments.

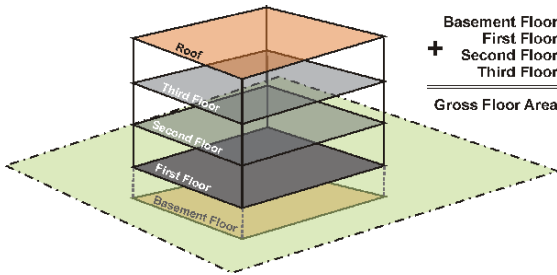
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Term	Use Table Subcategory*	Definition
Golf, Driving Range	Recreation	A golf practice facility included at most golf courses or as a stand alone business. The driving range may consist of a large open field and a teeing ground. Golfers line up side by side to hit the balls into the open field. The landing area or open field may have target greens or yardage markers. Most driving ranges sell buckets of balls of varying sizes and prices. Many driving ranges also have practice putting greens, and may have areas for chipping, pitching and bunker practice. Lighting of the range may be an option for nighttime use. 
Golf, Miniature	Recreation	Golf played with golf balls and putters on a miniature course with obstacles at each hole. Lighting of the range may be an option for nighttime use. 

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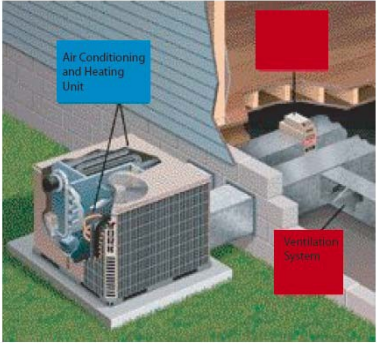
Term	Use Table Subcategory*	Definition
Grade, Finished		A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point six (6) feet from the building and the lot line or between the building and a point six (6) feet from the building, whichever is closer to the building. 
Grade, Street		The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which the grade is being measured.
Greenhouse, Commercial		See “Nursery (garden)”
Greenway		Linear open space that is generally established along a corridor that can be used for connectivity (trails) or water quality protection.
Grocery Store (Food Store)	Sales and Services	An establishment, over three thousand (3,000) square feet in area, which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Such stores may also contain manned internal bank branches. Sales of grocery items are highly dependent on comparison shopping.

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Term	Use Table Subcategory*	Definition
Grooming Services	Personal Services	Establishments engaged primarily in providing services to a person's grooming needs. Such services include, but are not limited to: barbershops, beauty shops, tanning salons and nail salons. Tattoo parlors shall not be included under this definition.
Gross Floor Area		The sum of the gross horizontal areas of each floor of a principal building, and any accessory building or structures measured from outside of the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawlspace. This term also excludes pedestrian walkways and common areas within enclosed shopping facilities. DEFINITION : GROSS FLOOR AREA  The diagram shows a 3D perspective of a building with five levels: a basement floor (orange), a first floor (dark grey), a second floor (medium grey), a third floor (light grey), and a roof (orange). The first, second, and third floors are highlighted with dashed lines to indicate they are included in the Gross Floor Area calculation. A legend to the right of the building shows a plus sign followed by 'Basement Floor', 'First Floor', 'Second Floor', and 'Third Floor', with a horizontal line underneath, and then 'Gross Floor Area'.
Ground Covers		Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.
Group Home	Residential	A facility, other than a family care home, that is licensed by the State of North Carolina, that has support and supervisory personnel and provides room and board, personal care, or habilitation services in a family environment for more than six (6) but not more than thirty (30) handicapped persons, unwed mothers with their neonates, and battered spouses with their children.

Term	Use Table Subcategory*	Definition
Gunsmith, Gun and Ammunition Sales	Commercial Services	Gunsmiths repair and modify firearms to blueprint and customer specifications. In their work, gunsmiths use hand tool and machines such as grinders, planers, and millers. They may restore antique guns, convert old rifles to up-to-date firearms, or adapt factory-made rifles to the special needs of customers. Many gunsmiths work for gun manufacturers or sporting goods stores. Some are self-employed. Gunsmiths may participate in the reloading of ammunition and / or sale of arms and ammunition.
Handicapped Person		A person with a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; a person with a record of having such an impairment; or a person who is regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802.
Hardware Sales	Commercial Services	A hardware store sells items such as but not limited to fasteners, keys, locks, hinges, wire, chains, plumbing supplies, tools, utensils, cutlery and machine parts, etc.
Health and Behavioral Care Facility	Medical	A facility designed to offer two (2) or more health and behavioral services to clients. Such services may include limited medical care and health education, parenting program, adoption agency, and counseling center.
Health Club, Spa, Gymnasium (principal use)	Recreation	A place of business with equipment and facilities for exercising and improving physical fitness.
Heavy, Industrial, Farm Equipment Sales and Service	Sales and Services	A facility where vehicles or other apparatus commonly used in commercial, industrial or construction enterprises are sold and serviced. This includes, but is not be limited to: trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts, each having a gross weight of two and one-half (2.5) tons or more.
Heliport / Helistop	Transportation	An area designated to be used for the landing or takeoff of helicopters including operations facilities such as maintenance, loading, storage, fueling and terminal facilities.
Highway, Corridor		A highway, or portion thereof, which is designated by the Board for the placement of a CH Corridor Highway Overlay District.
Highway, Special		A highway, or portion thereof, which is designated by the Board for the placement of a SH Special Highway Overlay District.

Term	Use Table Subcategory*	Definition
Holiday Decorations		Displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.
Home Occupation, Customary	Sales and Services	Certain nonresidential uses conducted within a dwelling unit which is clearly incidental and subordinate to the residential use and, when observed from beyond the lot on which it is located, does not give visual, audible, sensory or physical evidence the property is used for any nonresidential purpose.
Home Occupation, Rural	Sales and Services	Certain nonresidential uses conducted in an accessory structure by the occupants of the lot upon which it is located. The use is clearly incidental and subordinate to the residential use and, when observed from beyond the lot on which it is located, does not give visual, audible, sensory or physical evidence the property is used for any nonresidential purpose.
Hospital	Medical	An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient services, training facilities, central service facilities, emergency services, and staff offices. A hospital shall provide facilities for the overnight and extended stay of persons in need of medical treatment and may have accessory uses such as a prayer chapel, gift shop, cafeteria, etc. that serves the needs of staff, patients and visitors.
Hotel	Commercial Services	A facility containing six (6) or more rooms and offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, lounges, meeting rooms and recreation facilities. Less than twenty-five percent (25%) of the rooms for rent shall have direct access to the outside. An "adult hotel or motel" shall not be considered a "hotel" and shall be governed as an "adult establishment."

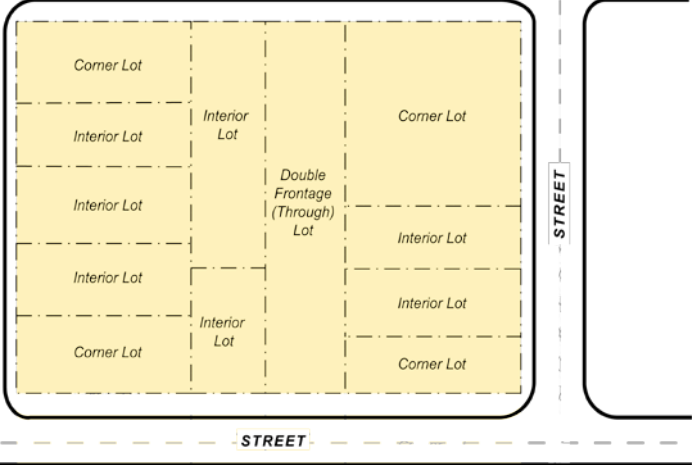
Term	Use Table Subcategory*	Definition
Hotel, Full service	Commercial Services	An establishment providing a minimum of one-hundred (100) sleeping rooms (a suite shall be counted as two sleeping rooms) that have interior access. A “hotel” also has a restaurant with full table service, lounge, meeting facilities consisting of a minimum of five-thousand (5,000) square feet in one (1) room (said room may be divided by flexible partitions) and may include other hotel-related amenities and guest services.
HVAC Equipment		External heating, ventilation, air conditioning, and other mechanical and utility equipment, including but not limited to, hoses, pipes, vents, fans, compressors, pumps, and heating and cooling units associated with buildings and accessory HVAC Equipment  structures.
Impervious Surface		Any material that reduces and prevents absorption of storm water into previously undeveloped land. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. Items not considered to be "impervious" include the water area of a swimming pool and wooden slatted decks.
Impervious Surface Ratio		The gross area of all impervious surfaces on a lot divided by the lot area.
Industrial Heavy Equipment Bulk Storage Yard	Industrial / General Manufacturing	Storage area, either open or enclosed for heavy equipment, new or used, including refrigeration equipment, chillers, boilers, motorized heavy equipment, bulk production equipment, and other miscellaneous equipment not covered under Junk Yard definition or other sections of this Ordinance.
Junkyard and Salvage Yard	Industrial / General Manufacturing	The use of more than five hundred (500) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of two (2) or more automobiles, vehicles or machinery or parts thereof.

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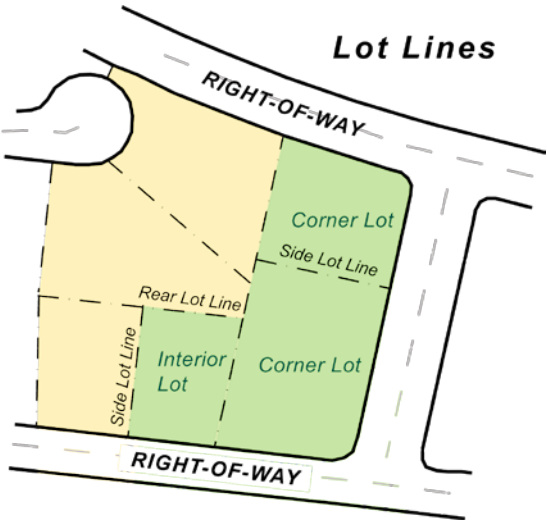
Term	Use Table Subcategory*	Definition
Laboratories – Dental, Medical	Medical	Dental Laboratories are considered light manufacturing for products of dental restoration based on the order of a dentist; whereas a Medical Laboratory is any institution, building, or place which provides the examination of blood, tissues, secretions, and excretions of the human body or any function of the human body.
Land-disturbing Activity		Any use of the land by any person for residential, industrial, educational, institutional, or commercial development, or for highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Within watershed management areas, land-disturbing activity shall include the clear cutting of trees unless specifically exempted by this Ordinance.
Landfill, Beneficial Fill	Industrial / General Manufacturing	A fill activity that involves no excavation and the fill material is limited to concrete, brick, concrete block, uncontaminated soil, rock and gravel. The purpose of the fill is to improve the land use potential.
Landfill, Land Clearing and Inert Debris (major)	Industrial / General Manufacturing	An off-premise commercial disposal site other than a Minor Land Clearing and Inert Debris Landfill (as herein defined) for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. The North Carolina Division of Solid Waste Management must approve the disposal of any other types of wastes.
Landfill, Land Clearing and Inert Debris (minor)	Industrial / General Manufacturing	An off-premise commercial disposal site that meets each of the following conditions: (i) The fill material shall consist of debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, limbs, leaves, and stumps. (ii) The North Carolina Division of Solid Waste Management must approve disposal of any other types of wastes. (iii) The fill activity will cover two (2) acres or less, and be in operation for three (3) years or less.
Landfill, Onsite		A landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable on-site natural materials (e.g., stumps, tree limbs, etc.) which are generated on the property being developed. This area must be shown on a recorded plat / map.
Landowner		Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. The person shown on the records of the Gaston County Register of Deeds shall be presumed to be the person in control of the property.
Laundromat	Personal Services	A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

Term	Use Table Subcategory*	Definition
Lawn and Garden Center	Commercial Services	A retail sales and service establishment with retail sales of nursery stock and accessory supplies, fresh produce, landscaping supplies, lawn furniture, playground equipment, topsoil, mulching materials, garden tractors, utility vehicles, and lawn mowers and similar powered lawn and garden equipment and other similar supplies and equipment used for lawn and garden purposes and retail repair and service for such equipment.
Leasable Area, Gross		The total floor area for which a tenant pays rent and which is designed for the tenant's occupancy and exclusive use.
Legislative hearing		A hearing to solicit public comment on a proposed legislative decision.
Library	Civic / Community Organizations	A public facility for the shared use, but not sale, of literary, musical, artistic, or reference materials.
Loading Space, Off-street		An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
Logo		The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols, or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

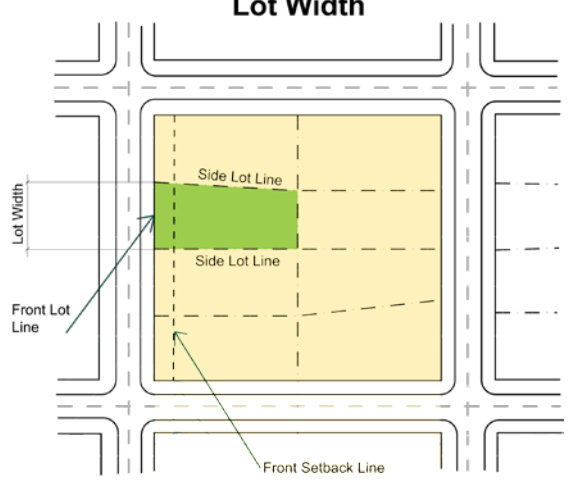
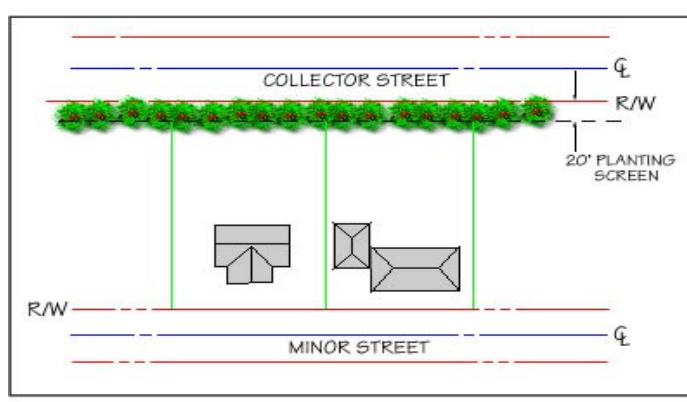
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Term	Use Table Subcategory*	Definition
Lot		A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. Lot Types  The diagram illustrates various lot types adjacent to a street. It shows a grid of lots with labels: Corner Lot, Interior Lot, and Double Frontage (Through) Lot. A dashed line represents the street frontage, and a solid line represents the street right-of-way line. The diagram shows how the lot boundary for area calculation is determined by the street right-of-way line.
Lot Area		The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or (ii) if the right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street shall be used to calculate the area.

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Term	Use Table Subcategory*	Definition
Lot Line		A line of record bounding a lot that separates one lot from another lot or separates that lot from a public or private street or any other public space. 
Lot Line, Front		The lot line that separates a lot from a street right-of-way.
Lot Line, Interior		A lot line that does not have street frontage.
Lot Line, Rear		The lot line(s) opposite and most distant from the front lot line.
Lot Line, Side		Any lot line abutting another lot and which is not a front or rear lot line.
Lot of Record		A lot described pursuant to the most current plat or metes and bounds recorded in the office of the Gaston County Register of Deeds, which was in compliance at the time of recording.

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Term	Use Table Subcategory*	Definition
Lot Width		The horizontal distance between side lot lines at the front building line measured parallel with the front lot line. Lot Width 
Lot, Corner		A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one-hundred thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot.
Lot, Interior		A lot other than a corner lot.
Lot, Nonconforming		Any Lot of Record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.
Lot, Reverse Frontage		A continuous lot which is accessible from only the minor of two (2) roads upon which it fronts. 
Lot, Through		A lot that fronts upon two (2) parallel streets, or that fronts upon two (2) streets that do not intersect at the boundaries of the street.

Term	Use Table Subcategory*	Definition
Lounge / Nightclub	All Other Uses	An establishment that stays open late at night and provides food, drink, entertainment, music and dancing.
Machine, Metal and Woodworking Shop	Industrial / General Manufacturing	A workshop, in which work, including but not limited to metal and woodwork, is machined, assembled or finished.
Manufactured Goods		Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations: The term "NAICS" shall refer to the North American Industry Classification System as set forth in the NAICS Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the NAICS Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the NAICS Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being a "special use", then the entire use shall be deemed a "special use" as opposed to being a "permitted use".
Manufactured Goods, Class 1	Industrial / General Manufacturing	All manufacturing industries except those listed as "Manufacturing Goods, Class 2".

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Term	Use Table Subcategory*	Definition
Manufactured Goods, Class 2	Industrial / General Manufacturing	The following manufacturing industries as identified by their NAICS Category and Code Number(s): • Pickled fruits and vegetables (NAICS 311421, 311941) • Flour and other grain mill products, sugar refining (NAICS 311211, 311311, 311313) • Animal feeds and pet foods (NAICS 311111, 311119, 311611) • Fats and oils (NAICS 31122) • Beer/malt beverages, wines, brandy, distilled and blended liquor; roasted coffee (NAICS 311920, 311942, 312120, 312130, 312140) • The following manufacturing listed under NAICS 311212, 311340: (1) Non-chocolate Confectionery Manufacturing (2) Rice Milling • Tobacco products (NAICS 3122) • Dying and finishing textiles, except wool fabrics and knot goods (NAICS 313210, 3133, 315192, 315191, 315111, 315119) • Coated fabrics, rubberized and not rubberized; canvas and related products (NAICS 313320, 314912, 315299, 315999, 326192, 326299, 339113, 339932) • Sawmills and planing mills, general (NAICS 321113, 321912, 321918, 321999) • Wood building and mobile (manufactured) homes (NAICS 321991, 321992) • Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (NAICS 321114, 321219, 322110, 322121, 322122, 322130) - Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber; cellulosic and other man-made fibers, except glass (NAICS 3252, 32518, 325120, 325131) • Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (NAICS 3256) • Paints, varnishes, lacquers, enamels and allied products (NAICS 32551) • Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (NAICS 32531, 32532) • Miscellaneous chemical products (all products listed under NAICS 32552, 32592, 32591, 325182, 325199, 311942, 325998, 325510) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and other chemical and chemical preparations) • Lubricating oils and greases (NAICS 324191) • Products of petroleum and coal classified under NAICS 324199 • Tires and inner tubes (NAICS 326211) • Plastic products found under NAICS 325 991, 326113, 326121, 326122, 326130, 326140, 326160, 326191, 326199, 337215, 326122, when resins are made at the same facility • Leather tanning and finishing (NAICS 316110) • Flat glass; glass and glassware; (NAICS 327211, 327212) • Cement, hydraulic (NAICS 327310) • Structural clay products (NAICS 32712, 327331) • Pottery and related products (NAICS 32711) except handmade pottery and arts and crafts operations involving no more than one-thousand (1,000) cubic feet of kiln space • Concrete gypsum and plastic products; cut stone and stone products (NAICS 32733, 32739, 32732, 327410, 327420, 327991) • Abrasive products; asbestos products; mineral wool; (NAICS 327910, 327993, 327999, 332999, 336340)

Term	Use Table Subcategory*	Definition
Manufactured Goods, Class 2 (cont'd)		• Minerals and earth, ground or otherwise treated (NAICS 212324, 212325, 212393, 212399, 327992) • Non-clay refractories (NAICS 327125) • Miscellaneous nonmetallic mineral products listed under NAICS 327112, 327999, 327420 • Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (NAICS 324199, 331111, 331112, 331221, 332618, 3312, 3315, 3314, 3313) • Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (NAICS 3321, 33281, 339911, 339912, 339914) Manufacture of other primary metal products listed under NAICS 331314, 331423, 331492, 332813, 331221, 332618 • Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (NAICS 33299) • Power, distribution and specialty transformers (NAICS 335311) • Electrical industrial carbon and graphic products (NAICS 335991) • Storage batteries; primary batteries, dry and wet (NAICS 335911, 335912) • Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (NAICS 3361, 3362, 336510, 333911, 336991) • Aircraft; guided missiles and space vehicles and parts (NAICS 33641, 54171) • Under NAICS 336214 - camping trailers • (Military) tanks (and related armored vehicles) (NAICS 336992) but not tank components • Under NAICS 325992, 333315 - all photographic supplies but not photographic equipment • Under NAICS 325998, 339942 all inks, paints, oils, enamels, and crayons • Carbon paper and inked ribbons (NAICS 339944) • Linoleum, asphalt - felt-base, and other hard surface floor covering listed under NAICS 326192 • Meat packing plants and poultry dressing plants (NAICS 311611, 311615, 311999) • Processing and packing of canned, cured, fresh, or frozen fish and seafood (NAICS 311711, 311712) • Petroleum refining (NAICS 32411) • Asphalt paving and roofing materials (NAICS 32412) • Mining (NAICS 221, 212, 213)

Term	Use Table Subcategory*	Definition
Manufactured Home Park	Residential	Any premises where two (2) or more manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying to the public, parking space for manufactured homes for living and sleeping purposes.
Manufactured Home Space		A plot of land within a manufactured home park designed for the accommodation of a single manufactured home in accordance with the requirements contained in this Ordinance.
Marina, Accessory	Commercial Services	A facility which is accessory to a residential development and which provides boat slips for use by the residents of such development and their guests.
Marina, Commercial	Commercial Services	A commercial facility containing moorings and boat slips available for use by the general public and which may also offer supply and repair services.
Maternity Home	Residential	A home licensed to provide care for pregnant females as well as provide space for live-in house parents.
Military Reserve Center	Civic / Community Organizations	A place used for training reserve military personnel and where military arms and military equipment may be stored.
Mini-Warehouse	Commercial Services	A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility with the following exceptions: boats, cars; motorcycles; trailers; motor homes, pickup trucks and similar-type and size vehicles. All such areas devoted for outdoor storage shall be in areas so designated for such storage. Use of the leased storage spaces shall be for storage purposes only.
Mobile Home		See " Dwelling, Manufactured Home "
Mobile Home Park		See "Manufactured Home Park"
Model Sales Home		A permanent building intended for ultimate use as a residential dwelling unit that is typical of the dwellings in the residential development where it is located and which is temporarily used by the builder for the purpose of display and sales associated with residential property where the builder has other homes for sale in the same development or subdivision.
Modular Home		A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code (Uniform Residential Code for One and Two-Family Dwellings) 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", as herein defined, shall be deemed to be a single-family dwelling for purposes of this Ordinance.
Monument Sales	Industrial / General Manufacturing	A dealer who sells a cemetery type monument, marker or plaque to the general public.

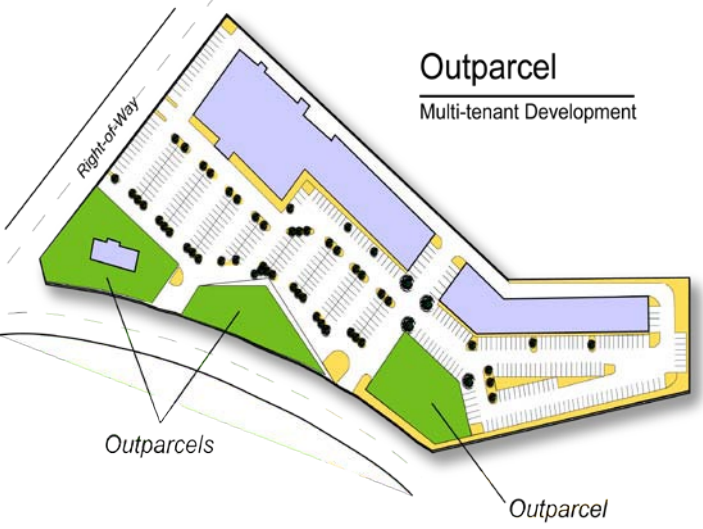
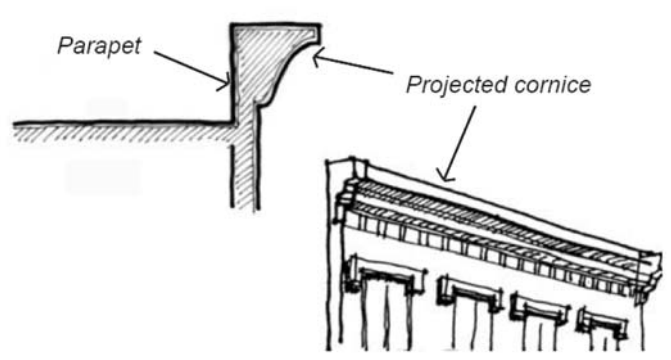
Town of McAdenville, North Carolina
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Term	Use Table Subcategory*	Definition
Motel	Commercial Services	An establishment providing transient accommodations containing six (6) or more rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
Motor Home		See “Vehicle, Recreational”
Moving and Storage Facilities	Commercial Services	A facility that provides pickup and hauling of items and temporary on-site storage sometimes referred to as “mini-storage”. Moving vehicles for rent or hire and associated supplies may be purchased or rented.
Multi-family Development	Residential	A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two (2) or more duplex buildings, or three (3) or more dwelling units sharing one or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.
Museum	Civic / Community Organizations	A structure that serves as a repository for a collection of curiosities or objects of interest or works of art intended to be viewed by members of the public with or without admission costs. It may include an accessory use with the sale of goods/gifts to the public and/or an eating establishment for visitors and employees.
Nonconformity		Any use, building, structure, lot, or sign that was lawful at the time it was constructed or established but which fails to comply with one or more of the applicable regulations or standards of this Ordinance.
Noncommercial Copy		A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.
Nursery (garden)	Commercial Services	A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes. Goods may also be grown and displayed outdoors.

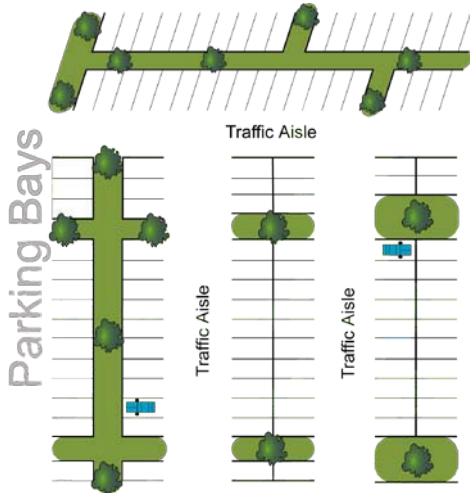
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Term	Use Table Subcategory*	Definition
Nursing Home	Civic / Community Organizations	A licensed facility that provides supportive service to six (6) or more elderly or disabled in-house residents who need a wide range of health and support services located on the site, such as medical and nursing care, central dining, and transportation services.
Office	Office General	A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.
Office, Medical Services	Medical	An office (as herein defined) facility containing space for patient waiting rooms, treatment areas and laboratory space for medical doctors (MDs), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, psychologists, licensed nurse/midwives, licensed physical therapists, licensed nurse practitioners, licensed respiratory therapists or optometrists.
Open Space		Areas of publicly or privately owned natural area that is protected for natural and cultural resources.
Organic Waste		Materials that are primarily composed of yard trimmings, wood waste, dead trees and other dead vegetation, Christmas trees, wood pallets, land clearing debris and other similar materials.
Outdoor Event (temporary use)		Circuses, fairs, carnivals, festivals and other types of outdoor events that run on a temporary basis and are intended to or are likely to attract substantial crowds.
Outdoor Resale Business		A business that sells used merchandise (other than automobiles, trucks, boats, motorcycles, manufactured homes or recreational vehicles) and stores or displays this merchandise outdoors on a regular basis.

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Term	Use Table Subcategory*	Definition
Outparcel		A lot located within a planned multi-tenant development that does not have direct access from a public road abutting the development. Said lot may contain no more than one (1) principal use. 
Package Treatment Plant		A small self-contained sewage treatment facility built to serve developed areas that lie beyond the service area of sanitary sewers.
Paintball Game		A game in which players on one team seek to eliminate those on an opposing team by marking them with a water-soluble dye shot in capsules from air guns.
Paintball Facility	Recreation	A commercial facility providing either an indoor or outdoor enclosed area for customers to participate in paintball games and related activities.
Parapet		That portion of a building wall or false front that extends above the roofline. 

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Term	Use Table Subcategory*	Definition
Park	Recreation	A facility operated by a public entity that is open to the public for outdoor active recreational uses, including, but not limited to: ball fields, swimming facilities, camping facilities, and which contains improvements designed specifically for such active recreational uses. Such facilities may also contain improvements designed for passive recreational uses.
Parking Bay		A parking module consisting of one (1) or more sets of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave. 
Parking Deck		A building designed and used for the storage of motor vehicles and which may contain retail or office uses on its ground floor.
Parking Facility, Overflow		An off-street parking area intended for the storage of vehicles for special, athletic or other occasional events. Such a facility is not typically used more than ten (10) times a year.
Parking Lot (principal use)	Transportation	An open, hard-surfaced area, other than a street or public way, that is used for the storage, for limited periods of time, of passenger vehicles and commercial vehicles, and is available to the public, whether for compensation or free. Off-street parking areas that are provided in association with a particular use shall not be considered as being a "parking lot" as herein defined.
Parking Space, Off-street		An area located outside of any street right-of-way that is designed to accommodate the parking of vehicles.
Pawn Shop		A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

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Term	Use Table Subcategory*	Definition
Pennant		Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind. Pennants 
Permit, Zoning		A document issued by the Administrator that is required before commencing any construction, reconstruction, alteration, conversion or installation of a building or structure or before establishing, extending or changing any use on any lot.
Personal Business Service	Personal Services	The provision of services for personal needs and transactions such as, but not limited to, tailoring, alterations, dry cleaning outlet / drop-off, shoe repair, clock / watch repair, appliance repair.
Petroleum Distribution Facility		A business involved in the bulk sale of gasoline, methanol, liquid propane, kerosene, aviation fuels, fuel oil, diesel oils, and similar petroleum products. Such products are purchased from petroleum terminals and are sold to customers or consumers at either the wholesale or retail level. In no instance shall an "automobile service station," or "convenience store," or "mini-mart" be considered a "petroleum distribution facility."
Photo Finish Laboratory	Commercial Services	A business establishment primarily engaged in developing film, making photographic prints and enlargements, or retouching photographs for businesses or for the general public.
Planned Residential Development (PRD)	Residential	A development planned and developed as an integral unit consisting of one or more residential-unit types (as permitted in the underlying general zoning district) and conforming to all applicable lot and bulk regulations.

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Term	Use Table Subcategory*	Definition
Planned Unit Development (PUD)	Residential	A development containing a minimum of ten (10) acres that is planned and developed as an integral unit containing one (1) or more commercial, institutional or manufacturing uses. A planned unit development (PUD) differs from a planned residential development (PRD) in that whereas a PRD always contains residential dwelling units, a PUD may or may not contain dwelling units.
Plat		A map or plan of a parcel of land that is to be or has been subdivided showing such subdivision. A plat for a subdivision occurring after the effective date of this Ordinance shall be recorded with the Gaston County Register of Deeds office and shall contain all information herein required.
Plaza		A paved area surrounded by buildings or streets and located in such manner so as to be accessible by pedestrians. Such area is improved with benches, ornamental and/or drinking fountains, works of art, etc. Part of the plaza may contain a grassed area. 
Playground		A smaller-sized area developed with facilities primarily for children that may include benches, slides, play equipment, walk trails, etc. As opposed to a “park”, a playground is usually smaller and does not contain athletic fields.
Porch		A projection from an outside wall of a dwelling which is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.
Portable Toilet Services	Commercial Services	A commercial establishment that leases delivers and services portable chemical toilets and which has a valid permit to discharge effluent into a public sanitary sewer system.
Post Office	Civic / Community Organizations	A facility operated by the United States Postal Service for the delivery of both domestic and international mail.
Postal & Parcel Processing & Bulk Handling Facility	Industrial / General Manufacturing	A central mail facility that processes and dispatches incoming and outgoing mail to and from a designated service area.

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Term	Use Table Subcategory*	Definition
Premises		A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one (1) or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking shall be considered single premises for purposes of these regulations.
Private Residential Quarters	Residential	An accessory dwelling either attached or part of the principal residential use or separate from the principal use in the form of a guest house or garage apartment provided that such dwelling is not rented or occupied for gain and provided that no accessory building containing such use is constructed on a lot until the construction of the principal dwelling has commenced. The principal dwelling on the lot containing the private residential quarters shall be owner-occupied.
Produce Stand	Sales and Services	The seasonal sale of any form of agricultural or horticultural products at a retail stand.
Property Owner		See “Landowner”
Public Information Meetings (PIM)		Meetings to provide an opportunity for area residents and developers to meet, review and discuss proposed develop plans. These meetings are required to be held at a minimum of two (2) locations (on-site and off-site at a local meeting facility)
Public Safety Station		A facility operated by a public agency, a private contractor thereof, or by a private nonprofit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. Facilities for the maintenance of equipment housed at the operation site are also permitted.
Quarry		A tract of land used primarily for the extraction of minerals (e.g., rock, stone, ores) from the earth.
Quasi-Judicial Decision		A decision involving the findings of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation.
Racetrack, Large	Recreation	A facility where full size vehicles and/or animals are raced for speed and/or endurance.
Racetrack, Small	Recreation	A facility where model cars, model aircraft, go-karts and similar reduced-scale objects are raced for speed and/or endurance.

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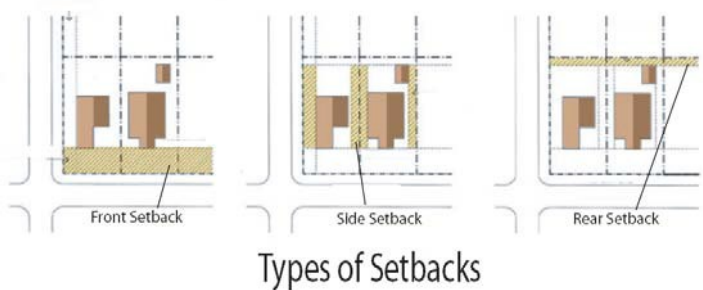
Term	Use Table Subcategory*	Definition
Railroad Terminal and Yard	Transportation	An area of land covered with tracks for switching, storing, moving, repairing, and weighing of railroad cars, trains, or engines.
Recreation, Active		Recreation requiring some constructed facilities and organized activities.
Recreation Center and Sports Center	Recreation	Public or non-profit health or exercise clubs, tennis or other racquetball courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are operated on a fee or membership basis. Accessory uses to such facilities may include: snack bars, pro shops, and locker rooms, each of which is designed and intended primarily for the use of patrons of the recreation and sports center. It may be designed to accommodate multiple sporting events simultaneously; the facility may have a performance court gymnasium with bleacher seating for up to 1,500 spectators and a field house with track. The inside track area may have infield courts, facilitating basketball, volleyball, tennis or badminton.
Recreational Vehicle		See "Vehicle, Recreational"
Recycling Deposit Station, Accessory	Industrial / General Manufacturing	A recycling station facility which does not constitute the principal use on the lot upon which it is located and at which household goods are deposited for recycling purposes and which are later transferred to a recycling processing facility or deposit station. Such facilities may or may not be manned and may be located either outdoors or within a principal building. If accessory to a principal residential use, it shall be available for use only by the residents thereof. 
Recycling Deposit Station, Principal Use	Industrial / General Manufacturing	A structure or closable bin at which newspapers, aluminum cans, plastics products, glass, corrugated paper or backyard waste (i.e., grass cuttings, tree limbs, etc.) are deposited for the purpose of being recycled. All such goods shall be housed at all times within the structure. The outdoor storage of all goods to be recycled shall be prohibited.

Term	Use Table Subcategory*	Definition
Recycling Processing Facility	Industrial / General Manufacturing	A building or enclosed space used for the collection and processing of recyclable materials that have been deposited on-site by the public or collected from various recycling deposit station sites.
Residential Development, Infill	Residential	A residential development on a lot of one to five (1-5) acres that allows for detached and attached single-family dwellings to be developed in a manner more dense than would otherwise be allowed by the underlying zoning district.
Restaurant	Sales and Services	A commercial establishment where food and drink are prepared, and purchased on premises (either outdoors or indoors). The establishment may provide indoor or outdoor eating facilities or may be geared partially or primarily for take out food. If food consumption facilities are provided, they shall largely be within the building. Such establishment shall not have manned drive-through facilities. Restaurants, if properly licensed, may also serve alcoholic beverages. Also known as a "dine-in" restaurant with a "to go" or "curb-side" service.
Restaurant with Drive Through	Sales and Services	A commercial establishment where food is prepared, and purchased within the principal building or through a drive-through window. The establishment may provide indoor eating facility or may be geared partially or primarily for take out food. Also known as a "fast food" restaurant.
Restaurant within Other Facilities	Sales and Services	A restaurant located within another principal business and is incidental to that business. Food and drink are prepared primarily for sale and consumption by the customers of the principal business. The restaurant use is not a principal use within the building and may not be accessed from the outside. Examples of such restaurant are: canteen within a business, grill within a convenience store or bowling alley, etc.
Retail	Sales and Services	A building, property, or activity the principal use or purpose of which is the retail sale of goods, products, or merchandise directly to the consumer. Such a retail establishment shall not be classified as a "Retail" use, if listed elsewhere in the Table of Uses of this Ordinance. Examples of excluded uses include: restaurants and convenience stores, etc.
Riding Stable	Recreation	A commercial facility where horses are sheltered, boarded, bred, trained and which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds.
Right-of-Way		An area owned or maintained by a Town or town, the State of North Carolina, a public utility, a railroad, or a private citizen for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

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Term	Use Table Subcategory*	Definition
Road, Frontage		A road that is in close proximity to and parallels a limited access road and is designed to provide access to roads that abut said limited access road.
Road, Private		Any right-of-way used for purposes of motor vehicle travel that has not been accepted for maintenance or ownership purposes by a public entity.
Road, Public		Any right-of-way not less than thirty (30) feet in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recordation of a plat of a subdivision with the Gaston County Register of Deeds Office.
Rodeo	Recreation	A public performance featuring bronco riding, calf roping, steer wrestling, bull riding and other similar activities.
Rodeo, Accessory	Recreation	A public performance featuring bronco riding, calf roping, steer wrestling, horse show, bull riding and other similar activities on a tract or parcel of land where a bona fide farm or ranch is the principal use.
Rooming House		A single-family dwelling, a portion of which is provided by the resident owner to no more than three (3) lodgers and where separate bathroom and kitchen facilities are not provided for any lodger.
Satellite Dish		An apparatus capable of receiving a communication signal from a transmitter relay located in planetary orbit.
School, Elementary and Middle (Public and Private)	Education	Any public, private or parochial institution offering instruction at the elementary or junior high school levels in the branches of learning and study required to be taught in the public schools of North Carolina.
School, Senior High (Public and Private)	Education	Any public, private or parochial institution offering instruction at the high school level in the branches of learning and study required to be taught in the public schools of North Carolina.
School, Vocational	Education	A secondary or higher education facility primarily teaching usable skills that prepares students, who may be of all age groups, for jobs in a specific trade or vocation upon graduation. Examples of vocational schools include schools that teach: auto mechanics, secretarial studies, machine repair, computer technology, etc. Also included, education facility providing employment training and personal enrichment courses to adults with intellectual developmental disabilities.

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Term	Use Table Subcategory*	Definition
Schools for the Arts, Etc.	Education	A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance. Such classes shall not be given by or to persons who are nude, or who otherwise are clothed in such manner so as to classify the use as an "adult establishment" as defined in G.S. 14-202.10.
Septic Tank Cleaning Service	Commercial Services	A business establishment for the purpose of repair, and removal, and proper disposal of waste water for residential and commercial customers.
Setback		A minimum distance specified for the various zoning districts measured inward from a property line or a road right-of-way, whichever is closer to the proposed structure, that shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance.  The diagram, titled "Types of Setbacks", shows three cross-sectional views of a property with a building. The first view, labeled "Front Setback", shows the distance from the front property line to the building. The second view, labeled "Side Setback", shows the distance from the side property line to the building. The third view, labeled "Rear Setback", shows the distance from the rear property line to the building. Dashed lines indicate the property boundaries and the setback distances.
Setback, Front		That portion of the front yard that shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.
Setback, Rear		That portion of the rear yard that shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.
Setback, Side		That portion of the side yard that shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

Term	Use Table Subcategory*	Definition
Sewer, Community		Any package treatment plant or other sewage treatment facility serving two (2) or more sources not connected to individual or public systems and having a design capacity or greater than three-thousand (3,000) gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition, this definition shall include all connections to such a system.
Shopping Center	Sales and Services	A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots, may contain one (1) or more outparcels, and may include one (1) or more principal buildings.
Shrub		An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a height of five to six (5-6) feet within a three (3) year period after planting. If large shrubs are to be planted as part of a required Type D, Option 3 Screen, such shrubs will be limited to the following varieties: 1. Nelly R. Stevens Holly 2. Burford Holly 3. Wax Myrtle 4. East Palatka Holly 5. Savannah Holly 6. Tea Olives 7. Eleagnus 8. Ligustrums 9. Japanese Black Pines 10. Junipers 11. Any other variety of shrub, approved by the administrator, which has the capacity to provide an equivalent amount of growth and capacity. Appendix B has a complete list of all shrubs.
Sight Triangle		The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

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Term	Use Table Subcategory*	Definition
Sign		Any object, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
Sign Face		The portion of the sign used for display of sign copy including all background area, pictures, and any other advertising devices shown in the sign. Excluded from this definition are the sign frame and supports.
Sign Shop	Commercial Services	A place of business which constructs and / or erects signs for public display / uses.
Sign, Awning		A sign located on an awning. 
Sign, Building Marker		Any sign indicating the name of a building and date and incidental information about its construction. Such sign is typically cut into a masonry surface or made of bronze or other permanent material.

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Term	Use Table Subcategory*	Definition
Sign, Canopy		A sign located on a canopy. 
Sign, Changeable Copy		Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message. 
Sign, Copy		Any combination of letters, numbers or other graphical representation that is intended to inform, direct or otherwise transmit information.

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Term	Use Table Subcategory*	Definition
Sign, Directional		A sign fronting on a road containing only the name of the principal use, insignia, trademark, directional arrow and/or distance to the principal use. Such use shall not be visible to the motorist at the location at which the sign is placed. Directional Sign
Sign, Directory		A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information. Directory Sign
Sign, Flashing		A sign, the illumination of which is not constant in intensity when in use, and that exhibits sudden or marked changes in lighting effects.

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Term	Use Table Subcategory*	Definition
Sign, Government		A sign usually erected and maintained by a public agency that provides the public with information and in no way relates to a business, commercial activity or specific use. Examples include, but are not limited to: speed limit signs, Town limits signs, stop signs and street name signs.
Sign, Ground		Any sign which extends from the ground or which has supports which places the bottom thereof less than two (2) feet from the ground directly beneath the sign. A "monument" sign shall be considered to be a "ground sign." 
Sign, Identification		A sign bearing the address of the premises or name of occupant, but containing no logo or commercial message.
Sign, Incidental		A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar information and directives. No sign with a commercial message legible from a position off the site on which the sign is located shall be considered an "incidental sign." 

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Term	Use Table Subcategory*	Definition
Sign, Light Emitting Diode (LED)		A sign using light emitting diode technology that is designed to project an advertising display that is controlled via the use of a computer or similar type equipment. Such sign may emit messages that are either scrolled or static. 
Sign, Mailbox		The writing, text, representation, graphic, emblem or other display, together with any material or color forming an integral part of the background of the display that is placed on or is in any way affixed to a mailbox used for the purposes of official mail delivery to a lot. 

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Term	Use Table Subcategory*	Definition
Sign, Marquee		The variable message portion of a canopy, free standing or other sign type. 
Sign, Menu Board		An accessory sign providing items and prices associated with a drive-through window. 
Sign, Monument		See "Sign, Ground"
Sign, Non-commercial Copy		A sign, other than a "political sign" that contains a message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.
Sign, Non-conforming		A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one (1) or more of the regulations set forth in this Ordinance.

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Term	Use Table Subcategory *	Definition
Sign, Off-premise Advertising / Outdoor Advertising Sign		A sign, other than a "directional sign", "real estate sign", "political sign", "non-commercial copy sign" or other sign specially allowed by this Ordinance to be placed off-premises, that draws attention to or communicates information about a business, service, or commodity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located. An "off-premise advertising sign" may also be referred to as a "billboard." 
Sign, Pole		A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such signs shall be equal or greater than two (2) feet from the ground directly beneath the sign. 
Sign, Political		A temporary sign that consists of a poster, placard, board, banner or other similar medium that contains a message related to a candidate running for office or a ballot issue, and which contains no commercial message.

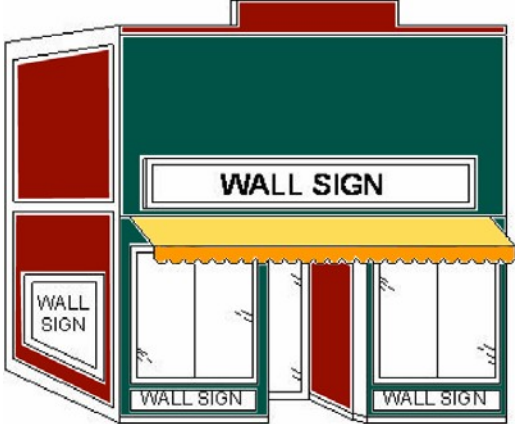
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Term	Use Table Subcategory *	Definition
Sign, Portable		Any sign not permanently attached to the ground or other permanent structure, nor specifically constructed for such attachment; or a sign designed to be transported, including but not limited to the following: signs designed to be transported by means of wheels; signs converted to A- or T-frames; gas or hot air filled balloons. 
Sign, Projecting		Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted. 

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Term	Use Table Subcategory *	Definition
Sign, Real Estate		A sign which is used to offer for sale, lease, or rent the premises upon which such sign is placed.
Sign, Roof		A sign erected or maintained in whole or in part upon or over the roof or parapet of a building. 
Sign, Rotating		A sign that revolves or turns or has external sign elements that revolves or turns. Such signs may be power-driven or be propelled by the force of wind or air.
Sign, Sandwich Board		A temporary A-frame sign not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one (1) or more panels that form both the structure and sign face, and that is intended to be placed in a sidewalk or pedestrian way. 
Sign, Subdivision Identification		A sign that gives the name of a residential or non-residential subdivision or multi-family development.

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Term	Use Table Subcategory*	Definition
Sign, Suspended		A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.  The diagram shows a brown horizontal bar labeled "Horizontal Surface". Two lines hang from the center of this bar, supporting a gray rectangular sign with the words "Suspended Sign" in green text.
Sign, Wall		Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.  The diagram shows a 3D perspective of a building with red walls and green trim. Several signs are attached to the walls: a large green sign with "WALL SIGN" in white, a smaller white sign with "WALL SIGN" in black, and signs in the windows. A yellow awning is also shown.
Signs, Vehicular		Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle as parked is to advertise a product or to direct people to a business or activity located on the same or nearby property. Vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.  The diagram shows a white delivery truck with a green sign on its side that says "Sign" in white text.
Site Plan		A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features.

Term	Use Table Subcategory*	Definition
Site Specific Development Plan		A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street pattern and other similar features.
Skating Rink	Recreation	A building or temporary outdoor space that contains a surface for ice skating or roller skating.
Sketch Plan		A Sketch Plan is the initial plan type required for subdivision / other residential projects. Sketch plans do not require engineering detail and are 'early first drafts of proposed developments' that, by their review, enable the applicant to save time and expense in reaching general agreement and consensus with the Town as to the design, size, access, layout, extent, location and degree of the necessary and/or proposed improvements in conjunction with a proposed development.
Slope		Degree of deviation of a surface from the horizontal that is measured as a numerical ratio or percent. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), e.g., 2:1. Slope can also be expressed as the rise over the run when used in building applications when referencing roof pitches, e.g., 6:12.
Solid Waste and Septic Tank Contractor's	Industrial / General Manufacturing	A facility where trucks are dispatched from and parked; containers are stored; truck / container maintenance is performed.

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Term	Use Table Subcategory*	Definition
Solid Waste Transfer Station	Industrial / General Manufacturing	A fixed facility where non-hazardous solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility. 
Special Outdoor Event		Any organized event, specifically including, but not limited to, a circus, carnival, cultural event, fair, communal camping, or celebration, which may reasonably be expected to increase the risk of: (i) Damage to public or private property, beyond normal wear and tear; (ii) Injury to persons; (iii) Public or private disturbances or nuisances; (iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; (v) Significant additional police, fire, trash removal, maintenance, or other public services demands; or (vi) Other significant adverse effects upon the public health, safety, or welfare. The term “special event” shall not include any organized activities conducted at sites and facilities that are legal uses and structures under this Ordinance and that are typically intended and used for such activities. Examples of such activities include, but are not necessarily limited to, sporting events such as 10K runs not held on public rights-of way, golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls; funeral services; religious services; or noncommercial
Special Event (cont’d)		Activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.

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Term	Use Table Subcategory*	Definition
Special Use Permit (SUP)		A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.
Square		An open space area that is surrounded by streets and/or buildings, that is accessible by the pedestrian, and that includes walks, lawns and trees. As opposed to a “plaza”, a “square” consists primarily of landscaped and natural areas. Square 
Stadium	Civic / Community Organizations	A structure or facility designed, intended, or used primarily for outdoor athletic events and containing seating for more than one-hundred (100) spectators of those events, but not including a racetrack. The sale of beverages, snack foods, and sundries geared to on-premise consumption or usage by spectators shall be permitted.
Staging Space		An area of temporary standing storage for one (1) automobile awaiting drive-in service or commodity pickup.
Stay		To stop or to put on hold an action temporarily.
Story, Building		The vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above, then the space between such floor and ceiling next above it; provided that a cellar will not be considered a story.

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Term	Use Table Subcategory*	Definition
Street, Center-line		The line surveyed and monumented as the center line of the street; or, if such center line has not been surveyed, it shall be the line running midway between the curbs or ditches of such street.
Street, Collector		A roadway that, while providing access to abutting land parcels, enables moderate volumes of traffic to move efficiently between local streets and the major street network.
Street, Marginal Access		A street which is parallel to and adjacent to a principal or minor arterial and which provides access to abutting properties and protection from through traffic.
Street, Residential		A street predominantly used to provide access to abutting residential properties.
Street, Right-of-Way		An area of land occupied or intended to be occupied by a public or private street; areas claimed by a municipality, the State of North Carolina or other organization such as a Home Owners Association for such purposes, or actually used for such purposes.
Structure		A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.
Structure, Accessory		A structure separate and subordinate to the principal structure located on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to as an "accessory building."
Structure, Detached		A structure having no party wall or common wall or other physical attachment or connection with another structure.
Structure, Nonconforming		Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.
Structure, Permanent		A structure constructed for permanent occupancy that is in compliance with all applicable North Carolina building codes and all applicable local and State standards.
Structure, Principal		A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building."

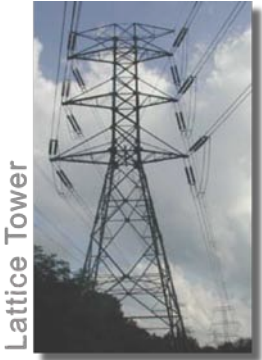
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Term	Use Table Subcategory*	Definition
Structure, Temporary		A structure not intended for permanent occupancy and designed for easy removal off premises. Examples include, but are not limited to: produce stands, revival tents, mobile classrooms, etc.
Subdivision		All divisions of a tract or parcel of land.
Subdivision, Major		A subdivision where (i) new streets (public or private) are proposed, or (ii) where more than five (5) lots will result after the subdivision is completed, or (iii) where extension of any sewer or water system is required.
Subdivision, Major1		A Major Subdivision consisting up to two hundred fifty (250) lots.
Subdivision, Major2		A Major Subdivision consisting of more than two hundred fifty (250) lots.
Subdivision, Minor		A subdivision where (i) no new streets (public or private) are proposed; and (ii) where no more than five (5) will result after the subdivision is completed and (iii) where no extension of any sewer or water system is required.
Swimming Pool Sales, Service and Supplies	Sales and Services	A facility where swimming pools and swimming pool-related products are displayed and sold. Such facility may have the outdoor display of products for sale.
Tattoo Parlor / Body Piercing Establishment	Personal Services	An establishment whose principal business activity is (i) placing ink under the skin using needles that result in the coloration of the skin or (ii) for piercing of the body.
Taxidermy	Commercial Services	The art or operation of preparing or stuffing the dead skins of animals, fish or birds in a life-like state.
Technical Review Committee		A committee appointed by the governing board to review and recommend plats in a manner as specified in this Ordinance.
Terminal Vista		A mechanism for creating a visual ending point for a road or street. Such mechanisms may include, but are not limited to: public buildings (church, school, community center, Town hall), common amenities or open space area (park, playground, gazebo, etc.).
Theater, Indoor Movie	Recreation	A building used for the purpose of showing movies created for theater audiences. A concession stand may be established as an accessory use for the purpose of selling food and beverage to the theater patrons.

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Term	Use Table Subcategory*	Definition
Theater, Outdoor Movie	Recreation	Developed open space for the purpose of showing movies created for theater audiences in an outdoor setting. A concession stand may be established as an accessory use for the purpose of selling food and beverage to the theater patrons. Also referred to as a "Drive-In Theater".
Thoroughfare		A road so designated on the most recently adopted version of the thoroughfare plan of the Gaston Metropolitan Planning Organization (MPO) or other officially adopted plan.
Thoroughfare, Major		See "Principal Arterial"
Thoroughfare, Minor		See "Minor Arterial"
Thoroughfare Plan		The most recently adopted version of the thoroughfare plan of the metropolitan planning organization of the Gaston Urban Area and / or Lake Norman Rural Planning Organization.
Tire Recap Facility	Industrial / General Manufacturing	A facility engaged in the business of recapping or bonding tires.
Tire Sales, New and / or Used	Sales and Services	A place where the principal use is the sale or installation of new, used or retread tires and tubes to the general public. Tires may be stored, maintained, altered, repaired, changed, prefabricated or disposed on the premises. Other ancillary indoor car repair services (other than services associated with a "body shop") may be provided on premises.
Tower, Co-location on		The location of antennae and equipment on an existing telecommunications tower by more than one (1) provider.
Tower, Ham Radio		See term "Antenna, Amateur Radio"
Tower, Height		The height of telecommunication towers shall be calculated from the ground at the bottom of the tower to the top of the tower.

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Term	Use Table Subcategory*	Definition
Tower, Lattice		A freestanding and self-supporting structure consisting of connected sections of metal supports used to support telecommunication equipment. These towers can be either three-or four-legged steel girdered structures designed typically to support multiple telecommunications users. 
Tower, Monopole		A freestanding and self-supporting single pole structure that supports telecommunication equipment.
Tower and/or Station, Radio and Television Broadcast	Civic / Community Organizations	A tower and/or associated station which receives and/or sends radio and/or television waves such as radio towers. This definition does not include amateur radio antennae.

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Term	Use Table Subcategory*	Definition
Tower, Stealth		Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennae or towers. Typically, such a telecommunication tower and/or its equipment are incorporated into the supporting structure and assume the color, texture, and appearance of the supporting structure.  Examples of Concealed (Stealth) Antennae and Towers
Tower, Telecommunication	Civic / Community Organizations	A telecommunications facility that consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications, including wireless communications, and data transmissions. Towers or similar structures installed on or attached to tops of buildings, water tanks, or similar facilities, shall be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunication facility. This definition does not include ham radio operations, radio broadcast towers, or television broadcast towers, or personal satellite dishes. Examples of telecommunications towers and facilities include monopoles and lattice construction steel structures.
Tower, Telecommunication Equipment Buildings	Civic / Community Organizations	The buildings in which the electronic receiving and relay equipment for a telecommunication facility are housed.

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Term	Use Table Subcategory*	Definition
Tract, Parent		A parcel or tract respectively, lawfully in existence on the effective date of January 9, 1992, from which lots are subdivided from and created.
Traditional Neighborhood Development (TND)	Residential	A development that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, compatible, mixed land uses, village centers and open space.
Traffic Impact Analysis		A report produced by a qualified professional (i.e. Transportation Engineer, Transportation Planner, Traffic Engineer, etc.), in association with subdivision plat approval that, at a minimum, addresses the following items in relationship to the proposed subdivision: a. An estimation of traffic generated; b. An estimation of trip distribution to and from the development; c. An analysis of the existing road system serving the development (to the nearest major intersections) and the effect of the development on that system; d. A listing of proposed improvements, both on and off-site, and their effect on the existing system.
Transit Station	Transportation	Any premises designed for the loading and unloading of rail and/or bus passengers from a public transit system. Facilities commonly referred to as "bus stops" and which are designed to accommodate a handful of passengers (at most) at one time, shall not be considered as being "transit stations."
Tree, Canopy		A tree, either single or multi-stemmed (i.e., in clump form) that has a height of at least ten (10) feet and is of a species which, at maturity, can be expected to reach a height in excess of forty (40) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least one (1) inch at the time of planting.
Tree, Understory		A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least five (5) feet and is of a species which at maturity, can be expected to reach a height of ten (10) to forty (40) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least three-quarters (3/4) of an inch.

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Term	Use Table Subcategory*	Definition
Truck Stop	Sales and Services	A facility typically offering multiple services to the traveling public that is particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks, and perhaps, for automobiles), one (1) or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, shower facilities, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from: (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.
Truck Terminal	Transportation	A facility where cargo is stored and where trucks load and unload cargo on a regular basis for delivery.
Truck Washing Facility	Commercial Services	A commercial establishment primarily engaged in the washing of tractor-trailer trucks. Such washing shall be done using self-service facilities or by fully automated machines.
Upholstery Shop	Commercial Services	A place of business which repairs, rebuilds, and re-covers upholstered furniture such as a sofa or chair.
Use, Accessory		A use that is customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.
Use, By Right		See "Use, Permitted"
Use, Special		A use category, indicated by a "SUP" in Table 7.1-1, that is allowed only if it is reviewed and approved in accordance with the conditional use procedures.
Use, Incidental		A use located on the same lot as a primary use, but is subordinate and minor in significance to the principal use, and bears a reasonable relationship with the principal use.
Use, Nonconforming		A use or activity which does not conform to the use regulations of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments which are incorporated into this Ordinance at some future date.
Use, Permitted		A use category, indicated by an "X" in Table 7.1-1 that is allowed by right in a certain zoning district. These uses are subject to all other applicable regulations of this Ordinance.
Use, Principal		The primary or predominant use of any lot.
Use, Temporary		A land use or structure this is needed or in place only for short periods.
Variance		A relaxation of the strict terms of a specific provision of this Ordinance as approved by the Board of Adjustment.

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Term	Use Table Subcategory*	Definition
Vehicle, Commercial		A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having such affixations.
Vehicle, Emergency		A vehicle of a police or fire department, rescue squad, or similar public service agency that is used in response to an emergency call.
Vehicle, Inoperable		A vehicle that for a continuous period of more than seventy-two (72) hours has been in a state of disrepair and is incapable of being moved under its own power.
Vehicle, Junked		Per G.S. 160A-303, a motor vehicle that does not display a lawful and valid license plate and: (i) is partially dismantled or wrecked; or, (ii) cannot be self-propelled or moved in the manner in which it was originally intended to move; or, (iii) is more than five (5) years old and appears to be worth less than one hundred (100) dollars.
Vehicle, Passenger		An automobile, van, or pickup truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pickup trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.
Vehicle, Recreational		A vehicle that is designed as a temporary (as opposed to permanent) dwelling for travel, recreational or vacation uses. This term shall include "camping trailer", "motor home", "travel trailer", "truck camper" and "R.V." This term shall not include "manufactured homes" or "modular homes."
Vehicle, Septic Tank		A vehicle used primarily for the purpose of cleaning, maintaining and repairing septic tank systems.
Vehicle, Solid Waste		A vehicle used primarily for the transport of solid waste.

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Term	Use Table Subcategory*	Definition
Vested Right		The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific site and/or subdivision plan or through a “common law” vested right.
Wall, Building		The entire surface area, including windows and doors, of an exterior wall of a building. As used in this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building. The term may also be referred to simply as a “wall” or “exterior wall.”
Wall, Shared		A common or shared wall between two (2) separate structures, buildings, or dwelling units.
Warehouse	Industrial / General Manufacturing	A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility of both, with access to contents only through management personnel.
Water, Public		Any water system defined as such by the North Carolina Division of Health Services that complies with the regulations of the North Carolina Division of Health Services and the community water supply and distribution standards adopted by Town of McAdenville.
Wireless Communications		Any personal wireless service, including but not limited to: cellular; personal communication services (PCS); specialized mobile radio (SMR); enhanced specialized mobile radio (ESMR); and, unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services and paging).
Wood Waste Grinding Operation	Industrial / General Manufacturing	A facility where organic wastes are treated or processed for recycling or reuse in soil-plant related industries, including activities such as grinding or chipping land clearing debris, high carbon wood waste, nitrogen yard waste, and untreated and unpainted pallets or construction wood waste into mulch or fuel.
Working Days		Days exclusive of Saturdays, Sundays, and legal holidays observed by the Town.

Term	Use Table Subcategory*	Definition
Yard, Front		An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house. On a water front lot, where an accessory structure is to be located on the same lot with a principal structure in which the architectural front faces the water, and the rear yard has been determined to abut the street or road right-of-way, then the required rear yard setback for an accessory structure shall be greater or equal to the required front yard setback for principal structures in the underlying zoning district. In addition, the side yard setbacks for accessory structures shall comply with the required side yard setbacks for principal structures. On lots where it is determined the front yard abuts the street or highway right-of-way, section 9.9 for accessory structures shall apply. On through lots, the required rear yard setback for accessory structures shall equal or exceed the required front yard setback for principal structures which would normally be applied in that zoning district. For example, if a through lot were located in a zoning district which normally required a thirty (30) foot front yard setback, then required rear yard setback for the accessory structure shall be thirty (30) feet. The front yard shall be based on the front architectural orientation of the principal building. In addition, side yard setbacks for accessory structures locating in the rear yard on through lots shall be allowed within five (5) feet of any side lot line. Yard Types The diagram illustrates the layout of a property lot. A central blue building is shown with a 'Front Door' and a 'Garage' attached to its right side. The lot is divided into three main yard areas: 'Rear Yard' at the top, 'Front Yard' at the bottom, and 'Side Yard' on both the left and right sides. The 'Property Line' is indicated by a dashed line around the lot. The 'STREET' is shown at the bottom and right edges of the lot. The 'Front Yard' is the area between the building and the street. The 'Rear Yard' is the area behind the building. The 'Side Yard' is the area to the left and right of the building. The diagram also shows a 'Garage' attached to the side of the building.

Term	Use Table Subcategory*	Definition
Yard, Rear		A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto and passing through the point of the principal building nearest the rear lot line.
Yard, Sale		The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. This may also be referred to as a "garage sale", "carport sale", or "rummage sale."
Yard, Side		A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.
Zoning District, Commercial		Commercial zoning districts which include the Central Business District (CBD), Urban Mixed Use (UMU), Light Commercial (C-1), Highway Commercial (C-2), and General Commercial (C-3) districts, Neighborhood Business Service (NBS), Garden Parkway Interchange (GPX).
Zoning District, Conditional		A zoning district that is enacted at the request of the property owner and what is approved in a legislative manner by the governing board. Fair and reasonable conditions not otherwise spelled out in the Ordinance may be attached to such approval. Both the applicant and the governing board shall mutually agree upon such conditions prior to the adoption of such a zoning district.
Zoning District, Industrial		Industrial zoning districts which include Light Industrial (I-1), General Industrial (I-2), Exclusive Industrial (I-3), and Urban Industrial (IU) districts.
Zoning District, Office		Office zoning districts which include Transitional Mixed Use (TMU), Office/Light Commercial (OLC), Office (O-1) and the Medical Office (OM) districts.
Zoning District, Overlay		A zoning district established under this Ordinance that prescribes special regulations to be applied to a site in combination with the underlying or base district.
Zoning District, Residential		Residential zoning districts which include, Single Family Limited (R-1), Single Family Moderate (R-2), Single Family General (R-3), Single Family 20,000sqft (RS-20), Single Family 12,000sqft (RS-12), Single Family 8,000sqft (RS-8), Low Density (RLD) and Multi-Family (RMF).
Zoning District, Urban Standards Overlay (USO)		An overlay district that prescribes certain design and performance standards on new developments, other than single- and two-family dwellings, in designated urban and urbanizing areas of the planning jurisdiction.

Term	Use Table Subcategory*	Definition
Zoo	Civic / Community Organizations	An area, building or structure that contains animals on exhibition for viewing by the public. A petting zoo located on the premises of a “botanical garden”, as herein defined, shall not be classified as a “zoo.” Rather, this shall be considered as an accessory use to the “botanical garden.”

CHAPTER 3
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SECTION 3.1 BONA FIDE FARMS EXEMPT

The provisions of this Ordinance shall not affect bona fide farms, owner-operated or leased, but any use of farm property used for non-farm purposes shall be subject to the provisions of this Ordinance.

SECTION 3.2 RELATIONSHIP WITH OTHER ADOPTED PLANS

It is the intention of the Town Council that this chapter implements the planning policies adopted by the governing board. While the Town Council reaffirms its commitment that this Ordinance and any subsequent amendments to it are in conformity with such adopted plans, the Town Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any adopted planning document.

SECTION 3.3 RESERVED

SECTION 3.4 TRANSITIONAL ZONING/VESTED RIGHTS

3.4.1 APPROVALS GRANTED BEFORE UDO EFFECTIVE DATE

Building permits, variances, special use permits, preliminary or final subdivision plat approval, site plan approval, and other similar development approvals that were valid on April 22nd, 2021 shall remain valid until their expiration date. Development may be completed in accordance with such approvals, even if such building, development or structure does not fully comply with the provisions of this Ordinance. If building construction is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building development or structure shall meet the standards of this Ordinance at the time of re-application.

3.4.2 APPLICATIONS IN PROGRESS PRIOR TO UDO EFFECTIVE DATE

If an application is made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. Applications for building permits, variances, special use permits and other similar development approvals that were submitted in complete form and accepted for review by the Administrator on April 21st, 2021 shall be reviewed wholly under the terms of the ordinance in effect on April 21st, 2021.

Any application submitted shall be acted on for approval within one hundred-eighty (180) days from the effective date of this Ordinance. Any re-application of an expired submittal may request an extension up to one hundred-eighty (180) days from the Board of Adjustment. Only one (1) extension is permitted under this provision.

3.4.3 VESTED RIGHTS

Notwithstanding the above, the provisions of this UDO shall not apply to:

- A. Property upon which a valid statutorily approved vested right (per G.S. 160D-108) is in place as described in Section 5.10; or,
- B. A judicially 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 upon a valid governmental approval; and,
 - 4. the owner would be harmed without a vested right.

3.4.4 VIOLATIONS CONTINUE

This Ordinance consolidates one or more previous stand-alone ordinances. Violations of those previous ordinances will continue to be a violation of this Ordinance and be subject to the violations and penalties provisions contained in Chapter 16 herein. The adoption of this Ordinance shall not affect any pending or future action to abate violations of previous ordinances.

3.4.5 NONCONFORMITIES

- A. Any nonconforming situation determined to exist under this ordinance that

lawfully existed under the previous zoning or subdivision ordinance or any other ordinance identified in Section 1.6 will also be considered to be a nonconformity under this Ordinance, so long as the situation that resulted in the nonconforming status under the previous ordinance continues to exist.

- B. When a lot is used for a purpose that was a lawful use immediately prior to the effective date of this Ordinance, and this Ordinance no longer classifies such use as either a permitted or special use in the zoning district in which it is located, such use shall be considered a “non-conforming use” and shall be subject to the provisions of Section 3.5 of this Ordinance. Where any building, structure, or lot that legally existed on the effective date of this Ordinance and which does not meet all the standards set forth in this Ordinance, such building, structure or lot shall be considered “non-conforming” and shall be subject to the provisions of Section 3.5 of this Ordinance.

SECTION 3.5 NONCONFORMING SITUATIONS

The purpose of this section is to regulate the continued existence of uses and structures established prior to the effective date of these regulations or any amendment subsequent thereto that does not conform to these regulations. Given the fact that the implementation of this UDO and previous zoning ordinances has in the past and will in the future result in the creation of a number of nonconformities, some of which are viable uses which do not produce substantial negative impacts, this Ordinance allows the Administrator and the Board of Adjustment to issue permits for the expansion and or replacement of nonconforming uses and structures in certain situations.

3.5.1 NONCONFORMING PRINCIPAL USES (EXCLUDING SINGLE- AND TWO-FAMILY RESIDENTIAL USES, MANUFACTURED HOMES, AND MANUFACTURED HOME PARKS)

- A. Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this Section.
- B. Normal structural repair and maintenance may be performed to allow the continuation of the nonconforming use.
- C. A nonconforming use may not be physically expanded through additions to the structure in which the nonconforming use is located (either principal or accessory structures) except in conformance with a special use permit issued by the Board of Adjustment in accordance with Section 5.12. Any occupancy of additional lands beyond the boundaries of the lot on which the nonconforming use is located shall be prohibited.
- D. A nonconforming use may be changed to another nonconforming

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Chapter 3 – Applicability

use of similar or less intensity through issuance of a permit by the Administrator. Such permit may be issued if the Administrator determines that:

1. The new use is allowed only in the same or more restrictive zoning districts as the previous use [refer to Section 5.16.3D3 for the list of zoning districts and their degree of restrictiveness].
 2. Reserved
 3. The hours of operation generally can be expected to be similar (i.e., with regard to opening and/or closing times) or fewer than the previous use; and,
 4. The days of operation generally can be expected to be similar (or fewer) than the previous use; and,
 5. The amount of required parking for the use is no greater than ten (10) percent greater than the previous use; and,
 6. The level of traffic generated by the new use can be expected to be no more than ten (10) percent greater than the previous use as determined by the most recent version of the ITE (International Traffic Engineers) manual.
 7. If one (1) or more of the above conditions are not met, a change in principal use may be allowed through the issuance of a Special Use Permit by the Board of Adjustment in accordance with Section 5.12.
- E. Once a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- F. If a nonconforming use is abandoned for a period of one hundred-eighty (180) days or more (this period being measured from the day the use was discontinued), the use shall not be allowed to reestablish. All new uses on the lot in question shall be conforming (i.e., a use shown as either a “use by right” or “special use” as indicated in Table 7.1-1, “Table of Uses”.) Notwithstanding, in the settlement of an estate or foreclosure proceedings, such period shall be increased to one year. The Administrator shall be authorized to extend this period, on a case-by-case basis, for up to two (2) additional one-year periods upon documentation that such additional time is needed to settle the estate.
- G. If a principal or accessory structure housing the nonconforming

use is destroyed [i.e., receiving damage to an extent of more than fifty (50) percent of its assessed tax value at the time of destruction], the structure may be allowed to be rebuilt and to house the former nonconforming use in accordance with a permit issued by the Administrator per Section 3.5.1(D). An application for reconstruction must be filed with the Administrator within one (1) year of the date of destruction.

3.5.2 NONCONFORMING PRINCIPAL USE- MANUFACTURED HOMES (NOT LOCATED WITHIN A MANUFACTURED HOME PARK)

A nonconforming manufactured home not located within a manufactured home park may be replaced by another manufactured home under the following conditions:

- A. The replacement manufactured home must be a Class A and is placed on the property within one hundred-eighty (180) days following removal of the existing manufactured home.
- B. Once a nonconforming manufactured home has been removed from the property [except as provided by Sections 3.5.2(A) or (D)], it may not be replaced.
- C. The replacement manufactured home shall contain a front porch, a minimum of sixty-four (64) square feet.
- D. Normal structural repair and maintenance on the manufactured home may be performed. A nonconforming manufactured home cannot be expanded, except: (i) to bring the structure into compliance with the local government's minimum housing code; or (ii) for the placement of external appurtenances such as decks, porches, stairs, etc. Accessory structures may be placed on the lot in association with the manufactured home, so long as the yard requirements and all other applicable criteria for the placement of accessory structures contained in Section 9.9 are met.
- E. If the nonconforming manufactured home is destroyed [i.e., receiving damage to an extent of more than fifty (50) percent of its assessed tax value at the time of destruction], the manufactured home may be replaced in accordance with a permit issued by the Administrator and in accordance with the criteria contained in Section 3.5.2. Application for said permit shall be made within (1) one year of the date of destruction.

3.5.3 RESERVED

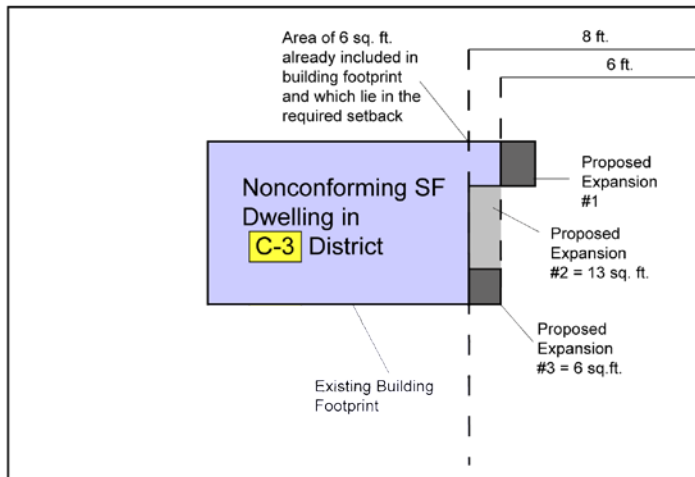
**3.5.4 NONCONFORMING PRINCIPAL USE- SINGLE- OR TWO-
FAMILY DWELLINGS INCLUDING ACCESSORY STRUCTURES
(OTHER THAN MANUFACTURED HOMES)**

- A. Nonconforming single- and two-family residential principal and accessory structures (other than manufactured homes) may be continued in accordance with the provisions of this Section.
- B. Normal structural repair and maintenance may be performed to allow the continuation of the nonconforming use.
- C. A nonconforming single- or two-family dwelling or accessory structure may be physically expanded (through additions or expansions) so long as the addition or expansion does not increase the number of dwelling units and so long as the front, side and rear yard requirements of the underlying zoning district are met. If any of these yard requirements cannot be met, the expansion may only occur through the issuance of a Special Use Permit by the Board of Adjustment in accordance with all applicable provisions of Section 5.12.

Notwithstanding, such Special Use Permit may only be issued by the Board of Adjustment for an expansion of an existing nonconforming structure if that expansion does not extend any closer to a property line than the existing structure and the expansion into a required yard setback does not more than double the area of encroachment already existing within that required yard setback. (Refer to Figure 3.5.4-1 below for an example of how this is to be interpreted.) Any occupation of additional lands beyond the boundaries of the lot on which the nonconforming use is located shall be prohibited. All non-conforming residential principal structures in non- Residential zoning districts (except C-1) shall use the RS-8 or the underlying district setback requirements, whichever is more restrictive, for residential uses.

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Figure 3.5.4-1



Facts

- Single-Family dwellings not allowed in **C-3** district
- Existing sideyard setback = 6 ft.
- Required sideyard setback in **RS-8** district = 8 ft.
- Board of Adjustment can't issue special exception for proposed expansion #1 due to the fact that it further encroches into the existing sideyard setback

- Board of Adjustment can't issue special exception for proposed expansion #2 due to the fact that its area is more than double the area of the existing building footprint within the required setback
- Board of Adjustment can consider special exception for proposed expansion #3 because it neither encroches on the existing sideyard setback, and is less than double the area of the existing building footprint within the required setback

- D. Once a nonconforming single- or two-family dwelling has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- E. If a nonconforming single- or two-family dwelling is abandoned, the use shall not be allowed to reestablish. All new uses in said structure shall be conforming. Notwithstanding, with regard to the settlement of an estate or foreclosure proceedings, such period shall be increased to one (1) year. The Administrator shall be authorized to extend this period, on a case-by-case basis, for up to two (2) additional one-year periods upon documentation that such additional time is needed to settle the estate.
- F. If said principal or accessory structure is destroyed (i.e., receiving damage to an extent of more than fifty (50) percent of its assessed tax value at the time of destruction), the residential structure may be allowed to be rebuilt in accordance with a permit issued by the Administrator per Section 3.5.5(C). Application for such permit must be made within one (1) year of the date of destruction.

3.5.5 OTHER NONCONFORMING PRINCIPAL STRUCTURES

- A. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
- B. An existing nonconforming structure may not be enlarged or altered in a way that increases its nonconformity except in conformance with a Special Exception permit issued by the Board of Adjustment in accordance with all applicable provisions of Section 5.12 of this Ordinance. One such provision is that a Special Use Permit may only be issued by the Board of Adjustment for an expansion of an existing nonconforming structure if that expansion does not extend any closer to a property line than the existing structure and the expansion into a required yard setback does not more than double the amount of encroachment already existing within that required yard setback. Refer to Figure 3.5.4-1 for an example of how this is to be interpreted.
- C. If such nonconforming structure is damaged to an extent greater than fifty (50) percent of its assessed tax value, it may be rebuilt only after the issuance of a permit from the Administrator. Application for such permit shall be made within one (1) year of destruction. In the issuance of said permit the Administrator shall follow these standards:
 - 1. If the foundation for the replacement structure is moved or removed, the structure shall be rebuilt in as conforming a manner as possible. If the original foundation is used, the structure may be rebuilt at that same location on the lot.
 - 2. A nonconforming structure shall not be rebuilt in a manner that increases its nonconformity.
 - 3. A structure rebuilt in accordance with this subsection shall not have a gross floor area larger than the structure it replaced unless all setback and related requirements (e.g., landscaping, parking, etc.) are met for the zoning district in which it is located.
 - 4. If the rebuilt structure is still nonconforming, the developer will be asked to meet, to the greatest degree feasible, each of the following requirements for that use:
 - a. Buffer yard requirements, per Section 11.3.
 - b. Off-street parking requirements, per Chapter 10
 - c. Landscaping and street yard tree requirements, per Section 11.4

5. Greatest priority will be given by the Administrator to satisfying said buffering requirements, followed in decreasing levels of priority by said off-street parking requirements and said landscaping and street tree requirements. The Administrator shall have the authority to waive and / or modify any of said requirements, on a case-by-case basis, in order to best accommodate that development with respect to the lot upon which it is located and surrounding land uses and development patterns.
 6. If the application to rebuild is submitted more than one (1) year after the date of destruction, the structure may be built only in accordance with the requirements of this Ordinance.
- D. Should a nonconforming structure be moved for any distance on the lot upon which it is located, whenever possible, it shall be moved so as to make the structure conforming. Otherwise the structure, if moved, shall be placed on the lot in a manner as conforming as possible.

3.5.6 NONCONFORMING ACCESSORY STRUCTURES

- A. A nonconforming accessory structure may be expanded only if the nonconforming features of that structure are expanded in a manner that does not increase the degree of nonconformity.
- B. Replacement of any destroyed nonconforming accessory structure is allowed in a manner consistent with the provisions of Section 3.5.5(C).

3.5.7 NONCONFORMING LOTS

A nonconforming vacant lot may be developed for any of the uses permitted by this Ordinance in the zoning district in which it is located, provided that the use meets all applicable yard, bulk, and dimensional requirements for that zoning district.

Notwithstanding, in any zoning district where, prior to the effective date of this Ordinance: (i) a lot was recorded in a subdivision whose plat was filed with the Gaston County Office of the Register of Deeds; (ii) such lot was not in violation of the McAdenville Zoning Ordinance or Subdivision Ordinance in effect at the time of adoption of this Ordinance; and, (iii) such lot does not comply with this Ordinance's minimum lot area and/or width requirements for the zoning district in which such lot is located, then such lot may be used for any use permitted in that zoning district. In addition, the Administrator may use the front, side, and rear yard setbacks for principal

structures as they appear on the recorded final plat or in the recorded deed for any additional or expanded principal structures on the lot in question.

3.5.8 NONCONFORMING SCREENING AND LANDSCAPING

In accordance with Sections 11.3 and 11.4 of this Ordinance, certain uses are required to provide screening and / or landscaping on-site. Except as herein provided, an expansion of an existing use which is deficient in screening and / or landscaping or a change in principal use cannot occur without the required screening and / or landscaping having first been provided on site. The requirements for providing such screening and/or landscaping may be waived or modified by the Administrator on a one-time basis for any principal use (or for a shopping center, office park, or other multi-tenant development), where building expansion of ten (10) percent [or five (5) percent if adjacent to a residential zoning district] occurs.

3.5.9 NONCONFORMING OFF-STREET PARKING AND / OR LOADING

- A. On any lot which contains a use which does not comply with the off-street parking and / or loading regulations contained in Section 10.5 of this Ordinance, a Certificate of Occupancy shall not be issued for any expansion [except as provided in Section 3.5.9(B)] or any change of use, either of which would result in a need to increase the number of off-street parking and/or loading spaces required (except as herein provided), until the off-street parking and paving requirements have been met.
- B. A Certificate of Occupancy may be issued when there has been a change in a principal use and the number of off-street parking spaces required for the new use (per Chapter 10 of this Ordinance) is within ten (10) percent or ten (10) spaces, whichever is less, of the number of off-street parking spaces actually provided. For a greater reduction of off-street parking space requirements, but not to exceed fifteen (15) percent of the required number of parking spaces, the expansion may only occur through the issuance of a Special Use Permit by the Board of Adjustment in accordance with all applicable provisions of Section 5.12.
- C. Such relief may be granted on a one-time only basis per lot or planned development. In instances where such relief is provided, the additional parking spaces need not be paved (but shall have a graded gravel, crushed-stone or similar dust-reducing surface) if the parking lot prior to said expansion was not paved.

- D. Any use that is nonconforming with respect to off-street parking and which is destroyed [i.e., receives damage to an extent greater than fifty (50) percent of its assessed tax value at the time of destruction) may be rebuilt so long as the number of off-street parking spaces is not reduced and the zoning permit application for reconstruction is submitted to the Administrator within one (1) year of the date of destruction.

3.5.10 NONCONFORMING SIGNS

- A. Subject to the restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming. This provision shall not apply when the nonconformity is the result of the acquisition of right-of-way by a public entity. The administrator of such jurisdiction in such instances may authorize the continuation or replacement of a sign in the right-of-way with prior approval of NCDOT.
- C. A nonconforming sign may not be moved or sign structure replaced except to bring the sign into complete conformity with this section 3.5.10 and applicable portions of Chapter 12 for reference of requirements. Once a nonconforming sign is removed (i.e., the removal of the structural appurtenances above the base or footing, and / or removal of the footing) from the premises or otherwise taken down or moved, said sign only may be replaced or placed back into use with a sign that is in conformance with the terms of this Ordinance. Refer to Figure 3.5.10-1 below for examples of how this is to be interpreted.

Figure 3.5.10-1

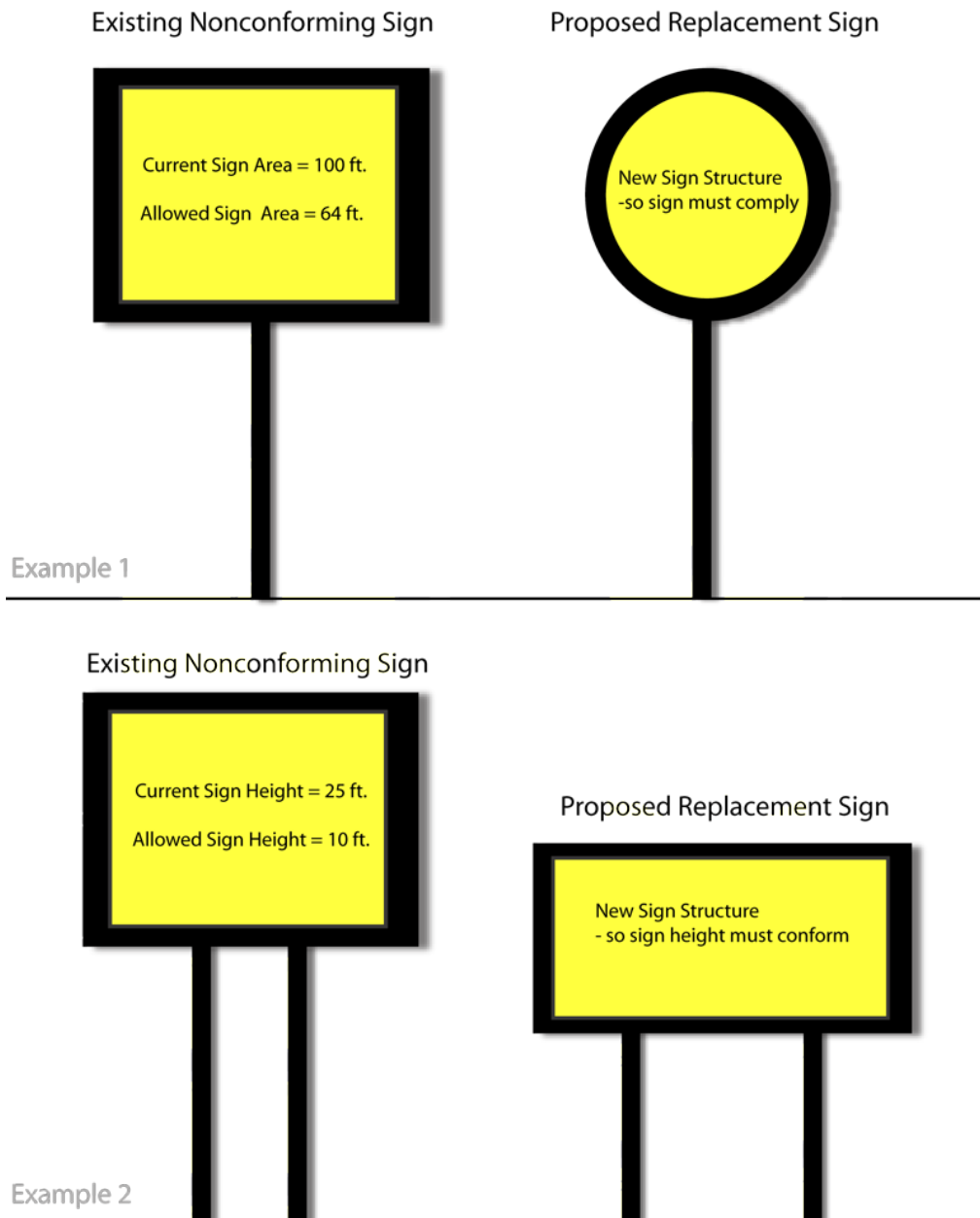
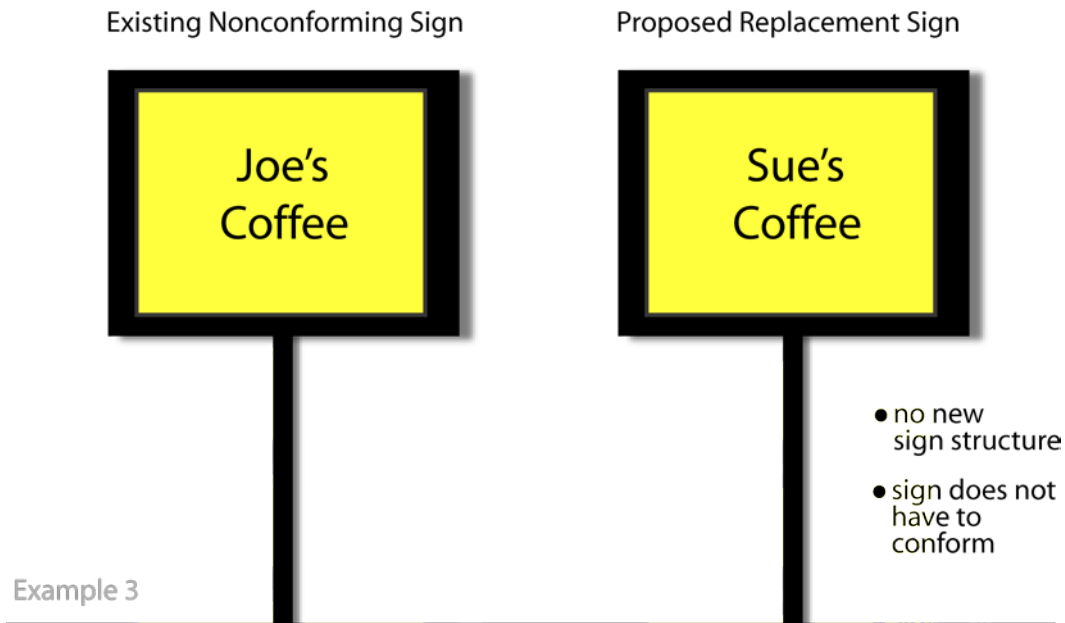


Figure 3.5.10-1 (continued)



- D. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign in sound condition are permitted.
- E. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section 3.5.10, a nonconforming sign shall be considered "destroyed" if it receives damage to an extent of greater than fifty (50) percent of its current replacement cost.
- F. Notwithstanding any other provisions contained in this Chapter, the message of a nonconforming sign may be changed so long as this does not create any new nonconformity.
- G. If a nonconforming on-premise sign remains blank for a continuous period of twelve (12) months, that sign shall be deemed abandoned and, within thirty (30) days after such abandonment, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign shall be deemed "blank" if:

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1. It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating, offered, or being conducted; or
 2. The advertising message it displays becomes illegible in whole or substantial part; or
 3. It does not contain an advertising message. (For such purposes, the terms "Sign For Rent," "Sign For Lease," "Sign For Sale," etc., shall not be deemed to be an advertising message).
- H. Reserved
- I. All other advertising signs which are nonconforming by virtue of their height, setback, size, spacing (i.e., distance between two (2) advertising signs, or location in a zoning district other than a residential zoning district), shall not be required to be removed and may continue subject to all other applicable portions of this section.
- J. Reserved
- K. Reserved
- L. Any sign which is prohibited under Section 12.3 (prohibited signs) which was lawfully existing at the time it became prohibited shall be allowed to continue provided that:
1. No additions or expansions of the sign occur;
 2. Message display time shall not be less than one second;
 3. At no time shall light rays be cast directly upon residential dwellings.

CHAPTER 4
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**SECTION 4.1 SUMMARY OF ORDINANCE ADMINISTRATION AND
REVIEW ROLES**

4.1.1 ORDINANCE ADMINISTRATION AND REVIEW BODIES

The following persons and entities shall have roles in administering the provisions of this Ordinance:

- A. Town Council
- B. Administrator
- C. Planning Board
- D. Board of Adjustment
- E. Technical Review Committee

4.1.2 SUMMARY OF ADMINISTRATION AND REVIEW ROLES

Table 4.1-1 summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of this Ordinance. The “section” numbers shown indicate the section of this Ordinance where specific procedures are detailed.

TABLE 4.1-1
SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW BODIES

PROCEDURE	SECTION	ADMINISTRATOR	TECHNICAL REVIEW COMMITTEE	BOARD OF ADJUSTMENT	PLANNING BOARD	Town COUNCIL
Text Amendment	5.17	A			E	D
Map Amendment	5.16	A	E		E	D
Zoning Permit	5.3	A; D		C		
Building Permit	5.4					
Site Plan	5.2	A; D	E	C		
Major Subdivision Sketch Plan	13.9	A; D			C	C
Major Subdivision Preliminary Plat	13.9.2	A	E		E	D
Major Subdivision Final Plat	13.9.3	A; D			C	C
Minor Subdivision	13.8	A; D	E		C	C
Temporary Use Permit	5.8	A; D		C		
Home Occupation/ Accessory Use Permit	5.9	A; D		C		
Vested Rights Certificate	5.10	A			E	A
Conditional Zoning	5.11	A	E		B	D
Special Use Permit	5.12	A		D		
Admin. Appeal	5.13	A		D		
Variance	5.14	A		D		
Minor Modifications to Standards	5.15	A; D		C		
Watershed Permit	15.5	A; D			C	
Watershed Variance / Appeal / High Density	15	A				
Flood Plain Development Permit	16.4	A; D			A	
Flood Plain Variance /	16.4.5	A		D		
Manufactured Home Park (pre-existing) Operating Permit	14.7	B			A; D	

KEY:

A = Receive Application;
B = Review;
C = Appeal Administrator's Decision or Planning Board Decision;
D = Final Decision;
E = Recommendation

SECTION 4.2 TOWN COUNCIL

4.2.1 POWERS AND DUTIES

The governing board shall have the following powers and duties:

- A. To appoint members to the Planning Board pursuant to G.S. 160D-301 and Board of Adjustment pursuant to G.S. 160D-302.
- B. To initiate, adopt, and amend a Comprehensive Plan.
- C. To initiate amendments to the text of this Ordinance.

- D. To review recommendations of the Planning Board and make final decisions on applications for amendments to the text of this Ordinance pursuant to G.S. 160D-604.
- E. To hear, review, approve, conditionally approve or deny requests for special use permits.
- F. To adopt and amend a schedule of fees for a variety of procedures addressed in this Ordinance.
- G. To hear, review, and approve, conditionally approve, or deny amendments to the Official Zoning Map after a recommendation of the Planning Board has been submitted pursuant to G.S. 160D-604.
- H. To hear appeals of decisions made by the Planning Board regarding subdivision plats as provided for in Section 13.6.

4.1.3 OATH OF OFFICE

All members appointed to boards shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160A-61.

SECTION 4.3 UDO ADMINISTRATOR

4.3.1 ESTABLISHMENT AND DUTIES

The provisions of this Ordinance shall be administered and enforced by the Unified Development Ordinance Administrator (hereafter referred to as the “UDO Administrator” or the “Administrator”) and any other officials designated by the Town for the administration of this Ordinance. The Town shall have the authority to appoint one (1) or more persons to serve as the “Administrator.”

4.3.2 APPEALS FROM THE DECISIONS OF THE ADMINISTRATOR

Appeals from the decisions of the Administrator in which it is alleged there is an error in an order, requirement, decision, or determination made in the enforcement of this Ordinance shall be made to the Board of Adjustment in accordance with Section 5.13 of this Ordinance.

SECTION 4.4 PLANNING BOARD

Pursuant to G . S . 1 6 0 D - 3 0 1 there is hereby established a planning agency known as the Town of McAdenville Planning Board.

4.4.1 POWERS AND DUTIES

The Planning Board shall have the following powers and duties:

- A. To prepare or hear, review and make recommendations on the content of a comprehensive plan, land use plan, and other plans that address land use and planning related issues and to submit such plan to the governing board.
- B. To prepare or hear, review and make recommendations on amendments to any such plans for submittal to the Town Council.
- C. To initiate or hear, review, and make recommendations to the Town Council applications for amendments to the text of this Ordinance or to the Official Zoning Map.
- D. To adopt rules of procedure for the conduct of its meetings and for any other purposes deemed necessary and consistent with this Ordinance and all other applicable local and State regulations.
- E. To render decisions on preliminary plats of major subdivisions, when acting as Watershed Review Board; to make recommendations on sketch plans on major subdivisions, rezonings, text changes, map changes.
- F. To grant variances to the Subdivision Chapter and Watershed Water Supply Chapter.
- G. To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.

4.4.2 MEMBERSHIP

- A. The Town Council shall appoint seven (7) members to the Planning Board as provided in this Ordinance. Six (6) members shall be citizens and residents of the Town and one (1) member shall be a citizen of Gaston County who reside outside the Town, but within the extraterritorial jurisdiction of the Town pursuant to G . S . 1 6 0 D - 3 0 7 as specified by an extraterritorial boundary ordinance adopted pursuant to G . S . 1 6 0 D - 2 0 2 , a n d - 9 0 3 . Except in the case of filling a vacancy, each such appointment shall be for a term of three (3) years.

- B. 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 Board shall elect a temporary chair to conduct the meeting. The Chair, or in the Chair's absence the Vice-Chair, shall administer oaths, be in charge of all proceedings before the Board, and take such action necessary to preserve the order and integrity of all proceedings before the Board.

4.4.3 SECRETARY

A secretary shall be appointed to serve the Planning Board. The Secretary shall keep Planning Board minutes showing the vote of each member on all voting matters. In addition, the Secretary shall maintain all records of Planning Board meetings, hearings and proceedings, as well as the correspondence of the Planning Board. All such minutes, records and files shall be housed in the office of the Planning Department as a public record.

4.4.4 STAFF

The Director (or his designee) shall serve as the professional staff to the Planning Board.

SECTION 4.5 BOARD OF ADJUSTMENT

4.5.1 ESTABLISHMENT AND DUTIES

- A. Pursuant to G.S. 160D-302, a Board of Adjustment is hereby established. The duties of the Board of Adjustment shall be as follows:
1. 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 pursuant to Section 5.13.
 2. To hear and decide on applications for variances from the terms of this ordinance pursuant to Section 5.14.
 3. To hear and decide on applications for special use permits as provided in Section 5.12 of this Ordinance.
 4. 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.

5. To adopt rules of procedures for the conduct of its meetings, so long as such policies and procedures are consistent with this Ordinance and all other applicable local and State regulations.
 6. Reserved.
 7. The Board of Adjustment shall exercise any other powers as may be granted herein by this Ordinance. In carrying out its duties, the Board of Adjustment may subpoena witnesses and compel the production of evidence.
- B. The Board of Adjustment shall not have power, jurisdiction, or authority to amend any ordinance or grant use variances.

4.5.2 QUASI-JUDICIAL PROCEDURES

The consideration and final decision on any application for an appeal, variance, special use permit, or interpretation, as provided above, shall be made by the Board of Adjustment only after a quasi-judicial evidentiary hearing has been properly advertised and convened.

4.5.3 MEMBERSHIP

The Board of Adjustment shall consist of seven (5) regular and two (2) alternate members, each appointed by the Town Council. All of the members of the Board of Adjustment shall be residents of McAdenville who reside in the area in which the UDO has jurisdiction as indicated on the Official Zoning Map. Alternate members who attend any regular or special meeting of the Board and who serve in the absence of any regular member at any such meeting shall have and exercise all the powers and duties of such regular member so absent.

4.5.4 SECRETARY

A secretary shall be appointed to serve the Board of Adjustment. The Secretary shall keep Board of Adjustment minutes showing the vote of each member on all voting matters. 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. All such minutes, records and files shall be housed in the office of the Planning Department as a public record.

4.5.5 STAFF

One (1) or more persons shall be appointed to serve as the staff to the Board of Adjustment.

4.5.6 QUORUM

No meeting of the Board of Adjustment may be called to order, nor may the Board of Adjustment transact any business not requiring an evidentiary hearing without a quorum consisting of a majority of the appointed regular membership of said body.

4.5.7 RESERVED

4.5.8 RESERVED

4.5.9 APPLICATION PROCEDURE

The following regulations apply to all applications submitted to the Board of Adjustment:

- A. Before a petition for an administrative appeal, special use permit, interpretation of the zoning ordinance maps, or variance is heard and an evidentiary hearing conducted by the Board of Adjustment, an application (on a form provided by the Administrator) shall be submitted to the Administrator along with a fee in accordance with a fee schedule established by the Town Council. Said fee shall be waived for any petition request made on behalf of the Town of McAdenville, or the State of North Carolina. In addition, a list of names and addresses of the owners of all contiguous properties (as herein defined), from the most recent official tax records, shall be provided by the applicant and shall accompany all applications except petitions for appeals and interpretations.
- B. The filing of any application stays all proceedings and fines unless the Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Town Council, or by the Superior Court of Gaston County.
- C. Within five (5) working days after having received an application for an appeal, interpretation, variance, or special use permit, the Administrator shall determine whether the application is complete. If he determines that the application is not complete, he shall serve a written notice on the applicant specifying the application's deficiencies. The Administrator shall take no further action on the application until the Deficiencies are remedied. If the Administrator fails to notify the applicant within said five (5) working day period, the application shall be deemed complete.

4.5.10 HEARING NOTIFICATION

The Town shall give notice of all Board of Adjustment evidentiary hearings.

A. INTERPRETATIONS; APPEALS

The Town shall send a notice by first class mail to the applicant (and to the owner(s) of any properties that have given rise to the application). The Administrator shall also post in Town Hall a conspicuous location a notice that indicates the nature of the evidentiary hearing and the date, time, and place at which the evidentiary hearing is to occur. Said notices shall be mailed / posted at least ten (10) days prior to the public hearing.

B. VARIANCES; SPECIAL USE PERMITS

1. Notices shall be sent by the Town by first class mail to the applicant, and to owners of all contiguous properties. The Administrator shall also post a copy of such notice in Town Hall in a conspicuous location. Each notice shall indicate the nature of the evidentiary hearing and the date, time and place at which it is to occur and shall be mailed / posted at least ten (10) days prior to the evidentiary hearing
2. At least one (1) sign also shall be conspicuously placed by the Town on the subject property(ies) indicating the evidentiary hearing date, time, case number and contact telephone number. Said sign(s) shall be placed at least ten (10) days prior to the evidentiary hearing. The posted notice may only be removed once the evidentiary hearing has been concluded. **NOTE:** The Administrator may waive the sign- posting requirement or relocate the placement of the sign(s) where the literal application of this provision would serve no meaningful purpose.

4.5.11 BOARD OF ADJUSTMENT DECISION

- A. The Board of Adjustment shall hold a quasi-judicial evidentiary hearing on an application no later than forty-five (45) days after a complete application has been filed with the Administrator. The Board of Adjustment shall decide on the matter that was presented at the evidentiary hearing within thirty (30) days of the close of the evidentiary hearing.
- B. The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial

matter or to determine an appeal made in the nature of certiorari. Vacant positions on the Board of Adjustment and Board of Adjustment members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Board of Adjustment" for calculation of the requisite majority if there are no qualified alternate members available to take the place of such members.

- C. The Board shall determine contested facts and make its decision based upon competent, material and substantial evidence in the record.
- D. All decisions of the Board of Adjustment shall be in writing and signed by the chair other duly authorized member and filed with the Administrator. A written copy thereof shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner and to any person who has submitted a written request for copy, prior to the date the decision becomes effective. The Administrator shall certify that proper notice has been made.

4.5.12 APPEALS FROM THE BOARD OF ADJUSTMENT / REHEARING

- A. An application for a rehearing shall be made in the same manner as provided for in the original hearing within a period of thirty (30) days after the date of the Board of Adjustment's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. The Board of Adjustment shall deny a rehearing, if, in its judgment, such change in facts, evidence or conditions has not been proven. An evidentiary hearing shall not be required to be held by the Board of Adjustment to consider holding such a rehearing. Approval of said consideration, however, shall require an affirmative vote of at least four-fifths (4/5) of the Board of Adjustment's voting membership. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing.
- B. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application affecting all or any portion of the same property(ies) may not be filed for a period of one year after the date of denial of the original application.
- C. Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Gaston County by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the later of the date the decision is effective, or after a written copy thereof is delivered in

accordance with Section 4.5.11D. When first class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

SECTION 4.6 TECHNICAL REVIEW COMMITTEE

4.6.1 POWERS AND DUTIES

The Technical Review Committee (TRC) shall review Plats / Plans based on standards set forth in this ordinance and make recommendations as shown in Table 4.1-1

4.6.2 MEMBERSHIP

A. The TRC may be comprised of the following persons (if such person is not listed by his/her specific title, then the Town Administrator, or the head of the agency listed below, or their designee, shall have the authority to appoint one (1) person to serve on the TRC:

1. McAdenville Planning Board Member;
2. McAdenville Public Works Director;
3. McAdenville Zoning Administrator;
4. McAdenville Parks and Recreation Director;
5. McAdenville Police Chief;
6. McAdenville Fire Chief;
7. Town Council Member

B. Such persons shall serve on the TRC at the pleasure of the Town Administrator or their respective agency head, provided, however, that the TRC shall at all times consist of at least one (1) person from each such agency listed above.

C. If the TRC has not been appointed by the town the Planning Board will act as the TRC.

4.6.3 SECRETARY

A secretary shall be appointed to serve the TRC. The Secretary shall prepare

the agendas, keep attendance records and recommendations, send correspondence on any changes required, and be the liaison between the TRC and other Boards / Applicant, other duties as determined. All such records shall be maintained as part of each case and filed in the office of the Planning Department.

4.6.4 REVIEWS

The TRC shall review all plans that go to public hearings. Some plans may be required to be re-reviewed by the TRC after the public hearing.

CHAPTER 5

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SECTION 5.1 GENERAL SUBMITTAL REQUIREMENTS

- A. Unless otherwise specified in this Ordinance, applications for review and approval may be initiated by: (i) the owner of the property that is subject to the application; or, (ii) the owner's authorized agent(s).
- B. When an authorized agent files an application on behalf of a property owner, the agent shall provide the Administrator with written documentation that the owner of the property has authorized the filing of the application.
- C. In certain instances, i.e., revocation of a special use permit, a governing board may initiate an application. When such a petition is filed, it is being done without prejudice toward the final outcome.
- D. All uses, signs, structures, buildings, or other improvements addressed by this Ordinance shall be in compliance with this Ordinance and all other applicable federal, State, and local codes and ordinances as regulated and enforced by those agencies.

SECTION 5.2 SITE PLAN REVIEW

The purpose of these requirements is to promote orderly development in the Town of McAdenville and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. To achieve these ends and to assure compliance with all applicable requirements of this ordinance, site plans for certain uses or land shall be submitted to and reviewed by the Land Use Administrator prior to the issuance of a zoning permit.

SECTION 5.2.1 DEVELOPMENT AND USES REQUIRING A SITE PLAN

Site plan review shall be required for all uses and development other than single or two family dwelling units and their accessory structures. Provided however, the Administrator may waive site plan requirements when he determines that the submission of a site plan or parts thereof would serve no useful purpose.

SECTION 5.2.2 PROCEDURE FOR PREPARATION

- A. Site plans or any portion thereof shall be prepared by an engineer, architect, landscape architect or land surveyor who is authorized by the State of North Carolina to practice as such;
- B. Site plans shall be prepared to a scale of one inch equals fifty feet (1" = 50') or larger;
- C. A site plan may be prepared in one (1) or more sheets to show clearly the information required by this section and to facilitate the review and approval of the site plan;
- D. All horizontal dimensions shown on the site plan shall be in feet; Decimal fractions of a foot to the closest one hundredth of a foot (0.00); and all bearings in degrees, minutes and seconds;
- E. Every site plan shall show the name and address of the owner or developer, the north arrow and reference, the date, the scale of the drawing, and the number of sheets. In addition, it shall reserve a blank space three (3) inches wide by five (5) inches long for the use of the approving authority;
- F. The number of required copies of the site plan for submittal shall vary depending on the use.

SECTION 5.2.3 REQUIRED INFORMATION ON SITE PLANS

- A. Location of the tract on an insert map at a scale of not less than one inch equals two thousand feet (1"=2000') scale, the north arrow, and such information as the names and numbers of adjoining roads, streams, subdivisions, or other landmarks, sufficient to clearly identify the location of the property.
- B. A boundary survey of the tract by bearings and distances certified by a licensed land surveyor or engineer.
- C. The location and dimensions of any sidewalks and curbs and gutters to be installed along public street frontages.
- D. All existing property lines; existing streets and easements; their names, numbers and widths; the location and size of exiting sanitary and storm sewers, gas lines, water mains, culverts, and other utilities and their easements; existing buildings; existing watercourses; and any other prominent physical features on or adjoining the tract.
- E. Existing zoning and zoning district boundaries on the tract and on adjoining properties.
- F. The present use of all adjoining properties.
- G. Existing topography with contours drawn at two (2) foot intervals. This requirement for topography information may be waived by the Administrator for developments smaller than one (1) acre in size and where he determines that there are insufficient topography changes to make such information necessary.
- H. Proposed changes in zoning, if any.
- I. The proposed location, general use, number of floors, height and floor area for each building; and where applicable, the number, size and type of dwelling units.
- J. All off-street loading spaces, parking and walkways indicating the type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided.
- K. All proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the town or other utility systems; all proposed gas lines and other utilities and their easements.

- L. The location, dimensions and character of construction of proposed streets, alleys, driveways; and the location, type and size of vehicular entrances to the site.
- M. Proposed finished grading at two (2) foot intervals and / or by spot elevations. This requirement may be waived in the same manner as in Section 5.2.3G.
- N. Provisions for the adequate disposition of natural and storm water indicating location, sized, types and grades of ditches, catch basins, pipes, and connections to existing drainage systems or suitable outlet.
- O. Provisions for adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
- P. Delineation of any flood hazard areas as shown on the FEMA maps.
- Q. Location, type, size and height of fencing, retaining walls and screen planting where required under the provision of this or any other Town, State or Federal ordinance.
- R. The location of wooded areas on the property and the location of trees and wooded areas that will be retained.
- S. The location and dimensions of proposed recreation areas, open space and required amenities and improvements.
- T. The location, character, size, height and orientation of proposed signs and outdoor lighting systems.
- U. Verify Thoroughfare dedication per section 9.19 if density credits are to be applied.

SECTION 5.2.4 COMPLIANCE WITH OTHER REGULATIONS

All features and elements of the site plan shall in all respects conform to all other applicable provisions of this Ordinance and the standards of the Ordinances of McAdenville; and the standards and requirements of the NCDOT and the NC Department of Health and Environment, as regulated by those agencies.

SECTION 5.2.5 PROCEDURE FOR PROCESSING

The Administrator shall review all site plans submitted to his office. The Administrator shall verify the completeness and compliance of the site plan and circulate the site plan to the relevant County, Town and State agencies for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the site plan is recommended. The reviewing agencies and officials may include, but not limited to those on the TRC.

Except under abnormal circumstances, within twenty-one (21) working days of the receipt of the site plan, the Administrator shall approve, subject to conditions, or disapprove the site plan and notify the applicant in writing of the action taken. In cases when the site plan approval is subject to conditions or when the site plan is denied approval, the Administrator shall set forth in writing any conditions or changes which might make the site plan acceptable.

SECTION 5.3 ZONING PERMIT

No building, sign or other structure (except as otherwise noted in this Ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Administrator has issued a zoning permit for such work in accordance with the fee schedule established by the Town Council.

- A. Expiration of Zoning Permit: Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within one (1) year of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least two (2) years.
- B. Records: The Administrator shall maintain a printed record of all zoning permits on file at his office, and copies shall be made available upon request to interested parties.
- C. Conditions for Approval: Zoning permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Chapter 16 of this Ordinance.
- D. Zoning Permit Not Required: Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

1. Street construction or repair.
 2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right- of-way.
 3. Sign, as indicated in Chapter 12 of this Ordinance.
 4. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, doghouses, and accessory structures that do not require a Building Permit.
- E. In cases where a preexisting zoning violation has been cited in accordance with Section 16.1, a new zoning permit, for work not related to the violation, shall not be issued until the preexisting violation is brought into compliance.
- F. All features and elements of the site plan shall in all respects conform to all other applicable provisions of this Ordinance and the standards of the Ordinances of McAdenville; and the standards and requirements of the NCDOT and the NC Department of Health and Environment, as regulated by those agencies.
- G. Authorized Applicants: Applications for zoning permit must be made by a person with property interest. This includes the landowner, lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner.
- H. Zoning Permits are not personal right but shall attach to and run with the applicable property.
- I. After approval or denial of a development application, the Zoning Administrator shall provide written notice of determination by personal delivery, electronic mail, or first class mail to the property owner and party seeking determination, if different from the owner.

SECTION 5.4 BUILDING PERMIT

No structure that is governed by the State Building Code may be erected, added to, structurally altered, moved, occupied or demolished until the Gaston County Building Inspections Department has issued a building permit for such work. A building permit shall be issued only for work that conforms to the requirements and standards of this Ordinance (and all other applicable ordinances) and the terms and conditions of any other permits, approvals, or variances granted pursuant to this Ordinance.

SECTION 5.5 ZONING CERTIFICATE OF COMPLIANCE

5.5.1 PURPOSE

- A. No building or structure hereafter erected or structurally altered or changed in use shall be used or occupied until the Administrator has issued a zoning certificate of compliance. The zoning certificate of compliance shall state that the building or portion of a building or lot is in compliance with the provisions of this Ordinance.
- B. Application for a zoning certificate of compliance can be made simultaneously with a certificate of occupancy.

5.5.2 APPLICATION FOR A ZONING CERTIFICATE OF COMPLIANCE

A zoning certificate of compliance may only be issued after written application for same has been made in which the applicant must state that the building or structure erected or altered or use of the lot in question complies in all respects with this Ordinance and the zoning permit previously issued. An application for a zoning certificate of compliance shall include a scaled, dimensional drawing prepared and certified as accurate by a surveyor or engineer registered with the State of North Carolina which affirmatively shows that the building or structure was erected or altered, or that the lot in question is being used in compliance with this Ordinance and the zoning permit previously issued. Such scaled and certified drawing shall not be required under the following conditions:

- 1. The certificate of compliance is for a change of use only with no new building expansions or construction.
- 2. The certificate of compliance is for an accessory residential structure.
- 3. The certificate of compliance is for a principal building construction or expansion and such expansion or construction is less than five-hundred (500) square feet in area.
- 4. The certificate of compliance is for a new or expanded single- or two-family dwelling (including manufactured homes) and the tract that the new or expanded dwelling is on is five (5) acres or greater in area, and the principal structure is located one-hundred (100) feet or greater from any of the boundaries of the tract.
- 5. Other situations where the Administrator deems that such drawing would serve no meaningful purpose and that there are other means for demonstrating compliance with the regulations contained in this Ordinance.

SECTION 5.6 RESERVED

SECTION 5.7 SIGN PERMIT

5.7.1 PERMIT REQUIREMENTS

- A. For any sign for which a permit is required (refer to Section 12.4), the following information shall be submitted to the Administrator in order for a sign permit to be issued:
 - 1. An accurate and scaled depiction of the lot upon which the sign is to be located.
 - 2. Location of all buildings, driveways, and required landscaped / buffered areas on such lot.
 - 3. Location, type, size and height of all proposed signs.
 - 4. Location, type, size and height of all existing external signs. Wall signs shall be accompanied by a drawing showing the proposed location of the wall sign on the building.
 - 5. Other information deemed necessary by the Administrator to ensure that the sign(s) for which a permit is being requested, will be in compliance with all applicable sections of this Ordinance.
- B. Notwithstanding the above, the Administrator shall have the ability to waive or modify any one of the above requirements when strict compliance would serve no practical or useful purpose.

5.7.2 PERMIT REVIEW PROCEDURES

- A. The Administrator shall endeavor to review the sign permit in an expeditious manner and will notify the applicant in writing if a decision on the sign permit cannot be rendered within twenty-one (21) working days of submittal.
- B. The Administrator may issue a sign permit concurrently with site plan approval (refer to Section 5.2) and / or zoning permit approval (refer to Section 5.3) for the same development.

SECTION 5.8 TEMPORARY USE PERMIT

5.8.1 PURPOSE

Temporary use permits are a mechanism to allow a use on a short-term basis and to permit certain seasonal and transient uses that otherwise may not be allowed. Certain temporary uses are allowed subject to the issuance of a temporary use permit by the Administrator; others are allowed without a permit but are nonetheless subject to all applicable regulations contained herein.

5.8.2 TABLE OF ALLOWED TEMPORARY USES

- A. All temporary uses will be subject to the requirements contained in Section 5.8.3. Table 5.8-1 shows a list of allowed temporary uses is shown below. Additional supplemental requirements for individual temporary uses are also indicated and are found in Section 5.8.4.
- B. Otherwise, if a temporary use is not listed in Table 5.8-1 may only be granted a zoning permit only after: (i) an evidentiary hearing has been conducted by the Board of Adjustment, and (ii) the Board of Adjustment has made the following determinations:
1. The proposed use will not materially endanger the public health, welfare and safety; and
 2. The proposed use will not have a substantial negative effect on adjoining properties.

In approving such permit, the Board of Adjustment may authorize conditions regarding duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

TABLE 5.8-1 ALLOWED TEMPORARY USES		
TEMPORARY USE	PERMIT NEEDED?	OTHER REGULATIONS
Real Estate Sales Office/Model Sales Home	Yes	5.8.4 (A)
Sale of Goods Other Than Agricultural Products	Yes	5.8.4 (B)

Sale of Agricultural Products Grown Onsite	No	5.8.4 (D)
Sale of Agricultural Products Grown Off-site	Yes	5.8.4 (C)
Garage/Yard Sales	Yes	5.8.4(E)
Special Outdoor Event	Yes	5.8.4 (F)
Construction Trailers	Yes	5.8.4 (G)
Temporary RV's and Manufactured Homes	Yes	5.8.4 (H)
Temporary RVs for Workers for Construction Projects	Yes	5.8.4 (I)

5.8.3 GENERAL REQUIREMENTS FOR TEMPORARY USES

Unless otherwise specified, all temporary uses shall be subject to the following requirements:

- A. All temporary signs associated with the temporary use shall be removed when the activity ends.
- B. The temporary use may not violate any applicable conditions of approval that apply to a principal use on the site.
- C. If the site is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any required parking and traffic movement that may be associated with the temporary use without disturbing any required landscaping, screening, natural plantings or other required protective resources.
- D. If the site is developed, the temporary use shall be located in an area that does not negatively impact existing buffers, landscaped areas, required natural plantings, traffic and pedestrian circulation or significantly impact parking space availability. **(NOTE:** The Administrator shall have the authority to allow the placement of certain temporary uses in required off-street parking areas and may allow that use to occur upon determining that the use, given its nature, location, time-frame, and anticipated amount of pedestrian or vehicular traffic, would not unduly cause harm by locating in such an area and that existing off-street parking provided on-site is sufficient to accommodate both the existing principal and temporary uses

simultaneously.)

- E. Tents and other temporary structures shall be located so as to not interfere with the normal operation of any permanent use on the site.
- F. In approving a temporary use permit, the Administrator may impose other requirements that he/she deems reasonable and necessary to ensure that:
 - 1. The proposed use will not endanger the public health, welfare or safety; and,
 - 2. The proposed use will not have a substantial negative effect on adjoining or nearby properties.
- G. Prior to the issuance of a temporary use permit, the applicant shall provide proof of the property owner's or an agent of the property owner's permission to occupy such property for the requested temporary use.
- H. All temporary uses shall comply with the permit requirements contained in Table 5.8-1 and conditions contained in Section 5.8.4 and any other requirements applicable to the use in question.
- I. Sketch Plan showing setbacks, parking, ingress / egress, and other required information as determined by the Administrator.
- J. Unless otherwise noted, setbacks for any structures housing the temporary use shall be the same as provided for the principal structure. Notwithstanding, the Administrator may grant relief to the setback requirements on a case-by-case basis, upon determination that:
 - 1. The placement of the structure would be harmony with other structures both on the lot in question and nearby lots;
 - 2. Placement of the structure at the required setback would serve no useful purpose; and,
 - 3. The placement of the structure at an alternative location on the lot would not impact the public's health, welfare and safety.

5.8.4 SPECIFIC REGULATIONS FOR CERTAIN TEMPORARY USES

- A. Temporary Real Estate Sales Office / Model Sales Home

1. If a modular home is used, it shall have been built to the applicable commercial building code standard. Manufactured homes built to HUD standards shall not be used as a sales office. All such sales offices shall be in compliance with all applicable Building Code standards.
 2. The structure shall be located on an approved lot within a subdivision containing twenty-five (25) lots or more as indicated in the recorded final plat; such structure shall be used for the sale of the lots within that subdivision.
 3. If the structure is permanently placed on the lot, it must meet applicable setback regulations for the lot; otherwise, the Administrator shall have the ability to waive or modify one (1) or more setback requirements for the placement of the temporary structure.
 4. Off-street parking for at least three (3) off-street vehicles shall be provided. Such spaces need not be paved; in addition, one (1) paved handicapped space shall be required in accordance with North Carolina Building Code.
 5. A wall sign, no greater than sixteen (16) feet in area may be used.
 6. Upon termination of the temporary real estate office or model sales home, the structure shall be converted into a permanent residential use or be removed from the property.
 7. The maximum duration for such uses is as follows: Temporary Real Estate Sales Offices – One (1) Year; Model Homes – Three (3) Years. The Administrator shall have the authority to issue renewals for each in one (1) year increments, provided substantial progress is being made in the selling and / or marketing of the lots / homes within the subdivision.
- B. Sale of Goods Other Than Agricultural Products AND Other Than “Garage/Yard Sales”
1. Receipt of a municipal “privilege or business license” shall not exempt a merchant from needing to obtain a temporary use permit for such sales.
 2. The proposed display and/or sales of goods shall not occur within two-hundred (200) linear feet of an occupied residential dwelling unit located in a Residential zoning district.

3. The temporary sales of goods for civic, charitable, educational or religious purposes shall only be allowed on a lot located in a Commercial or Office zoning district or on a developed lot in a Residential zoning district that contains a civic, public, charitable, educational or institutional use (e.g., church, school, etc.) Provided however, the Administrator may allow such sales to take place on public property including: public parks, public street rights-of-way, or any other political subdivision of the State of North Carolina. Approval from the Mayor, as well as other public officials, as deemed necessary by the Administrator shall also be required.
4. Such sales shall be allowed from 8:00 AM to 10:00 PM, EST, only or, if there is a principal use on the lot, the same hours of operation as the principal use, whichever is more restrictive. The Administrator may allow exceptions to these regulations for lots that contain principal uses with limited hours of operations.
5. Sales at any one site are allowed a maximum of thirty (30) days per calendar year;

C. Sales of Agricultural Products Grown Off-Site

1. Sales may occur on a vacant or developed lot in a Commercial or Office zoning district.
2. Receipt of a municipal “peddler’s or business license” shall not exempt a merchant from needing to obtain a temporary use permit for such sales.
3. Sales at any one (1) site are allowed a maximum of sixty (60) days during any calendar year. Sales of food products for greater than sixty (60) days per calendar year shall require the issuance of a special use permit per Section 5.11 of this Ordinance. All procedures contained in Section 5.11 shall be followed except that the following findings shall substitute for those found in Section 5.11.5(B):
 - a. The proposed use will not endanger the public health, welfare or safety.
 - b. The proposed use will not have a substantial negative effect on adjoining or nearby properties.
4. Such sales shall be allowed from 8:00 AM to 10:00 PM,

EST, only or, if there is a principal use on the lot, the same hours of operation as the principal use, whichever is more restrictive. The Administrator may allow exceptions to these regulations for lots that contain principal uses with limited hours of operations.

D. Sales of Agricultural Products Grown On-Site

1. For purposes of this section the term “on-site” shall mean the lot upon which the sales take place and any other lots in McAdenville owned by the party(ies) or leased (with a one (1) year minimum lease) upon which the sales occur.
2. Sales may occur on any lot upon which agricultural products are grown, regardless of the underlying zoning district.
3. Such sales shall be allowed during daylight hours only.
4. Sales at any one (1) site are allowed a maximum of one hundred eighty (180) days during any calendar year. Sales of food products for greater than one hundred eighty (180) days per calendar year shall require the issuance of a special use permit per Section 5.11 of this Ordinance. All procedures contained in Section 5.11 shall be followed except that the following findings shall substitute for those found in Section 5.11.5(B):
 - a. The proposed use will not endanger the public health, welfare or safety.
 - b. The proposed use will not have a substantial negative effect on adjoining or nearby properties.

E. Garage/Yard Sales

1. Such sales shall be allowed during daylight hours only.
2. Such sales shall be limited to household goods.
3. Such sales shall be allowed on any lot in a Residential zoning district or on any public, charitable, educational or institutionally developed lot in other zoning districts.
4. Garage sales may take place on any one (1) site no greater than six (6) days per calendar year.

F. Special Outdoor Events

1. The Administrator shall submit the temporary use permit application for the special event to local police, fire and emergency service providers and to the Mayor for review and comment. Such persons and agencies will be given up to twenty-one (21) days to provide comment. Based on such comments, the Administrator shall approve, approve with fair and reasonable conditions or disprove the permit.
2. If the event is to last for greater than nine (9) consecutive days or if such events are to occur on any particular lot for greater than nine (9) days in a calendar year, a special use permit per Section 5.11 shall be required. All procedures contained in Section 5.11 shall be followed except that the following findings shall substitute for those found in Section 5.11.5(B):
 - a. The proposed use will not endanger the public health, welfare or safety.
 - b. The proposed use will not have a substantial negative effect on adjoining or nearby properties.
3. Events may be held between 8:00 AM to 10:00 PM, EST, unless, given the nature of the event, the Administrator (or the approval body, in the issuance of a special use permit) allows for other hours of operation if he determines that such extended hours will not have a substantial negative impact upon adjoining and nearby properties and that all necessary public safety concerns have been addressed.
4. Such special events may take place on any one (1) site no greater than seven (7) events per calendar year.

G. Construction Trailers

Construction trailers shall be allowed as follows:

1. They shall only be located at a building site where there is a valid building permit.
2. They shall be located at least ten (10) feet off any street right-of-way or property line.
3. Construction trailers shall be removed within ten (10) days of the issuance of a certificate of occupancy for the lot or development in question.

SECTION 5.9 HOME OCCUPATION PERMIT

5.9.1 PURPOSE

A home occupation permit shall be required to ensure that a proposed home occupation is developed in accordance with all applicable provisions of this Ordinance. Lists of permissible customary and home occupations are found in Section 8.1.14 and 8.1.15.

5.9.2 APPLICATION PROCEDURES

- A. An application for a home occupation shall be filed with the Administrator on a form so prescribed by the Town. The form shall be complete and accompanied by a fee, in accordance with the most recently adopted fee schedule approved by the governing board, in order to be reviewed by the Administrator.
- B. The Administrator shall endeavor to review the permit in an expeditious manner and will notify the applicant in writing if a decision on the permit cannot be rendered within fifteen (15) working days.
- C. Failure to adhere to an approved permit shall be deemed a violation of this Ordinance.

SECTION 5.10 VESTED RIGHTS CERTIFICATE

Pursuant to G.S. 160D-108 and notwithstanding any other provision of this Ordinance or amendment thereto, a vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided by this section. The procedure for establishing a vested right is set forth in this section.

5.10.1 DEFINITIONS

For the purpose of this section only, the following definitions shall apply:

- A. Landowner
Any owner of a legal or equitable interest in real property, including 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 in the manner allowed by this Ordinance.
- B. Property
All real property is subject to the zoning regulations of this

Ordinance.

C. 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.

5.10.2 SUBMISSION OF A SITE SPECIFIC DEVELOPMENT PLAN

- A. To apply for vested right, a landowner shall first submit to the Administrator a site-specific development plan. The plan shall be submitted in completed form to the Administrator and processed in the same manner, except as herein provided, as a special use permit per Sections 5.11 of this Ordinance or conditional zoning per Sections 5.16.5 of this Ordinance. The approved plans and conditions for these permits constitute, for purposes of G.S. 160D-108, site specific development plans.
- B. Once a hearing has been held, the governing board shall issue the vested rights certificate for a period of no less than two (2) years if it has evaluated an application and determined that:
1. The use meets all required specifications of this Ordinance, and
 2. The use, as approved, will protect the public health, safety and welfare. Conditions, if any, placed on the site-specific development plan by the Town shall be adequate to satisfy this requirement.
- C. If the Town issues a vested right certificate for site specific development plan for a period of more than two (2) years and up to five (5) years, this shall be based on one (1) or more factors so described in Section 5.10.3.
- D. If the use or development for which a vested rights certificate is submitted is a special use, the Town may approve the vested rights certificate at the same time with the approval of the special use permit. In no case, however, may a site specific development plan be approved for a use or development which requires the issuance of a special use permit without the special use permit having first been issued.

5.10.3 EFFECT OF APPROVAL

- A. The effect of approval of a vested rights certificate shall be to vest the site specific development plan for a period of two (2) to five (5) years from the date of approval. Any vesting for a period of greater than two

(2) years shall be at the request of the applicant and where the governing board determines that such greater period of vesting is needed due to: (i) the sizing and phasing of the development; or (ii) the level of investment; or (iii) the need for the development; or (iv) economic cycles; or (v) the market of conditions, building permits for all phases of the development cannot be secured within two (2) years.

- B. An approved vested right certificate shall confer upon the landowner a vested right, the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.
- C. A vested right, once established as herein provided, shall preclude any zoning action by the Town that would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development plan except under the following conditions:
 - 1. The affected landowner provides written consent to the Town of his desire to terminate the vested right; or,
 - 2. The Town determines, after having advertised and held an evidentiary hearing per Section 5.11.3 of this Ordinance, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site specific development plan; or,
 - 3. Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
 - 4. The Town determines, after having advertised and held an evidentiary hearing per Section 5.11.3 of this Ordinance, that a 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,
 - 5. Upon the enactment or promulgation of a State or Federal law or regulations that precluded development as contemplated in the site-specific development plan. In such case the Town may

after having advertised and conducted an evidentiary hearing per Section 5.11.3 of this Ordinance] modify the affected

provisions upon a finding that the change in State or Federal law has had a fundamental effect on the plan.

- D. Once a vested right certificate is granted for a particular site- specific development plan, nothing in this Ordinance shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.
- E. A multiphase development containing 25 acres or more shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development.

5.10.4 REVOCATION OR EXPIRATION OF A VESTED RIGHT

In addition to the revocation provisions cited in Section 5.10.3, a revocation of a vested rights certificate may occur if the governing board determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the UDO. The vested right shall otherwise expire at the end of the approval period established by the governing board.

5.10.5 REVOCATION OF BUILDING PERMIT

A building permit issued by Gaston County may not be revoked because of the running of time on a piece of property for which a vested rights certificate has been approved and the vested right period has not otherwise expired.

5.10.6 ESTABLISHMENT OF VESTED RIGHTS

The establishment of a vested right on a piece of property for a site specific development plan shall not preclude the Town from establishing and putting into place one (1) or more overlay districts which may impose additional restrictions on said property, provided such restrictions do not affect the allowable type or intensity or use. Otherwise such regulations shall become effective with respect to the subject property upon the expiration or termination of the vested right certificate. The Town may also enforce on the property additional regulations (adopted during the time the vested right certificate was

in effect) that are general in nature and applicable to all property subject to the regulations of this Ordinance.

SECTION 5.11 SPECIAL USE PERMITS

5.11.1 PURPOSE

There are many uses identified in Table 7.1-1 that are “uses by right” and that are allowed “by right” in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, there are some uses in these districts that are “special uses” and are subject to the issuance of a special use permit. The purpose of having special uses is to ensure that these uses are compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located. There may be some uses that prior to adoption of this Ordinance were allowed as “uses by right” but now are allowed subject to a special use permit. For these uses, any expansion or modification to the uses would be subject to the issuance of a special use permit.

5.11.2 PROCEDURES

A pre-application meeting between the applicant and the Administrator shall be required in order to familiarize the applicant of the procedure for securing approval of a special use permit. The Administrator shall accept no special use permit application for review without such meeting having first occurred unless the Administrator determines that such meeting would not serve any meaningful purpose and waives the meeting requirement.

Procedures for application submittal are as follows:

- A. A complete special use permit application that is signed by the applicant and which is accompanied by a submittal fee (in accordance with a fee scheduled approved by the Governing Board) shall be filed with the Administrator.
- B. The application shall be accompanied by a drawing or plan, drawn to scale, that includes or is accompanied by the following:
 - 1. Name, address and phone number of the property owner (or his agent) and the property identification number of the property. (Note: The property owner or his authorized agents are the only two parties who may initiate a request for a special use permit).
 - 2. A boundary survey and vicinity map, showing the property's total acreage, general location in relation to adjoining streets,

railroads and/or waterways, date and north arrow. The zoning classification of the property in question and contiguous properties shall also be shown. (In lieu of the boundary and survey maps, one (1) or more up-to-date tax maps depicting the area in question may be submitted. Any required drawing or depiction of the proposed development or use shall not appear on the tax maps but rather shall appear on the drawing or plan.)

3. The name and addresses of all owners, tax parcel numbers and existing land use(s) of all contiguous properties.
4. Proposed use of all land and structures including the number of residential units proposed, if any, and total square footage of nonresidential development.
5. Location of all proposed structures, their approximate area and exterior dimensions, height, and proposed number of structures.
6. A description of all screening and landscaping required by the UDO and/or proposed by the applicant; the delineation of any wooded, landscaped or grassed areas existing prior to development and proposed to remain on the property once the development is completed.
7. All existing easements, reservations and rights-of-way.
8. Proposed phasing, if any, and approximate completion time for the project.
9. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) flood hazard boundary maps for Gaston County.
10. Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.
11. A list, if any, of all additional development conditions or standards that differs from those that would normally apply to that use. Only conditions that exceed the UDO minimum standards can be considered and listed by the applicant, except those minor modifications listed in Table 5.15-1(B).

12. The Administrator reserves the right to waive the depiction of some or all of the information contained in paragraphs 5 through 10 above, when, in his opinion, such information would serve no meaningful purpose for the particular special use being requested. Notwithstanding, if either the Board of Adjustment determines that additional information as set forth in paragraphs 5 and 10 above of this subsection is needed to render a recommendation or decision on the application, they may require the applicant to submit such additional information.
- C. In the course of evaluating the proposed special use, the Town Council may request additional information from the applicant in order to assist in the review process. A request for such additional information shall stay any further consideration of the application by such agency. Such additional requested information may include (but shall not be limited to) the following:
1. Stormwater drainage plan.
 2. Existing and proposed topography at five (5) foot contour intervals or less.
 3. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.
 4. Proposed number, type, and location of signs.
 5. A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. Information requested to be a part of the impact study may include:
 - a. Existing traffic conditions within the study area boundary.
 - b. Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels.
 - c. The distribution of existing and proposed trips through the street network.
 - d. Analyses of the capacities of intersections located within the study area boundary.

- e. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and
 - f. Other pertinent information, including but not limited to accidents, noise, and impacts of air quality and other natural resources.
- 6. Drawings of proposed building elevations.
- 7. An environmental impact statement that includes some or all of the following:
 - a. A cover sheet that provides, in summary form, a description of the proposed project;
 - b. A statement of purpose and need of the project;
 - c. For projects proposed by public entities, a list of alternatives of the proposed project;
 - d. A succinct description of the environment affected by the project;
 - e. A discussion of short and long term consequences of the project on the environment including any adverse environmental impacts which cannot be avoided; and,
 - f. A list of means that could be employed to mitigate any negative effects on the environment caused by this project.
- D. Except as herein provided, no application shall be deemed complete unless it contains or is accompanied by all items listed in Section 5.11.2(B) and as may otherwise be required per Section 5.11.2(C) and a fee, in accordance with a fee schedule approved by the governing board for the submittal of special use permit applications. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Town of McAdenville or the State of North Carolina.
- E. Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

5.11.3 EVIDENTIARY HEARING NOTIFICATION

- A. In order for a special use permit to be considered for approval, a evidentiary hearing must be held by the Town Council. Any complete application shall be submitted to the Administrator at least thirty (30) working days prior to the evidentiary hearing. This shall be sufficient time period for the staff to review the application and produce a staff report and to ensure that all applicable notification requirements can be met. Notification of the evidentiary hearing shall be as follows:
1. A notice shall be published in a newspaper having general circulation in McAdenville once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.
 2. The Administrator shall post at least one (1) notice on the site for the proposed special use or an adjacent public street or highway right-of-way at least ten (10) days but not greater than twenty-five (25) days prior to the evidentiary hearing. Where multiple parcels are included within the application, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the date and time of the hearing, case number and contact telephone number to obtain more information. The notice shall be removed only after final action has been taken on the matter.
 3. A notice of the evidentiary hearing shall be sent by first class mail by the Administrator to the applicant and to all adjacent property owners (as defined in Section 2.7) at least ten (10) days prior to the evidentiary hearing.

5.11.4 PLANNING BOARD REVIEW

The Planning Board shall have a maximum of thirty (30) days from the date it initially met to review the application to forward a recommendation to the governing board. If a recommendation is not made during said time period, the application shall be forwarded to the governing board without a recommendation from the Planning Board. The Planning Board review of special use permits is an optional procedure. This advisory review provides applicants informal opportunity to present their case and receive feedback from the Planning Board. The evidence presented at a Planning Board advisory review for all quasi-judicial decisions must also be presented at the evidentiary hearing to be considered evidence used to resolve contested facts.

5.11.5 FINAL DECISION

A. Conduct of Evidentiary Hearing

1. The Town Council evidentiary hearing shall be held in a quasi-judicial manner. In approving an application for a special use permit, the Town Council may attach fair and reasonable conditions to the approval. Such conditions shall be limited to those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. In no instance shall any of these conditions be less restrictive than any requirements that would pertain to that particular development found in the zoning district in which the property is located [except for minor modifications as indicated in Table 5.15-1 and except where otherwise specifically allowed in this Ordinance]. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development.

B. Burden of Proof

1. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that Sub items b and d below require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed in Sub items a and c below, the burden of proof for overcoming such evidence shall rest with the applicant.
2. The Town Council may only issue a special use permit if it has evaluated an application and found each of the following findings in the affirmative:
 - a. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
 - b. The use meets all required conditions and specifications;
 - c. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; and,
 - d. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the town as adopted by the Town Council.

C. Additional Review Criteria / Findings of Fact

In addition to the findings of fact listed in Section 5.11.5(B), certain uses require the consideration of additional review criteria. Before a special use

permit may be issued for said uses, the findings of fact listed in Section 5.11.5(B) along with those pertaining to that individual use must each be found in the affirmative. **[NOTE:** in certain instances, the findings contained in Section 5.11.5(B) shall be substituted with those so indicated.]

D. Effect of Approval

1. If an application for a special use permit is approved, the owner of the property shall have the ability to (i) develop the use in accordance with the stipulations contained in the special use permit or (ii) develop any other use listed as a "permitted use" for the general zoning district in which it is located. Such approval, however, does not immediately authorize development activity, as the property owner will need to file for and secure a zoning permit, in accordance with Section 5.3, in order to proceed with development. The Administrator shall ensure that any development plans submitted with such zoning permit request are consistent with the terms and conditions of the special use permit approved for such property or for any other use by right allowed in the underlying zoning district.

2. Following approval of a special use permit authorizing specified permitted uses and/or specified development conditions, the applicant shall provide written consent of the agreed upon terms to the Town of McAdenville. The applicant shall also file and record a copy of the special use permit in the office of the Register of Deeds for Gaston County. The special use permit shall become null and void unless it was recorded in such office within one-hundred eighty (180) days of the granting of the special use permit and evidence to that effect has been presented to the Administrator. No zoning permit shall be issued on such property unless evidence of such recordation has been first presented to the Administrator.

E. Binding Effect

1. Any special use permit herein authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Town Council. All conditions contained in the special use permit shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns, unless subsequently changed or amended as provided for herein. However,

the Administrator may approve minor changes in the detail of the approved application. A “minor change” to the approved special use permit shall be deemed to be a change which:

- a. Will not alter the basic relationship of the proposed development to adjacent property;
 - b. Will not increase the gross floor area of any nonresidential use by the smaller of ten (10) percent or ten-thousand (10,000) square feet (Note: Such limitations shall be cumulative and shall be based on the gross floor area of the special use permit as originally approved);
 - c. Will not decrease the off-street parking ratio below the minimum number of parking spaces required by this Ordinance;
 - d. Will not increase the height of any structure to the extent that additional usable floor space could be added; or
 - e. Will not result in an increase in the number of dwelling units constructed;
 - f. Will not alter the uses permitted.
2. Further changes to the development may be made only by the Board of Adjustment in accordance with Section 5.11.2 through 5.11.5 of this Ordinance.
 3. No certificate of compliance for a use listed as a special use shall be issued for any building or land use on a piece of property which has received a special use permit for such particular use unless the building is constructed or used, or the land is developed or used, in conformity with the special use permit. In the event that only a segment of a proposed development has been approved, the certificate of compliance shall be issued only for that portion of the development constructed or used as approved.

F. Period of Validity of Special Use Permit

Unless the Town Council a special use permit which either is specifically exempt from any time constraints or has some other specified time period for

implementation, the applicant must secure a valid building permit (or certificate of compliance) within twenty-four (24) months from date of issuance of the special use permit. [NOTE: As indicated in Subsection D, the special use permit shall also become null and void unless filed by the applicant with the Register of Deeds within one- hundred eighty (180) days

of permit approval.] If a building permit or certificate of compliance is not issued at the end of said time period, the special use permit shall automatically expire and shall be deemed rescinded. Such rescission shall not occur if the applicant has secured the vesting of a site development plan (in accordance with Section 5.10) for a period of greater than twenty-four (24) months.

5.11.6 TWELVE-MONTH LIMITATION ON REAPPLICATION

A. If a request for special use permit is denied, a similar application for the same property or any portion thereof shall not be filed until the expiration of a twelve (12) month period from the date of denial. This waiting period shall not be applicable where the application for a special use permit is determined by the Administrator to be substantially different from (i.e., not similar to) the original application.

B. Notwithstanding, the Administrator may allow resubmission of a similar application within said twelve (12) month period if it determines that since the date of action on the prior petition:

1. There has been a significant change in the zoning district classification of an adjacent piece of property; or,
2. The governing board has adopted a plan that changes public policy regarding how the property affected by the proposed special use should be developed; or,
3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can accommodate comfortably the intensity of development allowed under the proposed classification; or,
4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the twelve-month restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

5.11.7 PETITION WITHDRAWAL

A. An applicant who has submitted a complete application for a

special use permit may withdraw the application prior to a final decision being rendered.

- B. If said petition is withdrawn at least two (2) working days prior to the Town Council evidentiary hearing, a similar petition submitted by that property owner (or his agent) shall not be accepted by the Administrator within one-hundred (180) days of the date of withdrawal.
- C. If said petition is otherwise withdrawn prior to a final decision being rendered, a similar petition submitted by that property owner/or his agent shall not be accepted by the Administrator within one (1) year of the date of withdrawal. Any new application shall be accompanied by the appropriate fee.

5.11.8 CHANGE IN SPECIAL USE PERMIT

Any request to materially change [i.e., undergo a change other than one listed as a "minor change" in Section 5.11.5(E)] to the special use permit once it has been issued shall require the issuance of a new special use permit. All notification and procedural steps and requirements as outlined in Sections 5.11.2 through 5.11.5 shall be followed.

5.11.9 APPEALS

An appeal to the decision of the Town Council shall be initiated by filing a petition for writ of certiorari with the superior court and meet the requirements set forth in G.S. 160D-1402 and no later than thirty (30) days after said decision is effective of after a written copy thereof is given in accordance with G.S. 160D-406(j) and as otherwise provided for in G.S. 160D-1405(d).

SECTION 5.12 NONCONFORMITIES

5.12.1 SPECIAL USE PERMITS

The Board of Adjustment shall have the authority to grant a “special use permit” for the following activities:

- A. Expansion of nonconforming uses per Sections 3.5.1(C) and Section 3.5.4(C);
- B. Expansion of certain nonconforming structures in accordance with Section 3.5.5(B);
- C. Change of one nonconforming use into another nonconforming use per Section 3.5.1(D);
- D. Reduction in the number of required off-street parking spaces per Section 3.5.9B and 10.1(D)(4); Provision of greater than fifty (50) percent more off-street parking spaces than required, per Section 10.1(D)(5).
- E. Provision of satellite parking greater than five-hundred (500) feet from the principal use, per Section 10.7.
- F. Relief from the requirements of the TH Thoroughfare Highway Overlay District, as provided in Section 7.6.2.
- G. Provision for two (2) or more family care homes to be located within one-half (1/2) mile of each other per Section 8.1.6
- H. Extended operating hours for certain non-residential uses in Residential zoning districts per Section 9.20.

5.12.2 PROCEDURES

Procedures for processing and deciding upon a request for a special use permit for nonconforming uses shall be the same as for variances as contained in Section 5.14, except the following findings must be each found in the affirmative prior to the issuance of a special use permit:

- A. Expansion of a Nonconforming Use [Sections 3.5.1(C) and 3.5.4(C)]
 - 1. The nonconforming use will not occupy any additional lands beyond the boundaries of the lot upon which said nonconforming use was located as of the date said use

became nonconforming. The lot boundaries to be used to determine this shall be those existing at the time the use became nonconforming; and,

2. The expansion will not result in a negative effect on any adjoining property; and
 3. The expansion will be in harmony with the general purpose and intent of this Ordinance and will not be harmful to the neighborhood or otherwise be detrimental to the public welfare.
- B. Expansion of a Nonconforming Structure [Section 3.5.5(B)]
1. The expansion will not result in a negative effect on any adjoining property;
 2. The expansion will be in harmony with the general purpose and intent of this Ordinance and will not be harmful to the neighborhood or otherwise be detrimental to the public welfare.
- C. Change of a Nonconforming Use Into Another Non-conforming Use [Section 3.5.1(D)]
1. The proposed use will be more suitable and appropriate for the lot(s) upon which it is located than the existing use; and
 2. The proposed use will have a less harmful effect on adjacent properties than the existing use; and
 3. The change in use will be in harmony with the general purpose and intent of this Ordinance and will not be harmful to the neighborhood or otherwise be detrimental to the public welfare.
- D. Modifications in the Number of Off-street Parking Spaces Provided [Sections 3.5.9(B) and 10.1(D) (4) and (5)] The reduction or addition to the number of off-street parking spaces will not have an undue negative effect or burden on adjacent and nearby properties and the adjoining road network.
- E. Provision of Satellite or Shared Parking Greater than Five-hundred (500) Feet from the Principal Use [Section 10.7]
1. The location of the satellite parking will not have an

undue negative effect or burden on adjacent and nearby properties and the adjoining road network.

2. Adequate steps have been taken to ensure that the satellite parking, where located, will blend in to the greatest degree feasible with adjoining land uses.
- F. Relief from the Provisions of TH Thoroughfare Highway Overlay District [Section 7.6.2]
1. The Thoroughfare Plan affecting the area in question recommends that a street right-of-way be of less than one hundred (100) feet in width for a major thoroughfare and eighty (80) feet for a minor thoroughfare is needed; and
 2. Such reduced right-of-way area is determined to be sufficient for said road; and
 3. The reduction in setback will not result in a jagged or irregular setback line being created.
- G. Family Care Homes to be Within One-half (1/2) Mile of Each Other (Per Section 8.1.6)
1. Such reduced separation will not result in the clustering of family care homes that could promote the segregating and isolation of handicapped persons instead of the integration and interaction of handicapped persons with the community mainstream.
 2. The Board of Adjustment shall only consider evidence relevant to the above finding in reaching a decision to grant the special exception.
- H. Extended Operating Hours for Certain Non-residential Uses in Residential Zoning Districts (Per Section 9.20)
1. The nature of the use is such that limiting the hours of operation for that use in that particular location would result in a practical difficulty or unnecessary hardship; and,
 2. The use is in such location that it would not have a significant negative impact on surrounding and/or nearby property owners and cannot yield a reasonable return or cannot be put to reasonable use unless relief is granted; and,

3. In balancing the public interest and the interest of the property owner, the grant of relief in the form of extended operating hours is required by considerations of justice and equity.

5.12.3 Conditions

Conditions and safeguards imposed by a special use permit shall not include requirements not authorized under statute to regulate nor requirements for which the courts have held to be unenforceable directly by local government.

SECTION 5.13 ADMINISTRATIVE APPEALS / INTERPRETATIONS

Except as provided herein, the Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Administrator and apply such interpretation to particular fact situations. In addition, the Administrator may ask the Board of Adjustment to interpret the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of this Ordinance.

Notwithstanding the above, any decision made by the Administrator relative to Chapter 13 shall first be appealed to the Planning Board per Section 13.6. Any such decision made by the Planning Board may be appealed to the governing board in accordance with Section 13.6.

5.13.1 FILING OF APPEAL; EFFECT OF FILING

- A. An appeal to the Board of Adjustment may be brought by any person, firm, corporation, office, department, board aggrieved by the order, requirement, or decision made by the Administrator. A complete application including a fee, in accordance with a fee schedule approved by the governing board, shall be filed with the Town Clerk or the Administrator. The owner or other party shall have thirty (30) days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have thirty (30) days from the receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- B. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision of the Administrator from the date that a sign containing the words "Zoning Decision" in letters at least six (6) inches high and identifying the means to contact the Administrator for information about the decision is prominently posted on the property that is the subject of the decision, provided that the sign remains for at least ten

(10) days. It shall be the responsibility of the owner or the applicant to post such signs; provided however that posting shall not be required. The applicant or owner shall provide verification of the posting to the Administrator.

- C. The Administrator shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken and shall provide a copy of the record to the applicant and to owner of the property, if different from the applicant.
- D. The filing of an appeal shall stay all proceedings in furtherance of the contested action, including fines, unless the Administrator certifies to the Board of Adjustment that, in his/her opinion by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order granted by the Gaston County Superior Court on notice to the Administrator, with due cause shown. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

5.13.2 ACTION BY THE BOARD OF ADJUSTMENT

- A. Upon receiving the application materials from the Administrator, the Board of Adjustment shall hold a quasi-judicial evidentiary hearing on the appeal. Notice of the evidentiary hearing shall be per Section 4.5.10 of this Ordinance. The board of adjustment shall hear and decide the appeal within a reasonable time. The official who made the decision (or his or her successor if the official is no longer employed) shall be present at the hearing as a witness.
- B. Upon conclusion of the evidentiary hearing, the Board of Adjustment shall adopt a resolution that may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. Similarly, the Board of Adjustment shall have the ability to make an interpretation of the zoning district boundaries as shown on the Zoning Map. In making such a decision, the Board of Adjustment shall have all

the powers of the Administrator with respect to the action being contested or decision being made.

5.13.3 EFFECT OF REVERSAL OR MODIFICATION

In the event that the Board of Adjustment reverses or modifies a contested action, all subsequent actions taken by the Administrator with respect to the subject matter shall be in accordance with the reversal or modification granted by the Board of Adjustment.

5.13.4 EFFECT OF INTERPRETATION

Upon a ruling regarding an interpretation of the Official Zoning Map, said map shall be altered to accurately depict the Board of Adjustment's ruling and all uses of land on the affected property (ies) shall thereafter be in harmony with the rules of regulations of the appropriate zoning district(s) for such properties.

SECTION 5.14 VARIANCES

The procedures for processing applications for variances are shown below, except as stated elsewhere in this Ordinance.

5.14.1 PURPOSE

The variance process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create practical difficulties or unnecessary hardships. This process is not intended so that variances can be granted so as to merely remove inconveniences or financial burdens that the requirements of this Ordinance may otherwise impose on property owners. Rather, it is intended to provide relief where the requirements of this Ordinance render land unduly difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is being requested. Any state or federal requirements may not be varied through the granting of a variance. Furthermore, use variances (i.e., the allowance for a use to be developed in a zoning district where that use is otherwise not allowed) may not be granted by the Board of Adjustment. In addition, the Board of Adjustment shall have the option to grant a variance for any situations that are subject to a "Special Use Permit" as indicated in Section 5.12.

5.14.2 VARIANCE SUBMITTAL PROCEDURE

A. An application for a variance may be filed only by the owner of the

lot(s) upon which the variance is sought or by an agent of such owner. The application shall be processed, and an evidentiary hearing called and advertised as set forth in Sections 4.5.9 and 4.5.10 of this Ordinance.

- B. Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

5.14.3 RESERVED

5.14.4 ACTION BY THE BOARD OF ADJUSTMENT

- A. In considering an application for a variance, the Board of Adjustment shall review the application, the approval criteria set forth in Section 5.14.5 and all testimony and evidence received at the evidentiary hearing.
- B. After conclusion of the evidentiary hearing, the Board of Adjustment shall have the following options:
 - 1. Approve the application for a variance as requested; or,
 - 2. Approve the application for a variance with fair and reasonable conditions attached that the Board of Adjustment feels are necessary to satisfy one or more of the findings contained in Section 5.14.5; or,
 - 3. Deny the variance application.
- C. Unless otherwise authorized by the Board of Adjustment and included in its decision to grant a variance, any order of the Board of Adjustment in granting a variance shall expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within twenty-four (24) months from the date of the Board of Adjustment's decision.
- D. Before granting a variance, the Board of Adjustment shall take a separate vote on each of the findings shown in Section 5.14.5. A variance cannot be granted unless each finding is found in the affirmative by a 4/5 majority of the Board. A motion to make an affirmative finding on each of the findings contained in Section 5.14.5 shall be accompanied by one or more reasons, based on evidence heard at the evidentiary hearing, supporting such motion.

5.14.5 VARIANCE APPROVAL CRITERIA

The Board of Adjustment may grant a variance only having first held a evidentiary hearing on the matter and having found that each of the following findings exist:

- A. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use could be made of the property;
- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as, hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
- D. The requested variance is consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved;

5.14.6 VARIANCE APPROVAL

- A. Following approval of a variance, the Town shall expeditiously file and record a copy of the variance in the office of the Register of Deeds for Gaston County.
- B. Once the Board of Adjustment approves a variance, the applicant shall follow the procedures found elsewhere in this Ordinance for securing the requisite permit to proceed with the development of his property. All orders, decisions, determinations and interpretations made by the Administrator under those procedures shall be consistent with the variance granted by the Board of Adjustment.

SECTION 5.15 MINOR MODIFICATIONS TO DEVELOPMENT AND ZONING DISTRICT STANDARDS AND APPROVED PLATS

5.15.1 DEVELOPMENT AND ZONING DISTRICT STANDARDS

- A. Purpose

1. As part of the review and approval process set forth in the Ordinance, the Administrator is hereby authorized to approve minor modifications to certain development standards where such modifications are incidental and do not have significant impact on adjacent properties. The “minor modification” process is seen as a way to:
 - a. Grant minor modifications that would not significantly alter the relationship of a building or structure to neighboring properties;
 - b. Allow building encroachments into required setbacks that may be commonly found elsewhere in the town;
 - c. Address minor and insignificant construction errors which have occurred in the past and which could only otherwise be alleviated through the issuance of a variance.
2. The list of situations for which the Administrator is authorized to apply a “minor modification” is listed in Section 5.15.1 (B). Unless specifically listed there (or elsewhere in the Ordinance) any other modifications to the terms of this Ordinance shall require the issuance of a variance by the Board of Adjustment.

B. Minor Modifications Allowed

Table 5.15-1 indicates those minor modifications that are suitable for approval by the Administrator.

TABLE 5.15-1: MINOR MODIFICATION TABLE

STANDARD THAT MAY BE	MODIFICATION ALLOWED
Façade and HVAC Encroachment- Placement of Eaves, Gutters, Cornices, Bay Windows, and HVAC Equipment	An eave, bay window or external HVAC equipment may extend into the required front, side or rear yard by no greater than three (3) feet, but in no case closer than five (5) feet to an adjoining property line.
Handicap Ramp Encroachment- Placement of Handicap Ramps	A ramp designed to accommodate handicapped persons may extend into a required front, side or rear yard, but in no case closer than five (5) feet to an adjoining property line.

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Uncovered and Unenclosed Decks, Porches and Terraces	Such decks, porches and terraces which are not in any part more than six (6) feet above the finished grade level shall not project more than twenty-five percent (25%) into any required yard setback. ¹
At-grade Driveways, Paths, Walks or Uncovered Concrete Slabs	May be placed in any required setback.
Other Yard Encroachments	One (1) foot or ten (10) percent of the required yard standard, whichever is less. ^{1, 2}
Reduction in the Required Amount of Landscaping or Buffering Plant Materials	Refer to Section 11.1.2F
Accessory Structures	An accessory structure may exceed its maximum area requirement by up to three (3) percent.

1. In no case shall the Administrator have the authority herein to allow for a building encroachment into any of the following: 1. Street or railroad right-of-way; 2. Street or utility easement; 3. Designated floodplain or floodway areas; 4. Encroachment into another lot or parcel; 5. Encroachment into land that lies in another local government's planning jurisdiction, unless approval from that local government is given to do so.

2. The Administrator shall only be able to grant such modification if the petitioner can demonstrate that the modification required was not the result of a deliberate action to circumvent the terms of this Ordinance.

C. Procedures

The Administrator may approve a minor modification in conjunction with a Site Plan review as set forth in Section 5.2, the issuance of a zoning permit as set forth in Section 5.3, the issuance of certificate of compliance as set forth in Section 5.6. That notwithstanding, the Administrator may not approve a request for a minor modification in cases where the development application must go to the Town Council or Board of Adjustment for approval or to another approval body even in cases where the requested modification is small enough to be granted by the Administrator. In such cases, the Administrator shall transmit his/her recommendations with respect to the minor modification and the designated approval body shall have the authority to approve such minor modification in conjunction with their approval process.

D. Approved Final Subdivision Plats

1. Purpose

The Administrator is hereby authorized to approve minor modifications to approved and recorded final plats where such modifications are incidental and do not have significant impact on affected and adjacent properties. Such

modifications shall not result in any lessening of any requirements that are otherwise called for in this Ordinance. Rather, the minor modification process is designed to address minor infrastructural changes that may not have been anticipated at the time of final plat approval.

NOTE: *Changes to a subdivision plat that involve the combination or recombination of lots, where the resultant lots are not increased and meet all of the Ordinance requirements, shall not be considered a “subdivision” per G.S. 160D-802. Provisions for making such changes are addressed in Section 13.2 of this Ordinance.*

2. Types of Subdivision Plat Modifications Allowed

Changes to a recorded subdivision plat that may be authorized by the Administrator include those that are a result of minor field alterations to accommodate physical site conditions involving interior features of the site design that involve the relocation of streets, easements, utilities and other infrastructural improvements.

3. Process

- a. The applicant shall present a copy of the recorded subdivision plat along with a paper copy of the modified plat with: (i) the modifications clearly identified and labeled, and (ii) the lots that are affected by such modifications. A written statement that gives reason as to why such modifications are needed shall accompany this.
- b. If any of the lots so identified have been sold to other parties, a signed statement from each of the affected property owners shall accompany such plat. Each such statement shall: (i) list the modifications that are proposed and (ii) indicate their agreement with and support of the proposed subdivision plat modifications.

Once this information has been received, the Administrator shall have the ability to administratively approve the subdivision plat, send the plat to the TRC for their review and decision, or reject the plat amendment. The plat amendment may be approved by the Administrator (and/or the TRC) if determined that the proposed amendment(s): (i) does not violate any of the standards contained in this ordinance; (ii) will be beneficial to the residents of the subdivision and/or the community as a whole; and, (iii) will create conditions essential to the public health, welfare or safety.

5.16.1 AUTHORITY

Upon compliance with the provisions of this Chapter, the Town Council shall have the authority to amend or repeal the zoning classification of any parcel of land, as indicated on the Official Zoning Map.

5.16.2 INITIATION OF A ZONING MAP AMENDMENT

- A. Any person, board, department or council may apply for a change in zoning district boundaries (rezoning), with the following limitations:
 - 1. Applications for conditional rezoning as set forth in 5.16.5 of this Ordinance may be initiated only by the property owner or his authorized agent (refer to Section 5.1);
 - 2. Applications for third party rezoning (i.e., rezoning of a piece of property to another general zoning district by a person other than the property owner or the property owner's authorized agent) shall not be considered, except if the Town initiates the rezoning petition.
- B. An amendment to the Official Zoning Map may be initiated by filing a complete and signed application with the Administrator. Before any application is accepted, the applicant must meet with the Administrator to discuss, in general, the procedures and requirements for a zoning amendment request. During the conference, the Administrator will identify the submittal requirements. The Administrator may waive the pre-application requirement, on a case-by-case, where due to the size of the tract being petitioned for rezoning or the likely impact that such rezoning might have, such conference would not serve any useful purpose.

5.16.3 ZONING MAP AMENDMENT PROCESS- GENERAL DISTRICT REZONING

When considering a petition for the reclassification of property to a general zoning district (i.e., other than a conditional rezoning), neither the Planning Board nor the Town Council shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

A. Filing of Petitions; Determination of Completeness

For a reclassification of property proposed by any person or entity other than the Planning Board or Town Council, such petition shall be on an application form prescribed by the Administrator, signed by the applicant and accompanied by the fee in accordance with a fee schedule adopted by the governing board. Said application form and fee shall be filed with the Administrator. Said fee shall be waived for any petition submitted by any official or agency acting on behalf of the Town of McAdenville or the State of North Carolina. No application shall otherwise be considered complete unless accompanied at the time of submittal by said fee. An application will otherwise be deemed complete if it is:

1. Submitted on the proper form;
2. Includes all mandatory information;
3. Includes all necessary supporting materials specified; and,
4. Includes the designated fee

B. Content of Application

1. Each non-adjacent parcel of land for which rezoning is requested shall be deemed a separate application and said application fee shall accompany each application. For the purpose of this section, land located and adjacent on either side or to the rear and all property located directly across any street, railroad, body of water, jurisdictional boundary line, or public right-of-way from the subject property shall be deemed to be adjacent. Also refer to the definition of “adjacent property” in Section 2.7.
2. Each application for a rezoning of land shall be accompanied by two (2) copies of a map, drawn to scale, with the following information either shown on the map or accompanying it:
 - a. The subject property plus all adjacent properties;
 - b. If the property is in a subdivision of record, a map of such portion of the subdivision that would relate the subject property to the closest street intersection;
 - c. A survey and written description of the property(ies) proposed for rezoning shall accompany the map for rezoning requests that do not address the entire parcel and where one (1) or more of the exterior boundaries of the rezoning request do not follow readily identifiable mapped features (e.g., street or railroad

rights-of-way, easements, bodies of water, etc.);

- d. The present and proposed zoning classification of the lot(s) in question; and,
- e. The property identification number(s) of the lot(s) in question as issued by the Gaston County Tax Department.

C. Submittal and Review Procedures

- 1. In order for an amendment to the Official Zoning Map to be made by the Town Council, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after a joint legislative hearing held by the Planning Board and the Town Council. This legislative hearing, once opened, may be continued to a later date. Any complete application shall be submitted to the Administrator at least thirty (30) working days prior to said legislative hearing. Notification of the legislative hearing shall be as follows:
 - a. A notice shall be published in a newspaper having general circulation in McAdenville once a week, for two successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint legislative hearing.
 - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator to the applicant and owners of all adjacent properties (including those separated by a street, railroad, or other transportation corridor) as indicated on the most up-to-date records of the Gaston County Tax Department at least ten (10) but not greater than twenty-five (25) days prior to the joint legislative hearing.
 - c. The Administrator shall post at least one (1) notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the joint legislative hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the case number the legislative hearing date, time at which it is to be held, and contact telephone number. The

notice shall be removed only after final action has been taken on the matter.

2. Any legislative hearing notice published or mailed shall state the nature of the legislative hearing, the date, time, and place at which the hearing is to occur, and who to call and/or see for more information.
3. The first class mail notice required per Section 5.16.3(C)(1)(b) may be waived if the zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners. Under such circumstances, the Town may elect to mail such first class notices or elect to publish notice of the hearing as provided in G.S. Chapter 160D-601. The advertisement shall not be less than one-half (1/2) of a newspaper page in size. The newspaper advertisement shall be effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper's circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. In addition to the newspaper notice, the Town shall post one (1) or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

D. Planning Board Action

1. Once the joint Planning Board / Town Council legislative hearing has been concluded, the Planning Board shall have thirty (30) days to submit a recommendation to the Town Council regarding the proposed change. Said recommendation shall address whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the Town Council and any other officially adopted plan that is applicable along with other matters that the Planning Board deems appropriate and a statement as to why Planning Board considers its recommendation to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Town Council without a recommendation from the Planning Board.
2. The Planning Board recommendation shall be as follows:
 - a. Grant the rezoning as requested; or
 - b. Grant the rezoning with a reduction of the area requested; or

- c. Grant the rezoning to a more restrictive general zoning district or districts; or,
 - d. Grant the rezoning with a combination of Subsections (b) and (c) above; or,
 - e. Deny the rezoning.
- 3. The list of general zoning districts in descending order of restrictiveness is as follows, with RLD being the most restrictive and I-3 being the least restrictive:
 - a. RLD (Most restrictive)
 - b. R-1
 - c. R-2
 - d. R-3
 - e. RS-20
 - f. RS-12
 - g. RS-8
 - h. RMF
 - i. OM
 - j. TMU
 - k. OLC
 - l. O-1
 - m. NBS
 - n. C-1
 - o. CBD
 - p. UMU
 - q. C-2
 - r. C-3
 - s. GPX
 - t. I-U
 - u. I-1
 - v. I-2
 - w. I-3 (Least restrictive)

E. Governing Board Action

Once the joint legislative hearing has been conducted and: (i) the Planning Board has submitted its recommendation or (ii) the thirty (30) day review period has expired, whichever comes first, the Town Council shall render a decision on the petition. The decision of the Town Council shall be in the form of any of the various options listed in Section 5.16.3(D)(2) and (3). Alternately, the Town Council may send the application back to the Planning Board for further study and consideration. (NOTE: Such resubmittal by the Town Council to the

Planning Board may occur not more than one time for any rezoning request.) If a resubmittal to the Planning Board occurs, the Planning Board shall hear the case and have an additional thirty (30) day period (from the date it re-reviewed the application) to resubmit a recommendation to the Board of. Any final decision made by the Town Council shall be accompanied by a statement that address: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the Town Council deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest.

F. Petition Withdrawal

An applicant who has submitted a complete application for a zoning map amendment may withdraw that application prior to a final decision being rendered by the Town Council. Such withdrawal may be made under the following guidelines:

1. If said petition is withdrawn at least two (2) working days prior to the Planning Board / Town Council legislative hearing, a similar application shall not be accepted by the Administrator within one hundred-eighty (180) days of the date of withdrawal.
2. Otherwise, if said petition is withdrawn less than two (2) working days prior to a final decision being rendered, a similar application shall not be accepted by the Administrator within one (1) year of the date of withdrawal.
3. Notwithstanding the above, the Administrator may allow a similar application to be submitted prior to the expiration of said time periods having first determined:
 - a. There has been a significant change in the zoning district classification of an adjacent piece of property; or
 - b. The Town Council has adopted a plan that changes public policy regarding how the property affected by the proposed change would be developed; or,
 - c. Construction or expansion of a road, water line, sewer line, or other such facility has occurred to serve the property and can comfortably accommodate the proposed zoning classification; or,
 - d. There has been some other extraordinary change in

conditions or circumstances, outside the control of the petitioner, which justifies the waiver of said time restrictions. This, however, shall not include a change in property ownership; or,

- e. The proposed zoning map amendment is substantially different from that which was previously proposed and, if such amendment were approved, would effect a change substantially different than that contained in the previous application.
- 4. Notwithstanding the above, any amendment petition initiated by the Planning Board or Town Council shall be exempt from any time restraints on resubmittal.

G. Petition Resubmittal

If the Town Council has denied an application for the rezoning of a parcel of land to a general zoning district, a similar application shall not be accepted by the Administrator for a period of one (1) year following the date of such denial. Notwithstanding, the Administrator may accept such submittal within said one-year period if he makes any one of the findings listed in Section 5.16.3(F)(3) of this Ordinance.

H. Application Submission Period

Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

5.16.4 RESERVED

5.16.5 ZONING MAP AMENDMENTS- CONDITIONAL ZONING DISTRICT(CZ)

A. Application

- 1. Petitioning for a CZ is a voluntary procedure and can be initiated only by the owner(s) of the property (ies) in question or by his/her authorized agent. Every application for the rezoning of property to a CZ district shall be accompanied by a site plan, drawn to

scale containing all of the information outlined in Section 5.11.2 (B) of this Ordinance. The Administrator shall schedule a meeting with the applicant, prior to any public information meeting (PIM) being advertised and/or held to review the rezoning application and site plan to make sure that it meets, at a minimum, all minimum requirements of this Ordinance.

2. No application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to a CZ district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of McAdenville or the State of North Carolina
3. The Administrator may require the petitioner to submit more than one (1) copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board or Town Council may request additional information as they deem necessary.
4. The deadline for submittal shall be ninety (90) days prior to the legislative hearing meeting with the Planning Board and Town Council.

B. Public Information Meeting

1. Once the complete application has been submitted to the Administrator and fees paid prior to the legislative hearing on the rezoning request, two (2) Public Information Meetings (PIMs) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning Board and approval by the Town Council. The PIM is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:
 - a. The applicant shall provide an agenda, schedule, location, and list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the PIMs in cooperation with the Administrator.

- b. It is recommended that the first PIM last 2-4 hours, depending on the nature of the proposed development and its location. A minimum of one (1) hour should be scheduled during normal business hours to allow service providers and other public agencies (such as public works officials, NCDOT, NCDENR, QNRC, etc) to participate as needed and to allow for citizens to drop in at a convenient time throughout the period. It is recommended (but not mandated) that this portion of the PIM take place at the proposed development site.

In addition, a second one (1) hour minimum PIM should be scheduled at a conveniently located meeting site agreed upon by the applicant and the Administrator.

A PIM may last for different amounts of time, depending on the nature of the development, its location, and the number of parties involved and/or attending the meeting.

- c. Notice of the PIM shall at a minimum, be given as follows:
 - i. A public notice shall be sent by the applicant to a newspaper having general circulation in McAdenville not less than ten (10) days nor more than twenty-five (25) days prior to the date of the PIM.
 - ii. A notice shall be sent by first class mail by the applicant to the owners of all properties that lie within two hundred (200) feet as measured from the exterior boundaries of the proposed development.

The applicant shall furnish the Town with a list of the mailing labels that depict the names and addresses of the owners of all properties within the said two hundred (200) foot area. Such notice shall be sent not less than ten (10) days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal.

- iii. With respect to Subsection ii above, the applicant shall provide to the Town proof of the paper notice and mailings.
- iv. A PIM notification sign shall be posted by the Town in a place at the property not less than ten (10) days prior to

the PIM. The sign shall indicate date, time, and location(s) of the PIM. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the PIM.

- d. The Administrator will keep notes of comments received during the PIM. A summary of the comments made shall be included in any staff report prepared by the Administrator relative to the rezoning request.

2. Following the PIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One (1) or more revised copies of the application shall be submitted to the Administrator for review. No additional fee shall be required to be paid for making such changes provided the Administrator receives the revised application within thirty (30) days following the PIM. If a revised application is not received during said thirty (30) day period, the Administrator shall review the original application submitted.

C. Administrator Approval

The Administrator shall have up to thirty (30) days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such thirty (30) day period, the application shall be submitted to the Planning Board for their review without any further comment.

D. Plans and Other Information to Accompany Petition

1. Every application for the rezoning of property to a CZ district requires a site plan, drawn to scale containing all of the information outlined in Section 5.11.2(B) of this Ordinance.
2. Other information as required by the Administrator relative to the rezoning request.

E. Legislative Hearing Notification Requirements

1. Before any property is rezoned to a CZ district, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board

review shall take place after the PIMs are completed and a joint Legislative Hearing has been held by the Planning Board and the Town Council. Notification of the Legislative Hearing shall be as follows:

- a. A notice shall be published in a newspaper having general circulation in McAdenville once a week, for two successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint legislative hearing.
 - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator at least ten (10) days prior to the legislative hearing to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department.
 - c. The Administrator shall post at least one notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the Planning Board/ Town Council's legislative hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the nature of the legislative hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the conditional rezoning requested
2. Any legislative hearing notice published or mailed shall state the nature of the legislative hearing, the date, time, and place at which the hearing is to occur, and who to call and/or visit for more information.

F. Planning Board Review

The Planning Board shall have at least thirty (30) days to make a recommendation on the proposed change, said thirty (30) days being measured from the date of the closing of the joint Planning Board / Town Council legislative hearing. Any such Planning Board recommendation shall be accompanied by statements that address:

(i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the Planning Board deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Town Council without a recommendation.

G. Action by Town Council

A decision pertaining to conditional zoning districts is a legislative process subject to judicial review using the same procedures and standard of review as applied to general use district zoning decisions. Once the legislative hearing has been held, the Town Council shall take action on the petition. The legislative hearing, once opened, can be continued to a later date and action take at that time. The Town Council shall have the authority to:

1. Approve the application as submitted.
2. Deny approval of the application
3. Approve the application with modifications that are mutually agreed to by the applicant and the Town Council. Such conditions shall be in compliance with Subsection F herein.
4. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty (30) days from the date of such submission to make a report to the Town Council. If no report is issued, the governing board can take final action on the petition. The governing board reserves the right to schedule and advertise a new legislative hearing based on the Planning Board's report.

H. Conditions for Approval of Petition

In approving a petition for the reclassification of a property to a CZ district, the Planning Board may recommend, and the Town Council may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to Town ordinances and officially adopted Comprehensive Land Use Plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. In no instance shall any of these conditions be less restrictive than any requirements that would otherwise pertain to that particular development if it were located in a general zoning district. Such conditions may exceed any

performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Town Council deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CZ rezoning request. Once approved, the conditions associated with the Conditional Zoning District will be recorded as part of the conditional zoning approval and signed by the applicant/ landowner.

I. Effect of Approval; Zoning Map Designation

If a petition for a CZ district is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a CZ district, the subject property shall be identified on the Zoning Map by the appropriate district designation followed by the letters CZ (i.e., R-1-CZ.) The Administrator may make minor changes (per Section 5.16.4(1)(2) to the approved site plan administratively without necessitating a need to rezone the property to a different conditional zoning district classification.

J. Application Submission Period

Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

SECTION 5.17 CHANGES TO THE ORDINANCE TEXT

5.17.1 AUTHORITY

Upon compliance with the provisions of this Chapter, the Town Council shall have the authority to amend the text of this Ordinance.

5.17.2 INITIATION OF A TEXT AMENDMENT

Any proposed amendment to the text of this Ordinance may be initiated by the governing board, Planning Board, by any owner of a legal or equitable interest in a piece of property located within the geographical boundaries of this Ordinance, by a local government agency, or by any other person in

accordance with the procedures set forth herein.

5.17.3 FILING OF PETITIONS; DETERMINATION OF COMPLETENESS

Any petition to amend the text of this Ordinance shall be made using an application form prescribed by the Administrator and accompanied by a fee in accordance with a fee schedule adopted by the Town Council. Said application form, signed by the applicant and accompanied by the requisite fee shall be filed with the Administrator. Said application fee shall be waived for any petition submitted by any official or agency acting on behalf of the Town of McAdenville or the State of North Carolina. No application shall

otherwise be considered complete unless accompanied at the time of submittal by said fee. The completed application shall contain, among other things, a reference to the specific section, subsection, paragraph or item proposed for change, as well as the wording of the proposed change, and the reasons therefore.

5.17.4 SUBMITTAL AND NOTIFICATION REQUIREMENTS

- A. In order for an amendment to the text of this Ordinance to be made by the Town Council, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after a joint legislative hearing held by the Planning Board and the Town Council. Any complete application shall be submitted to the Administrator at least twenty-eight (28) working days prior to the legislative hearing. Notification of the legislative hearing shall be published in a newspaper having general circulation in McAdenville once a week, for two successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint legislative hearing.
- B. Any legislative hearing notice published shall state the nature of the hearing(s), the date, time, and place at which the hearing(s) is to occur, and who to call and/or see for more information.

5.17.5 PLANNING BOARD ACTION

- A. Once the joint Planning Board / Town Council legislative hearing has been concluded, the Planning Board shall have thirty (30) days from the date the legislative hearing was completed to make a written recommendation to the Town Council. If a recommendation is not made during said time period, the application shall be forwarded to the governing board without a recommendation from the Planning Board.

Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Planning Board deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each recommendation relative to the text amendment request.

- B. A Planning Board recommendation shall be in one of the following manners:
1. Grant the amendment as requested; or
 2. Grant the amendment with changes as (recommended) (made); or
 3. Reject the amendment.

5.17.6 Governing Board Action

Once the joint legislative hearing has been conducted and (i) the Planning Board has submitted its recommendation or (ii) the thirty (30) day Planning Board review period has expired, whichever comes first, the Town Council shall render a decision on the petition. The decision of the Town Council shall be in the form of any of the various options listed in Section 5.17.5 above. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan (may be met by clear indication of consideration in meeting minutes), and (ii) other matters that the Town Council deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the text amendment request. Furthermore, the Town Council shall have the authority to make additional amendments to the text change request, based on the proceedings of the legislative hearing so long as such changes are in keeping with the spirit and intent of the originally requested amendment. Alternately, the Town Council may send the application back to the Planning Board for further study and consideration. **(NOTE:** Such resubmittal by the Town Council to the Planning Board may occur not more than one (1) time for any text amendment request.) If a resubmittal to the Planning Board occurs, the Planning Board shall hear the case and have an additional thirty (30) day period (from the date of re-referral by the Town Council) to resubmit a recommendation to the Town Council.

5.18 DEVELOPMENT AGREEMENTS

The Town of McAdenville may enter into Land Development Agreements regarding the development of property, provided that all applicable standards are followed pursuant to Chapter 160D, Article 10 of the General Statutes.

CHAPTER 6
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SECTION 6.1 ZONING DISTRICTS ESTABLISHED

- A. In order to achieve the purposes established for this Ordinance as indicated in Section 6.2, and to further the goals and objectives stated in any plans for the future development of the Town of McAdenville as adopted by the governing board, a number of zoning districts are hereby created. Districts are divided into the following four categories:
1. General zoning districts
 2. Overlay districts
 3. Conditional districts
- B. Each general zoning district category serves a different function. A number of “residential”, “commercial”, “office” and “industrial” zoning districts have been created. Most allow for a variety of land use types and categories; certain districts, allow for the mixing of land use types is encouraged. All of the geographic area to which this Ordinance applies shall be divided into one of the various general zoning districts.
- C. Overlay districts are created to address issues of particular concern in the community that overlay one (1) or more of the general zoning districts. These regulations supplement those that are found in the underlying general zoning district. Any proposed use located within an overlay district would have to meet the requirements of the underlying general zoning district along with the requirements of the overlay district.

- D. Conditional Zoning (CZ) is a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. There is no involvement of quasi-judicial procedures.. Two (2) Public Information Meetings (PIMs) are required to be held by the applicant. The owner of the property in question, or his authorized agent, are the only persons who can request a conditional rezoning.

SECTION 6.2 GENERAL ZONING DISTRICTS

6.2.1 RESIDENTIAL DISTRICTS

A. R-1 SINGLE FAMILY LIMITED

The purpose of this district is to accommodate single family site built and modular construction. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

B. R-2 SINGLE FAMILY MODERATE

The purpose of this district is to accommodate single family site built and modular construction and double-wide manufactured home placement. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

C. R-3 SINGLE FAMILY GENERAL

The purpose of this district is to accommodate single family site built and modular construction and double-wide and single-wide manufactured home placement. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

D. RS-8 SINGLE FAMILY 8,000 SQUARE FEET

The purpose of the RS-8 District is primarily for the development of single family residential with a standard minimum lot size of eight thousand (8,000) square feet. This district is generally found in the Urban Standards Overlay (USO) district and is served by public or community water and sewer utilities. Higher densities than this is normally allowed and a variety of different residential types may be accommodated through Planned Residential Developments (PRD), Infill Residential Developments and Traditional Neighborhood Developments (TND) and / or through the satisfaction of certain performance design and construction.

E. RS-12 SINGLE FAMILY 12,000 SQUARE FEET

The purpose of the RS-12 District is primarily for the development of single family residential with a standard minimum lot size of twelve thousand (12,000) square feet. This district is generally found in the Urban Standards Overlay (USO) district and is served by public or community water and sewer utility. Higher densities than this is normally allowed and a variety of different residential types may be accommodated through Planned Residential Developments (PRD), Infill Residential Developments and Traditional Neighborhood Developments (TND) and / or through the satisfaction of certain performance design and construction.

F. RS-20 SINGLE FAMILY 20,000 SQUARE FEET

The purpose of the RS-20 District is primarily for the development of single family residential with a standard minimum lot size of twenty thousand (20,000) square feet. This district is generally found in the Urban Standards Overlay (USO) district and is served by at least one (1) public or community water or sewer utility. Higher densities than this is normally allowed and a variety of different residential types may be accommodated through Planned Residential Developments (PRD), Infill Residential Developments and Traditional Neighborhood Developments (TND) and / or through the satisfaction of certain performance design and construction.

G. RMF RESIDENTIAL MULTI FAMILY

The purpose of this district is intended primarily as a residential district for the location of single family, two family and multifamily dwellings along with their customary accessory uses so as to establish areas where development patterns are somewhat denser than surrounding areas. In order to ensure that developments are well planned and compatible with adjoining residential uses, density levels of development in excess of six (6) units per acre are allowed subject to the issuance of a Special Use Permit (SUP) by the Board of Adjustment. This district should have access to public or community water and sewer utilities.

H. RLD RESIDENTIAL LOW DENSITY

The RLD requires the largest standard minimum lot size of two (2) acres (87,210 square feet) and the purpose of the district is designed to accommodate residential uses in the most rural portions of the Town or to protect areas from large-scale residential development where industrial or intense commercial development is called for on the land development plan in the future, but where specific development plans do not currently exist. The district may be located both within and beyond the Urban Standards Overlay (USO) District.

I. MXR MIXED USE RESIDENTIAL

The MXR Mixed-Use Residential District was established in the order to accommodate the development of planned communities that may incorporate a full range of housing types. In order to encourage high quality design and innovative arrangement of buildings and open space uses throughout the project, this district provides substantial flexibility from the conventional use and dimensional requirement of any other McAdenville general zoning district. It permits only residential mixed-use development and is applicable to developments that are ten (10) acres or larger. This district is intended to be located within any residential acres in the community. The existing MXR-CZ district was approved as a Conditional Zoning District in the McAdenville Zoning Ordinance. The regulations and conditions of the approved MXR-CZ shall remain valid after the adoption of the McAdenville UDO. Modifications in MXR-CZ district may only occur in compliance with conditional zoning as outlined in Section 6.4.

6.2.2 OFFICE DISTRICTS

A. TMU TRANSITIONAL MIXED USE

The TMU district encourages office and mixed office and residential uses at an intensity to compliment nearby residential land uses. Such areas are most often found in developed, urban portions of the Town within the Urban Standards Overlay District. Many such areas, especially those found along major corridors, were originally developed for residential areas. But due to their location, the blending of office uses and higher density residential development has taken place. The TMU district is designed to encourage such mixed development to continue.

B. OLC OFFICE / LIGHT COMMERCIAL

The OLC district also allows for and is designed to accommodate mixed office, retail and residential development. Such higher intensity development will most likely occur within the Urban Standards Overlay District where public utilities may present and where access to major thoroughfares and/or transit is found. Development in OLC areas will most likely be at a higher intensity level than in the TMU district.

C. O-1 OFFICE

The O-1 district accommodates larger-scale office developments along with complementary commercial service establishments.

D. OM MEDICAL OFFICE

The OM district is designed to accommodate medically oriented uses that lie in close proximity to Gaston Memorial Hospital or other existing or planned community medical facilities in the Town. In order to serve the general public better, complementary uses (doctors' offices, medical supply shops, pharmacies, etc.) are encouraged to locate near these medical facilities. Uses that are non-medically related are generally excluded for this zoning district so as to not compete for space that could otherwise be developed for medically related uses. Given the relative small amount of land suitable for such zoning, uses which predominate in other zoning districts (i.e., residences, non-medically related retail uses) are not allowed in the O-M district.

6.2.3 COMMERCIAL DISTRICTS

A. CBD CENTRAL BUSINESS DISTRICT

The CBD district is designed to accommodate the uses found in a central town location and to encourage high intensity, compact, urban development in a pedestrian-oriented setting. Retail, office, personal service, and institutional uses normally found in a central business district are allowed. In order to encourage more efficient building usage and to take advantage of the area's centralized location, second-story residential uses are permitted, as are high-density residential developments. Signage requirements shall be specifically tailored for a downtown setting.

B. UMU URBAN MIXED USE

The UMU district is generally located in the fringes of central business districts and is designed to allow for the redevelopment of older

commercial districts in a pedestrian-friendly manner. An UMU zoned area may not represent the true downtown business core of a community, but contains development features (i.e., limited or no front yard setbacks, limited amounts of off-street parking) that often pre-date the implementation of land use regulations. Redevelopment of such areas, for both commercial and residential purposes, is encouraged.

C. C-1 LIGHT COMMERCIAL

The C-1 Light Commercial District is designed to accommodate a large variety of retail uses designed to meet the needs of individual neighborhoods, or other relatively small geographic areas. Stores and shopping complexes are therefore relatively small in size and are designed to be compatible and integrated with adjoining residential neighborhoods. This zoning district is not intended to accommodate retail uses which attract persons from outside the neighborhood or which attract large numbers of passing motorists.

D. C-2 HIGHWAY COMMERCIAL

The C-2 Highway Commercial District is primarily intended to accommodate those retail service and distributive uses that are typically located along or adjacent to principal or minor arterials and which require high visibility, good road access, and which cater primarily to passing motorists. Development in this district is designed to promote aesthetics and the safe and efficient movement of traffic so as to not unduly burden adjacent thoroughfares. As larger and/or more intensive developments normally will create more significant impacts on adjoining neighborhoods and road and utility infrastructures, larger developments may be allowed in this zoning district. Most C-2 zoning districts will be located within the Urban Standards Overlay District.

E. C-3 GENERAL COMMERCIAL

The C-3 District is intended to accommodate the broadest array of commercial uses of all the commercial zoning districts, some of which are not allowed in any of the other commercial zoning districts. Like the C-2 district, the C-3 district is intended to accommodate the community's larger and most intense commercial developments (outside of the central business district) and is generally located within the Urban Standards Overlay District.

F. NBS NEIGHBORHOOD BUSINESS SERVICES

The NBS District is designed primarily for local retail, offices, and personal services developed at relatively low intensity levels and which serve and

are compatible with adjoining residential neighborhoods. It is not intended to accommodate retail uses which are designed to attract persons from outside the neighborhood or which attract large numbers of traveling motorists. Accordingly, regulations for this district are designed to encourage the development of small, neighborhood-oriented retail areas.

6.2.4 INDUSTRIAL DISTRICTS

A. I-1 LIGHT INDUSTRIAL

The I-1 district is established to provide for areas that contain a mix of light manufacturing uses, office park and service uses in an attractive setting with proper screening and buffering. I-1 districts should include areas that continue the orderly development and concentration of light industrial uses. Any areas rezoned to the I-1 district subsequent to the adoption of this Ordinance should be located so as to have direct access to or lie within close proximity of a principal or minor arterial.

B. I-2 GENERAL INDUSTRIAL

The I-2 district is established to provide for areas of heavier manufacturing and industrial uses that are properly sited, based on such factors as: adjacent land uses, access to the transportation network, 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 zoned districts shall 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 that 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 shall generally not be located adjacent to any property that is zoned for residential use, except when mitigating factors (i.e., terrain, buffering, and transportation access) are in place to substantively mitigate any potential negative impacts upon such residential areas caused by uses in the I-2 district. Any areas that are rezoned to an I-2 district subsequent to the adoption of this Ordinance shall be located so as to have direct access to or lie in close proximity of a principal or minor arterial.

C. I-3 EXCLUSIVE INDUSTRIAL

The I-3 district is established to provide areas for the most intensive heavy manufacturing and industrial uses that may have impacts such as excess noise, environmental concerns and extended hours of operation. Uses in this district are extremely limited and include mining uses, petroleum

refining and slaughterhouses. I-3 districts shall not be located adjacent to any property that is zoned for residential use. Any areas that are rezoned to an I-3 district subsequent to the adoption of this Ordinance shall be located so as to have direct access to or lie in close proximity of a principal or minor arterial.

I-U URBAN INDUSTRIAL

The I-U urban industrial district is normally found in older portions of the community that were developed prior to the advent of zoning regulations and which contain older industrial and warehouse-type uses. Such uses often times do not conform to the parking, bulk or setback requirements that would be applicable if those structures were developed today. The purpose of this district is to accommodate such existing uses and to encourage the redevelopment of such uses for industrial, commercial and/or residential purposes.

SECTION 6.3 OVERLAY ZONING DISTRICTS

6.3.1 FH FLOOD HAZARD OVERLAY DISTRICT

It is the purpose of this zoning district to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within floodprone areas.

See Chapter 16 for the Flood Hazard Regulations.

6.3.2 WS WATER SUPPLY WATERSHED OVERLAY DISTRICT

The regulations herein are designed to protect the water quality of the streams in the water supply watershed that lie within the jurisdiction of this Ordinance. It is the intent of this Ordinance to provide regulations that implement the rules adopted by the North Carolina Division of Water Quality, pursuant to NC General Statute 143-214.5.

6.3.3 RESERVED

6.3.4 TH THOROUGHFARE HIGHWAY OVERLAY DISTRICT

The TH district has been created to insure that development that takes place along designated thoroughfares be well planned. At some point in the future, widening or construction of these roads will take place. In order to minimize any negative impacts to adjoining property owners occurring as a result of such widening projects, the TH district has been created to require that all new structures lying on properties along these roads be adequately set back from existing and/or projected road rights-of-way. In this manner, all structures built per the TH district requirements will be adequately set back from the road when it is widened. The thoroughfare roads are shown on the adopted Thoroughfare Map, not the official Zoning Map. This thoroughfare is addressed when a development is submitted for review.

6.3.5 USO URBAN STANDARDS OVERLAY DISTRICT

Areas of the County that are located (1) within existing municipal corporate limits or (2) outside their corporate limits but where the provision of public water and sewer services can reasonably be expected to occur over the next ten (10) to fifteen (15) years, have been designated as the "Urban Standards Overlay District". Accordingly, standards for development, more akin to those that traditionally are found in urban areas, as opposed to rural areas, are called for. Standards address such issues including, but not limited to, building design, off-street parking, road, lot and subdivision standards. All of McAdenville's zoning jurisdiction can be considered in the USO.

6.3.6 TD- TRADITIONAL DOWNTOWN OVERLAY

The TD district has been created to ensure that development that takes place in the area adjacent to a downtown central business district is executed with appropriate urban design, site planning and architectural principles and techniques. A goal of this district is to promote a stable, attractive, economically viable, pedestrian-scaled environment in the downtown area of the Town of McAdenville. The TD district contains many requirements similar in nature and intent to those of the CBD central business district, but with somewhat more flexibility. To accomplish the goals stated herein, architectural standards, site layout, building materials, and sign standards are specified and categorized as either required or voluntary standards to insure high quality design. Where there is conflict with other portions of this subsection in terms of allowed uses, yard and height requirements, parking and landscaping standards, etc., the requirements of the TD district shall prevail, whether more or less restrictive. However, with respect to sign requirements, where these standards are silent, the requirements of Chapter 12 ("Signs") shall prevail.

6.3.7 WF WATERFRONT OVERLAY DISTRICT

The Waterfront District is hereby established to provide supplemental restrictions to protect and enhance water quality, public safety, and public recreational opportunities on the Catawba River and its impoundments. This District shall cover the surface waters of the Catawba River and its impoundments and all land areas within one thousand (1000) feet of these shorelines. The shoreline shall be deemed to be the mean high water mark (i.e., the 570-foot contour level for Lake Wylie) of the Catawba River and said impoundments.

6.3.8 RESERVED

6.3.9 SH SPECIAL HIGHWAY OVERLAY DISTRICT

The purpose of this district is to protect and preserve the landscape of areas which lie adjacent to designated Special Highways and that development that takes place on land that lies near such highways occur in a manner which maximizes the aesthetics and development potential of the area through the application of additional development standards. The SH District shall consist of all lots fronting on the special highway for a depth of five hundred (500) feet as measured from the centerline of the special highway (for a total width of one thousand (1,000) feet), unless otherwise indicated on the Zoning Map.

6.3.10 CH CORRIDOR HIGHWAY OVERLAY DISTRICT

The purpose of the CH District is to preserve and enhance the streetscape along designated corridor highways in Gaston County and its municipalities. A CH District may exist along the entire length of a roadway or along any identifiable segment of a roadway. Any CH District initially established shall contain a minimum length of at least one thousand (1,000) linear feet as measured along one side of a designated corridor highway. The CH District shall consist of all lots fronting on the corridor highway for a depth of two hundred-fifty (250) feet as measured from the centerline of the corridor highway (for a total width of five hundred (500) feet), unless otherwise indicated on the Zoning Map. Although such corridor highways may vary in character, particular aspects of development along those roads raise common concerns and should be managed in a consistent way in order to preserve and enhance the streetscape.

6.3.11 RESERVED

6.3.12 MH MANUFACTURED HOME OVERLAY DISTRICT

The purpose of this district is to provide areas in which mobile homes can be located on individual lots. The MH Overlay District supplements the range of uses permitted in the underlying district. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified in the MH Overlay District. The MH Overlay District may only be located in areas which contain a Residential (R) underlying general zoning district.

SECTION 6.4 CONDITIONAL ZONING (CZ) DISTRICTS

The Conditional Zoning (CZ) process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes the conditional zoning process. The process for approval of a CZ Zoning is explained in Section 5.16.5. The rezoning of any parcel of land to a CZ shall be a voluntary process initiated by the property owner or his authorized agent. Any area rezoned to a CZ shall be in general compliance with the goals, objectives and implementation strategies of the adopted Comprehensive or Land Use Plan and all other plans and regulations officially adopted by the Town Council. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a CZ, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the Town. A conditional zoning is not intended for securing early zoning for a proposal.

Once a property has been rezoned to a CZ, it shall be referenced with the letters “CZ” in the name of the applicable general zoning district listed in Section 6.2. Thus, a property rezoned to a C-2 Conditional Zoning shall appear on the Zoning Map as “C-2 / CZ”.

SECTION 6.5 RESERVED

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7.1 TABLE OF USES / USES NOT EXPRESSLY LISTED OR ADDRESSED

- A. Table 7.1-1 shows the principal uses that are allowed in each zoning district. Supplemental regulations (**Suppl. Regs.**) are discussed in Chapter 8; Parking Requirements (**Parking Regs.**) are discussed in Chapter 10. Other district regulations may apply which are not expressly listed in this Chapter, such as Flood Plain, Watershed Water Supply, etc.

Certain uses predating the adoption of this Ordinance are allowed to remain as nonconforming uses in accordance with Chapter 3 of this Ordinance. Unless a use is allowed as a "permitted," "special use," "nonconforming use," "temporary use," or otherwise specifically addressed in this Ordinance, then such use shall be expressly prohibited in that zoning district. The Board of Adjustment shall have no authority to grant a variance or special use permit to allow for such prohibited use.

- B. Table 7.1-1 lists the allowed uses and in the zoning district in which they are permitted in accordance with the following letter designations:

X = Permitted use by right

SUP = Special Use Permit required

CZ = Conditional Zoning required

E = Existing use subject to limitations

S= Supplemental regulations listed in addition to X, C, CZ, E, SP

O= Overlay District only

Note: The supplemental regulations list more in depth how a use is allowed if a supplemental number is noted in the Table of Uses.

7.2 TABLE OF USES CATEGORY DESCRIPTION

(Note: The Category Title color corresponds to the color on the Use Table.)

- A. Agricultural Uses**
Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.
- B. Commercial Services**
Uses which are general commercial / business in nature.
- C. Civic / Community Organizations**
Uses of a public, nonprofit, or charitable nature providing ongoing education, training or counseling to the general public on a regular basis, without a residential component.
- D. Educational**
Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes college and other institutions of higher training that offer courses of general or specialized study leading to a degree usually in a campus setting.
- E. Industrial / General Manufacturing**
Firms involved in research and development activities without light fabrication and assembly operations; limited industrial / manufacturing activities. The uses emphasize industrial businesses and sale of heavier equipment. Factory production and industrial yards are located here. Sales to general public limited. Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- F. Medical**
Uses providing medical or surgical care to patients. Some uses may offer overnight care.
- G. Offices, General**
Activities conducted in an office setting and focusing on business, government, professional or financial services.

- H. **Personal Services**
Uses which are generally related to the care of the personal needs.
- I. **Recreation, General**
Uses focusing on natural areas consisting vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting or outdoor setting or within a number of structures.
- J. **Residential**
Residential occupancy of a dwelling unit by a household for month-to-month or longer basis.
- K. **Sales and Services, General**
Companies or individuals involved in the sale, lease or rental of new or used products or providing services or repair to the general public.
- L. **Transportation**
Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus services.
- M. **All Other Uses**
Uses not covered elsewhere above.

7.3 PRE-EXISTING LOTS OF RECORD

For pre-existing lots that were in compliance at the time of recording and had listed setbacks and / or lot size also recorded at that same time, will be honored in lieu of the current setback requirements listed in this Ordinance.

7.4 CONVERSION OF RESIDENTIAL STRUCTURES TO NON-RESIDENTIAL USES OR MIXED-USE DWELLING

In any non-Residential zoning district, a residential structure that existed on or before the date of adoption of this Ordinance, may be converted to a permitted nonresidential use (or a mixed-use dwelling), so long as all applicable off-street parking and landscaping, screening requirements are met. If such use is a special use, the Board of Adjustment may attach fair and reasonable conditions which would serve to mitigate any existing nonconforming situations arising from such conversion.

7.5 BULK AND DIMENSIONAL STANDARDS

Bulk and dimensional standards for all uses in all general zoning districts are shown in Tables 7.1-2 through 7.1-5. Such dimensional standards shall apply unless specific more restrictive standards for individual uses are found elsewhere in this Ordinance.

Additional setbacks shall be required on corner lots and abutting unlike zoning district lots

TABLE 7.1-1 TABLE OF USES

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(A) [2]

MINIMUM LOT AREA (SQUARE FEET) [4]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF [6]
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	30,000 / 20,000 [1] 12,000 [1]	30,000 / 20,000 [1] 12,000 [1]	30,000 / 20,000 [1] 12,000 [1]	2ac	20,000 12,000 [5]	12,000	8,000	9,000
Two-family Dwelling; Bed and Breakfast Inn	40,000	40,000	40,000	2ac	30,000	18,000	12,000	12,000
Multi-family Development	-	-	-	-		-	-	43,560
Day Care Center, Class B and C	-	40,000	40,000	2ac	30,000	-	-	20,000
Infill Residential Development	-	-	-	-	10,000	6,000	4,000	4,000
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [3]	43,560	43,560	43,560	2ac	21,780	21,780	21,780	21,780

[1] Minimum lot area requirements shall be reduced to twenty thousand (20,000) square feet where the lot is served by one (1) utility or twelve thousand (12,000) square feet where the lot is served by two (2) utilities.

[2] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[3] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

[4] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.

[5] Twelve thousand (12,000) square feet where the lot is served by two (2) utilities.

[6] Minimum lot size without public / community water and sewer shall be increased to 20,000 sqft per dwelling unit.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(B) [1]

MINIMUM LOT WIDTH (FEET) [3]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	80	80	80	100	100	90	60	60
Two-family Dwelling; Bed and Breakfast Inn	80	80	80	100	100	90	60	70
Multi-family Dwellings;	-	-	-	-	-	-	-	100
Day Care Center, Class B and C	-	80	80	100	100	-	-	100
Traditional Neighborhood Developments (TND) (Individual lots within)	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [3]	100	100	100	100	100	100	100	100

- [1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.
 [2] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.
 [3] As measured at the minimum front yard setback. For additional lot width and road frontage requirements refer to Sections 9.5 and 13.15.3.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(C) [1]

MINIMUM FRONT YARD SETBACK (FEET) [3]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	25	25	25	25	25	25	25	25
Two-family Dwelling; Bed and Breakfast Inn	30	30	30	50	25	25	25	25
Multi-family Dwellings; Day Care Center, Class B and C	-	-	-	-	-	-	-	30
	30	30	30	50	30	-	-	30
Traditional Neighborhood Developments (TND) (Individual lots within)	See Sections 8.1.13			-	See Sections 8.1.13			
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [2]	50	50	50	50	50	50	50	50

[1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[2] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

[3] Refer to the definition of “front yard” in Section 2.7 to determine how the front yard is to be measured on corner lots.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(D) [1]

MINIMUM SIDE YARD SETBACK (FEET) [3]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	15	15	15	25	15 [4]	12 [4]	8 [4]	8 [4]
Two-family Dwelling; Bed and Breakfast Inn	15	15	15	25	15	12	8	8
Multi-family Dwellings;	-	-	-	-	-	-	-	15
Day Care Center, Class B and C	25	25	25	25	15	-	-	15
Traditional Neighborhood Developments (TND) (Individual lots within)	See Sections 8.1.13			-	See Sections 8.1.13			
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [2]	25	25	25	25	25	25	25	25

[1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[2] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

[3] An additional ten (10) feet to the requirements listed above shall be required on all side yards which abut a public or private street.

[4] Five (5) feet for internal lots within an infill residential development.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(E) [1]

MINIMUM REAR YARD SETBACK (FEET)

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	30	30	30	50	30 [3]	30 [3]	30 [3]	30 [3]
Two-family Dwelling; Bed and Breakfast Inn	30	30	30	50	30	30	30	30
Multi-family Dwellings;	-	-	-	-	-	-	-	30
Day Care Center, Class B and C	30	30	30	50	30	-	-	30
Traditional Neighborhood Developments (TND) (Individual lots within)	See Sections 8.1.13			-	See Sections 8.1.13			
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [2]	50	50	50	50	50	50	50	50

- [1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.
[2] There are no minimum / maximum dimensional requirements for Essential Services, Class 1 and Parks.
[3] Twenty (20) feet on internal lots within an infill residential development.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(F) [1]

MINIMUM BUILDING HEIGHT (FEET) [2]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	45	45	45	45	45	45	45	45
Two-family Dwelling; Bed and Breakfast Inn	45	45	45	45	45	45	45	45
Multi-family Dwellings;	-	-	-	-	-	-	-	45
Day Care Center, Class B and C	-	45	45	45	45	-	-	45
Planned Residential Development (PRD) /	3 Stories			-	3 Stories			
Traditional Neighborhood Developments (TND) (Individual lots within)	3-5 Stories; Refer to Section 8.1.13 (B)(3)			-	3-5 Stories; Refer to Section 8.1.13 (B)(3)			
Planned Unit Development (PUD)	-	3-5 Stories; Refer to Section 8.1.26 (A)(2)		-	3-5 Stories; Refer to Section 8.1.26 (A)(2)			
All Other Uses [2]	45	45	45	45	45	45	45	45

[1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[2] Exceptions to height limitations are found in Section 9.8.

LOT AND BUILDING STANDARDS

OFFICE ZONING DISTRICTS

TABLE 7.1-3(A) [1]

STANDARD	TMU	OLC	O-1	OM
Minimum Lot Area (sq. ft.) [13]	3,000 / 5,000 [2] [9]	5,000 [9]	5,000 [9]	5,000
Minimum Lot Width (ft.)	50 [8] [11]	70 [8] [11]	70 [8] [11]	70 [8]
Minimum Required Setbacks (ft.)				
- Front	3 [3] [10]	30 [10]	30 [10]	30
- Side	0 [4] [10]	10 [10]	10 [10]	10
- Rear	20 [5] [10]	20 [5] [10]	20 [5] [10]	20 [5]
Maximum Building Height (ft.) [7] [12]	50 [6]	50 [6]	50 [6]	50 [6]

[1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.

[2] Five-thousand (5,000) square feet for all single-, two- or multi-family dwellings; 3,000 square feet, for all other uses.

[3] The front yard setback shall be 0-25 feet, as measured from the edge of the adjoining front sidewalk.

[4] Ten (10) feet if abutting a residential zoning district.

[5] Thirty (30) feet if abutting a residential zoning district.

[6] The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet or more from a residentially zoned lot.

In the OM district the height may be increased to one-hundred twenty-five (125) feet if located three hundred (300) or more from a residentially zoned lot.

[7] Exceptions to height limitations are found in Section 9.8.

[8] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.

[9] Minimum lot area for infill residential developments shall be four-thousand (4,000) square feet

[10] Minimum internal lot setbacks in infill residential developments shall be: Front- Twenty (20) feet; Side- Five (5) feet; Rear- Twenty (20) feet

[11] Forty (40) feet for detached single-family dwelling units in TND. Otherwise, no minimum lot width for uses in a TND.

[12] Maximum building heights for PRDs, TNDs, and PUDs range from 3-5 stories. Refer to Chapter 8 for additional information.

[13] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis

LOT AND BUILDING STANDARDS

COMMERCIAL ZONING DISTRICTS (Except CBD and UMU)

TABLE 7.1-4(A) [1]

STANDARD	C-1 and NBS	C-2	C-3	GPX
Minimum Lot Area (sq. ft.) [8]	5,000 [6]	5,000	5,000	[9]
Minimum Lot Width (ft.)	70 [5]	70 [5]	70 [5]	[9]
Minimum Required Setbacks (ft.)				[9]
- Front - Side - Rear	30 10 20 [2]	30 10 20 [2]	30 10 20 [2]	
Maximum Building Height (ft.) [4] [7]	50 [3]	50 [3]	50 [3]	[9]

- [1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.
- [2] Thirty (30) feet if abutting a residential zoning district.
- [3] The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet or more from a residentially zoned lot. In the C-2 and C-3 districts the height may be increased to one-hundred twenty-five (125) feet if located three hundred (300) feet or more from a residentially zoned lot.
- [4] Exceptions to height limitations are found in Section 9.8.
- [5] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
- [6] Four-thousand (4,000) square feet for lots in infill residential developments.
- [7] Maximum building heights range from 3-5 stories for traditional neighborhood developments (TNDs), planned unit developments (PUDs) and planned residential developments (PRDs). Refer to Chapter 8 for additional requirements.
- [8] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.
- [9] Dimensional Requirements within the GPX are as follows:
- (a) Refer to Section 8.1.11 for PRDs; Section 8.1.13 for TNDs; Section 8.2.26 for PUDs.
 - (b) C-2 regulations shall apply to: Restaurants, Convenience Stores, Hotels/Motels, Essential Service Class 4.
 - (c) RS-20 regulations for Single Family Dwellings (other than those in PRDs, TNDs, PUDs).

LOT AND BUILDING STANDARDS

COMMERCIAL ZONING DISTRICTS-CBD and UMU

TABLE 7.1-4(B) [1]

STANDARD	CBD	UMU
Minimum Lot Area (sq. ft.) [13]	None [10]	3,000 / 5,000 [2] [10]
Minimum Lot Width (ft.)	None [9] [11]	50 [9] [11]
Minimum Required Setbacks (ft.) - Front - Side - Rear	[3] [12] None [4] [12] None [4] [12]	[3] [12] 0 [5] [12] 20 [6] [12]
Maximum Building Height (ft.) [8]	None	50 [7]

- [1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.
- [2] Five-thousand (5,000) square feet for all single-, two- or multi-family dwellings; 3,000 square feet, for all other uses.
- [3] The front yard setback shall be 0-10 feet, as measured from the edge of the adjoining front sidewalk
- [4] None, except ten (10) feet when adjoining a lot not in the CBD, TMU or UMU districts.
- [5] Ten (10) feet if abutting a residential zoning district.
- [6] Thirty (30) feet if abutting a residential zoning district.
- [7] The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet or more from a residentially zoned lot.
- [8] Exceptions to height limitations are found in Section 9.8.
- [9] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
- [10] One (1) acre for multi-family developments
- [11] Forty (40) feet for detached single-family lots within a traditional neighborhood development (TND).
- [12] Infill Residential Developments-: Front- Twenty (20) feet; Side- Five (5) feet; Rear- Twenty (20) feet.
- [13] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.

LOT AND BUILDING STANDARDS

INDUSTRIAL ZONING DISTRICTS

TABLE 7.1-5 [1]

STANDARD	I-1	I-2	I-3	I-U
Minimum Lot Area (sq. ft.) [13]	None	None	None	None [2] [9]
Minimum Lot Width (ft.)	70 [8]	70 [8]	70 [8]	50 [8] [10]
Minimum Required Setbacks (ft.)				
- Front	50	50	50	[3] [11]
- Side [4]	20 [5]	20 [5]	20 [5]	10 [5] [11]
- Rear	30	30	30	20 [5] [11]
Maximum Building Height (ft.) [7]	50 [6]	50 [6]	50 [6]	50 [6] [12]

- [1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.
- [2] One (1) acre for multi-family developments.
- [3] The front yard setback shall be 0-20 feet, as measured from the edge of the adjoining front sidewalk.
- [4] The minimum setback requirements for exterior side lots shall be increased by 10 ft.
- [5] Thirty (30) feet if abutting a residentially zoned lot.
- [6] The maximum height of the structure may be increased to (75) feet, provided that the structure lies two hundred (200) feet or more from a residentially zoned lot.
- [7] Exceptions to height limitations are found in Section 9.8.
- [8] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
- [9] Four-thousand (4,000) square feet for lots in an infill residential development
- [10] Forty (40) feet for detached single-family residences in a traditional neighborhood development (TND)
- [11] Infill Residential Developments-: Front- Twenty (20) feet; Side- Five (5) feet; Rear- Twenty (20) feet
- [12] Maximum building heights range from 3-5 stories for traditional neighborhood developments planned residential developments and planned unit developments. Refer to Chapter 8 for additional information.
- [13] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.

7.6 OVERLAY DISTRICT DESIGN STANDARDS

7.6.1 SV SCENIC VIEW OVERLAY DISTRICT

This District shall be shown on the Official Zoning Map of Gaston County as having two boundaries. The first, being the inner boundary which generally follows the projected boundary of the Daniel Stowe Botanical Garden, and the second boundary (or outer boundary) which shall be depicted on the Zoning Map. The SV Zoning District shall consist of the land lying between the inner boundary and the outer boundary.

A. Permitted Uses

All permitted principal and accessory uses in the underlying general zoning district, shall be allowed, except that telecommunication towers and facilities are not allowed anywhere in the SV district. Notwithstanding, in no instance shall the regulations within this district apply to a single- or two-family dwelling.

B. Setbacks

The more restrictive of either the underlying general zoning district or any other applicable overlay district(s) shall apply.

C. Minimum Lot Width

The more restrictive of either the underlying general zoning district or any other applicable overlay district(s) shall apply.

D. Maximum Building Height

1. No structure shall be erected higher than the most restrictive requirement of either the maximum height allowed by the underlying general zoning district, the maximum height allowed by any overlay district, or thirty-five (35) feet.
2. Exceptions to height limits of structures listed in Section 9.8 of this Ordinance shall not be applicable within the SV District, with the following exceptions:
 - a. Roof structures not intended for human occupancy and serving in an accessory structure to the principal structure on the lot, such as skylights, housing for elevators, stairways, roof water tanks, ventilating and air conditioning equipment shall be allowed, provided however any such roof structures do not lie more than twelve (12) feet in height above the highest point of the roof surface.

- b. There shall be no height limits for steeples, architectural spires, belfries, cupolas, and chimneys on residential structures.
- c. Antennae for radiation or reception of radio and television signals are allowed with a height of up to seventy-five (75) feet above the ground.

E. Signs

Notwithstanding any other provision of this Ordinance the height of any sign within the SV District shall be limited to the most restrictive of either the underlying general zoning district, or any other applicable overlay district, or the provisions of Subsection D herein.

7.6.2 TH THOROUGHFARE HIGHWAY OVERLAY DISTRICT

A. Applicability

The TH Thoroughfare Highway Overlay District shall be in place along any thoroughfare, or portions thereof, identified on the most recently adopted version of the thoroughfare or transportation plan of the Gaston Urban Area, or other similar document for those portions of Gaston County not located within the Gaston Urban Area, for which a functional design and surveyed centerline exists. The location of all such applicable thoroughfares (or portions thereof) shall be available for public review and inspection in the Administrator's office. All uses normally allowed in the underlying general zoning district shall be allowed in the TH district.

B. District Regulations

- 1. Said regulations shall apply to existing streets and shall apply if the functional design and surveyed centerline has been adopted by the governing board prior to submittal of the zoning permit application.
- 2. The minimum yard or setback prescribed by each zoning district in the UDO shall begin to be measured from the existing street right-of-way or from the transitional setback line described below, whichever method produces the greater setback. The transitional setback line shall be drawn thirty (30) feet from the centerline of any thoroughfare, where the thoroughfare plan calls for a two-lane, a two-lane modified, a two-lane with parking on one side, a two-

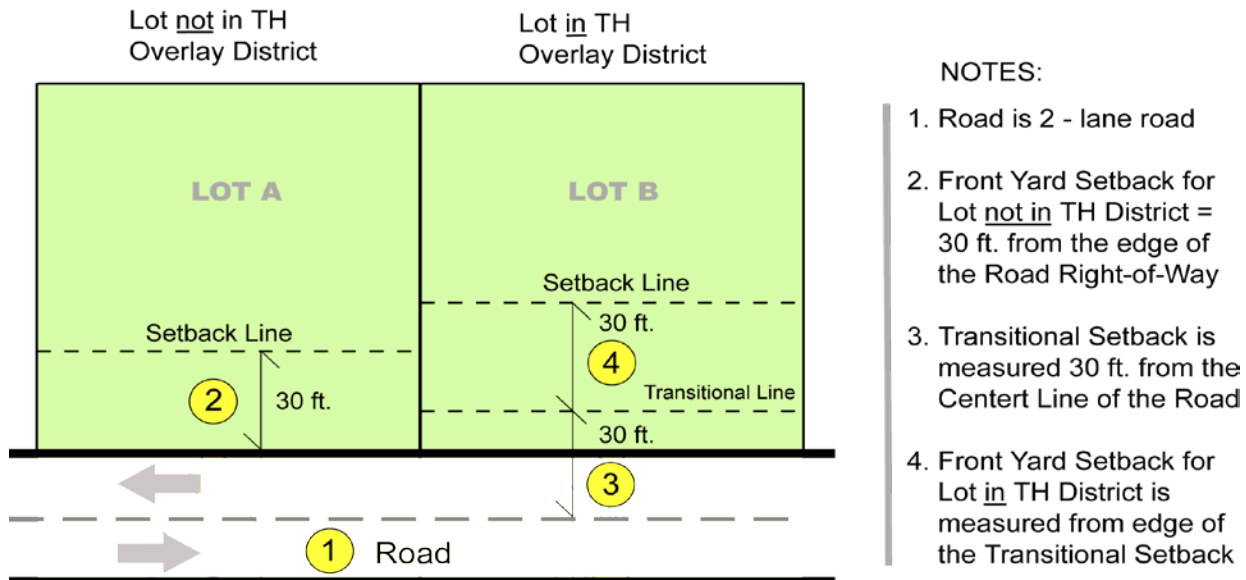
Town of McAdenville, North Carolina
Unified Development Ordinance
Chapter 7 – Uses and Building Lot Standards

lane with parking on two (2) sides, or a three-lane facility; forty-five (45) feet from the centerline where the thoroughfare plan calls for a four-lane or a five-lane facility. Where the thoroughfare/ transportation plan technical notes call for a four-lane divided or a six-lane facility, the minimum yard or setback prescribed by each zoning district in this Ordinance shall begin to be measured from a beginning point fifty (50) feet from the centerline of the thoroughfare.

Proposed Lane Widths (per the Gaston Urban Area Thoroughfare Plan or other adopted Plan)	Transitional setback line location - measurement from centerline
Two lanes	30
Two lanes, modified	30
Two lanes, parking one side	30
Two lanes, parking two sides	30
Three lanes	30
Four lanes	45
Five lanes	45
Four lanes, divided	50
Six lanes	50

3. A thoroughfare setback or yard also shall be established on all applicable lots where existing rights-of-way are not as large as herein prescribed. Figure 7.6.2-1 illustrates the location of the thoroughfare setback area on a sample principal arterial. The thoroughfare setback area can be used for any use allowed in the underlying zoning district, except for those permanent uses which are prohibited in a required setback or yard area. Except where otherwise prohibited, the thoroughfare setback may be used to satisfy minimum lot size, off-street parking, and open space requirements.

Figure 7.6.2-1



4. The standards contained herein shall not apply to a development located on a lot in which such thoroughfare setback would normally be required which meets one (1) or more of the following circumstances:
 - a. A project that had a valid building permit in effect as of the effective date of implementation of this zoning district where such permit allows for construction or development to take place within the required thoroughfare setback.
 - b. A project that had a site plan approved as of the effective date of the implementation of this zoning district where such site plan allows for construction or development to take place within the required thoroughfare setback.
 - c. A project which had an approved and valid site specific or phased development plan in place as of the effective date of the implementation of this zoning district where such development plan allows for construction to take place within the required thoroughfare setback.
5. An affected property owner shall have the right to appeal the thoroughfare setback requirements as provided herein to the Board of Adjustment for a special use permit to these regulations. The Board of Adjustment may grant the special exception in accordance with the procedures contained in Section 5.12.

7.6.3 USO URBAN STANDARDS OVERLAY DISTRICT

The Urban Standards Overlay (USO) district contains a number of design and subdivision standards that apply primarily to non-residential uses on properties located in USO district. Subsections H and J also apply to residential uses within the USO district.

A. PARKING LOT CONNECTIONS

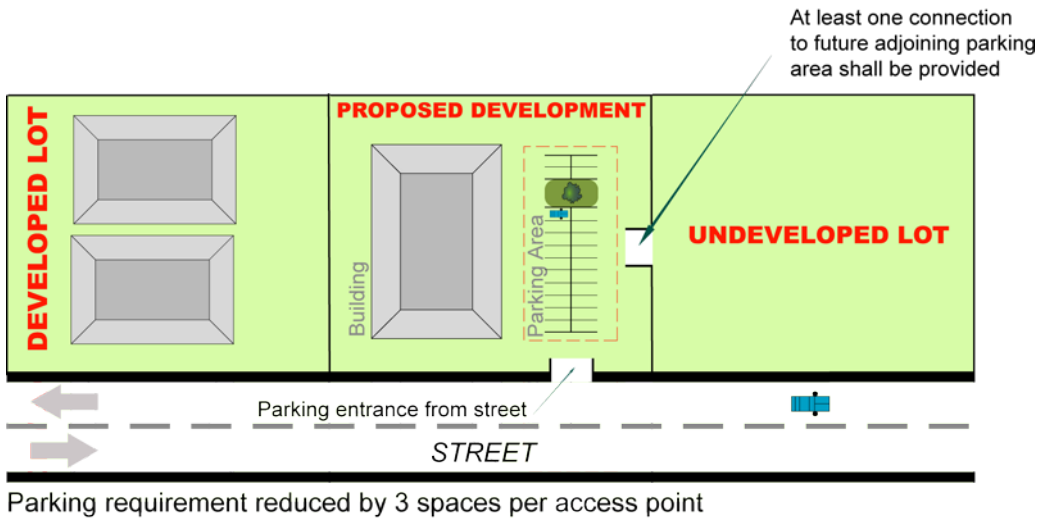
(NOTE: These requirements shall also apply in the CH Overlay district) **(NOTE:**

The following provisions regarding parking lot connections shall NOT be applicable to lots in the CBD, I-1, I-2, I-3 or I-U zoning districts, irrespective of whether they are in the USO or CH Overlay Districts.)

Parking lots for commercial or office uses (but not for industrial uses) that lie in an applicable Commercial or Office zoning district and which contain more than fifty (50) off-street parking spaces shall be designed to inter-connect with an undeveloped adjoining lot in such zoning district. At least one (1) future access point to such parking lot from the undeveloped adjoining lot shall be provided. The Administrator may require additional access points, when in his opinion; such additional access point would serve to benefit traffic flow and the safety of pedestrians and motorists using the street. The location of the access point shall be determined by the developer of the property in question and shall be subject to the Administrator's approval. The total number of required off-street parking spaces for all parking lots meeting the requirements of this section shall be reduced by three (3) parking spaces per access point for the lot being developed. The Administrator shall have the authority to waive or modify the requirements of this section upon finding that there is no practical way to create a shared driveway with an adjoining undeveloped lot.

Figure 7.6.3-1 below illustrates how this requirement is to be implemented.

Figure 7.6.3-1



B. BUILDING MATERIALS (NOTE: These regulations are also applicable in the CH and SH Overlay districts)

1. Seventy-five (75) percent of the area of any non-residential building face (excluding industrial uses not in the I-U zoning district) including doors and windows shall be finished with one (1) or more of the materials listed below, subject to applicable building code requirements. This shall apply to any side of the building that is visible from an adjacent public street. **(NOTE: The Administrator shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.)**



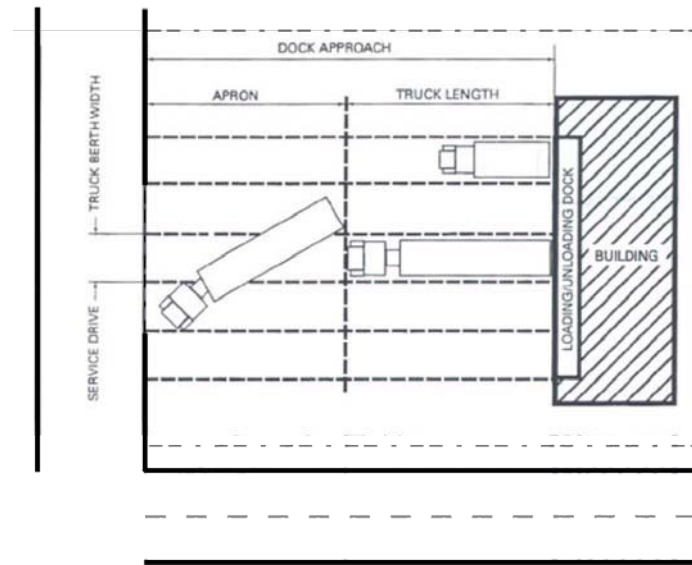
- a. Brick, brick veneer or polystyrene faced with real brick veneers and field applied jointing.
- b. Decorative CMU (concrete masonry unit) concrete block.
- c. Pre-cast or field-poured tilt concrete panels with texture (such as exposed aggregate) and/or architectural detailing.
- d. Stone, stone veneer, lath applied stone and cultured stone.

- e. Flush architectural metal panels or other metal panels with architectural detailing, but not including sheet metal panels of "R" or similar corrugated and/or ribbed configuration or appearance.
 - f. Stucco with architectural detailing or artificial stucco (EPS/expanded polystyrene/"Drivet®") with architectural detailing.
 - g. Glass, plastic "glass," e.g., "Plexiglas®" and translucent fiberglass panels.
 - h. Doors, windows and other fenestration along with their casings.
 - i. Wood and wood materials designed and intended for use as exterior finish material.
- 2. Trim and similar architectural detailing shall be composed of any code-approved materials (any material may be painted; however, paint and similar coatings themselves are not considered a finish material for the purpose of this list.)
 - 3. Portions of the roof that are visible from an adjacent public street shall not have a shiny surface appearance similar to aluminized or galvanized metal; however, anodized or baked-on paint metal roofs shall be allowed.

C. LOCATION OF OFF-STREET LOADING AREAS (NOTE: These regulations are also applicable in the SH and CH Overlay Districts)

All off-street loading berths shall be located between the building and rear lot line of the property, and/or shall be screened from the view of an adjacent public street and abutting properties. The Administrator shall have the authority to waive or modify this provision upon making a determination that:

- (i) location of the berths in such location would impede pedestrian safety; and
- (ii) that due to the location of the building and the lot size and shape, the location of the berths in such location would be impractical.



D. BUILDING COLORS

NOTE: The following provisions regarding building colors shall be applicable ONLY within the UMU, TMU and CBD zoning districts and in portions of the GP Overlay District.

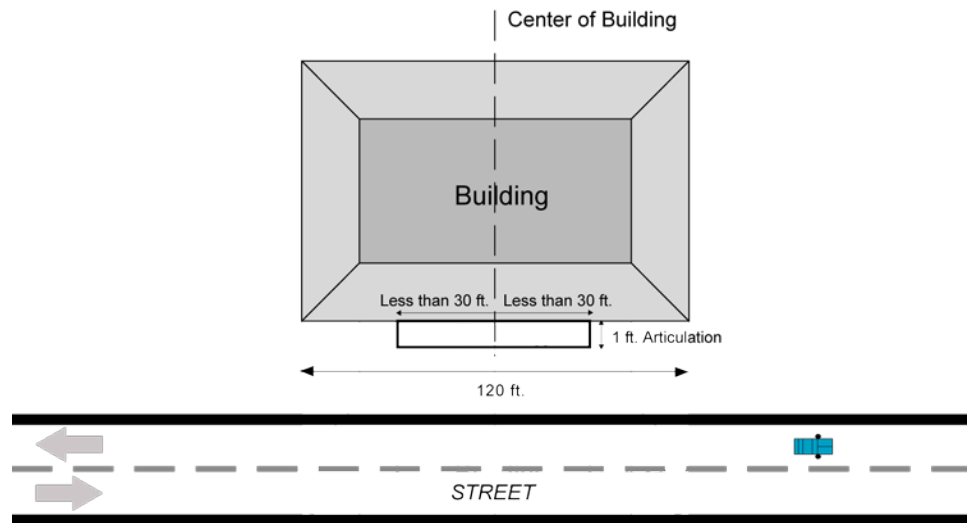
1. In addition to the building material standards contained in Subsection B, buildings in the applicable general zoning districts within the Urban Standards Overlay District shall meet the following standards regarding building façade colors. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity or metallic colors shall not be allowed except for accent purposes. The use of fluorescent, day glow, or neon colors shall be prohibited as a predominate wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features. Color samples shall be provided to the Administrator at the time of site plan review and prior to any renovations, remodeling, facelifts, and repainting, along with a description of how and where each color will be used. Colored renderings are encouraged, but shall not be a substitute for this requirement.
2. This prohibition shall not apply to any wall or freestanding signage for the use.

E. BUILDING ARTICULATION (NOTE: These provisions do not apply to industrial uses except in the I-U zoning.)

Facades greater than one hundred (100) feet in linear length shall be articulated with recesses or projections, which total at least twenty-five (25) percent of that façade. Recesses or projections shall be a minimum of one (1) foot. No uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet. Refer to Figure 7.6.3-2 below for an illustration of this requirement.



Figure 7.6.3-2



F. ENTRANCE ORIENTATION

NOTE: These provisions do not apply to industrial uses except in the I-U zoning.

NOTE: The following provisions regarding entrance orientation shall be applicable ONLY within the UMU, TMU and CBD zoning districts.

NOTE: These provisions apply only to principal buildings constructed or physically expanded after the effective date of this Ordinance

For all principal buildings whose exterior facades that face or are visible from a public street are altered after the effective date of this Ordinance, such buildings shall install a pedestrian entryway opening onto at least one adjoining public street. Corner entrances shall comply with this requirement. Access from the adjoining public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface.

G. ROOFTOP EQUIPMENT

A parapet or an enclosure consisting of materials that meet the building material requirements of Subsection B herein shall conceal rooftop and HVAC equipment on all buildings visible from a public road, except I-85. This requirement shall not apply to any equipment required by to be located on the roof by either the State Building Code or the County Health Department. The Administrator shall have the authority to waive or modify these requirements based on site-specific conditions, including but not limited to: topography, lot

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size or site configuration that would make adherence to this requirement impractical, or to comply with State Building Code or County Health Department requirements.

H. SIDEWALKS

Refer to Section 9.18.

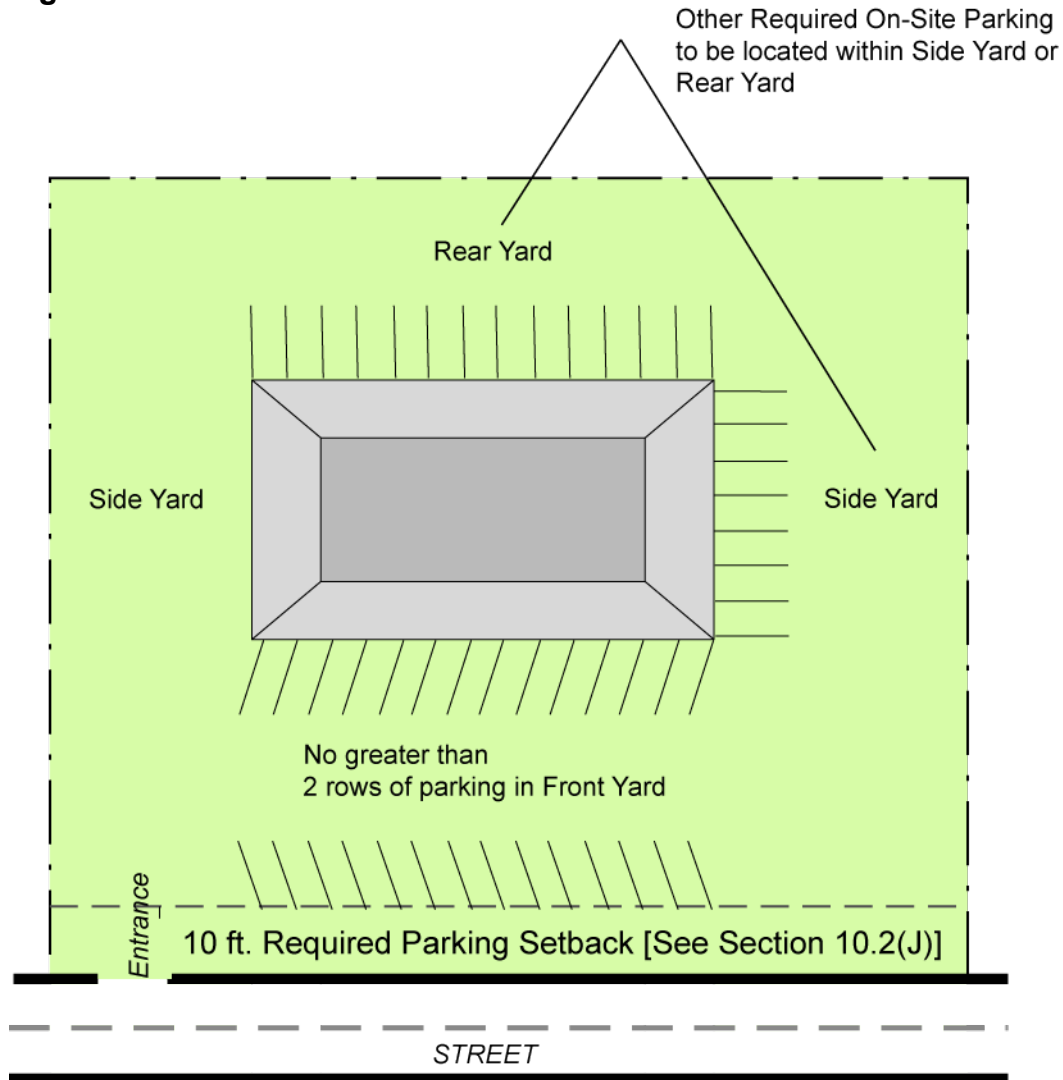
This also applies to residential uses.



I. OFF-STREET PARKING IN THE FRONT YARD

No greater than two (2) rows of off-street parking shall be provided in the front yard of the lot except for single- and two-family dwellings and individual manufactured homes not located within a manufactured home park. Refer to Figure 7.6.3-3 below for an illustration of this requirement. This requirement does not apply to industrial uses. Notwithstanding, for multi-family uses, and for uses located within the TND Center component of a TND, no off-street parking shall be allowed within the front yard.

Figure 7.6.3-3



Out parcels which are situated at the perimeter of any shopping center or similar planned multi-tenant development shall also adhere to this rule.

J. STREET TREES

Refer to Section 9.18.

This also applies to residential uses.

K. CURB / GUTTER

Refer to Section 9.18

This also applies to residential uses.

7.6.4 TD TRADITIONAL DOWNTOWN OVERLAY DISTRICT

A. PERMITTED USES

All permitted principal and accessory uses in the underlying general zoning district, except that the following uses are prohibited, irrespective of the underlying zoning district:

1. Agricultural and equestrian uses.
2. Automobile, boat, light duty truck and motorcycle sales without an indoor showroom.
3. Bus charter service company.
4. Cabinet and woodworking shop.
5. Distribution center, product, greater than 10,000 square feet in size.
6. Farm equipment sales.
7. Florist, wholesale.
8. Fortuneteller.
9. Machine shop.
10. Manufactured home sales.
11. Manufacturing machinery sales and service.
12. Membership warehouse club.
13. Monument sales.
14. Moving and storage facilities.
15. Pest control service.
16. Petroleum jobber.

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17. Recreational vehicle sales.
18. Retailing fixture parts, sales, and service.
19. Roofing repair and installation.
20. Textile machinery sales and service
21. Truck, heavy duty, and self-propelled heavy construction equipment, cranes, and paving equipment sales and service.
22. Adult establishment.
23. Automobile body shop.
24. Automobile wash, class 2.
25. Baseball hitting range.
26. Cemetery/columbarium, principal use.
27. Communication towers of any height, including towers erected as an accessory use to a radio and television studio.
28. Communication tower, combined.
29. Contractor's storage and equipment yard.
30. Home center.
31. Landfill, on-site demolition, accessory use.
32. Mini-warehouse facility.
33. Restaurant, drive-through.
34. Recycling deposit station (principal use).
35. Rental center, class 2.
36. Truck and utility trailer rental facility.
37. Golf course (public or private)
38. Military reserve center.
39. Petroleum distributor.

40. Theater, outdoor movie.

B. PERFORMANCE CRITERIA FOR SPECIFIC USES

1. Restaurant. Fast Food. Permitted in the district provided that such use is allowed in the underlying zoning district. No high intensity colors (such as yellow, red, orange, etc.) metallic colors, or fluorescent colors shall be allowed on any building or architectural element. The use of such colors shall be permitted on business identification signs, provided all other sign requirements herein are adhered to. Furthermore, the use of "franchise architecture" shall not be allowed. For purposes of this section *franchise architecture* shall be defined as a distinct architectural building style and/or elements commonly employed by a fast food franchise that serves to enhance or promote brand identity through visual recognition. This type of architecture has been shown to contribute to the dilution of a unique community identity. Finally, any children's play area provided by the restaurant may not be located in the front or side yard of any lot.
1. Dwelling units. Permitted in the district provided that such use is allowed in the underlying zoning district. The total average size of all residential dwelling units within the same building shall not be less than 500 square feet. Residential dwelling units may be provided on the second or higher floor of any building containing commercial uses, non-profit organizations, or office type uses on the ground floor, provided each unit meets or exceeds all applicable fire safety and minimum housing and/or building codes. Detached multi-family apartment, townhouse, or condominium buildings shall be allowed, subject to the following standards:
 - a. When more than one building is proposed, all buildings shall be oriented parallel toward either a public street, or an interior courtyard. All buildings shall be separated from one another by at least 16 feet.
 - b. Any project containing three or more separate buildings shall provide landscaped common areas totaling not less than ten percent of the lot area, with no individual piece being less than 2,000 square feet in size. Such areas shall be landscaped in a manner similar to a Level 2 buffer, and shall be recreation/open space that is readily usable by residents.
 - c. Parking areas. Parking stalls may be provided under the units, provided that they do not have direct access to a street via a driveway.
 - d. Driveway entrances shall comply with any applicable town

engineering standards to a point ten (10) feet beyond the pavement or to the limit of street right-of-way, whichever is greater.

- e. Minimum driveway widths shall be twelve (12) feet for one-way drives, and twenty (20) feet for two-way drives.

C. BUILDING APPEARANCE STANDARDS, MANDATORY

1. Unless otherwise noted, these requirements shall apply to all new buildings constructed after the date of passage of these standards. Single-family residential dwelling units are exempt from the design requirements herein. In situations where existing buildings need to be repaired, the requirements of this section shall not apply if the repairs are made using identical materials and design. However, all modifications or changes to the design or materials of existing buildings shall be in conformance with the standards herein. For use of wood materials within the downtown fire district, refer to the North Carolina State Building Code.
2. Metal siding, metal cladding, and/or metal architectural panels shall be prohibited within the district for use on the exterior of new or existing buildings. Ornamental metal trim work (i.e., copper sheathing, brass, wrought iron, etc.) and/or architectural details shall be allowed provided the cumulative area of such materials does not exceed 15 percent of the total square footage of the wall onto which it is affixed. These provisions shall not apply to roof surfaces.
3. All buildings shall be clad in one or more of the following: brick, brick veneer, ornamental split-faced concrete block, stucco (synthetic or natural), painted wood siding, stone or simulated stone/marble. Other materials specifically disallowed as primary siding materials include, but are not limited to: aluminum siding, unfinished wood, concrete block (except split-faced block or similar decorative concrete masonry unit [CMU]). Vinyl siding, while not specifically prohibited as a primary siding material, is strongly discouraged. Vinyl and/or aluminum may be used to clad soffets, trim, or windows. Aggregate stone panels may be used provided not more than 30 percent of any wall area is so covered.
4. Any ground floor, street-facing facade of any new building constructed within the district shall have openings (windows and/or doors) equaling or exceeding 20 percent of the total square footage of the ground floor facade wall. For purposes of the design standards herein, the ground floor of a building shall be defined as the area between the street level floor and the ceiling. For new and existing buildings, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to

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render the opening functionally obsolete or to cause it to be opaque. Furthermore, no security bars, panels, or curtains, whether retractable or permanent, shall be constructed, erected, or utilized on the exterior portion of any building wall oriented toward a public street. Such devices, if utilized, shall be installed on the interior of the building, (behind windows for example).

5. The height of any new building or any building, whose height is proposed to be altered, shall not deviate by more than three stories (floors) from the average number of stories of all buildings within the same block, on both sides of the street. For purposes of this paragraph, a block shall be defined as all buildings fronting either side of a single street, for the entire length of said street that is between the nearest intersecting roads. This requirement shall be waived for a building situated in a block containing four or fewer existing buildings.
6. Awnings and hanging signs shall be allowed to protrude a maximum of five feet from the building face over a public sidewalk, provided that the bottom edge of the awning or sign leaves at least eight feet of vertical clearance from the sidewalk; and provided that the awning or sign comes no closer than two feet to the street pavement. Entryway canopies shall not be subject to the 5-foot limit described herein; but all other rules shall apply.
7. Any above-grade parking structures must have a retail or service component on the ground floor, for the entire length of the facade abutting or within 20 feet of any public street(s) except where ingress and egress drives are provided. The facade treatments for the retail component(s) shall be subject to the same design requirements detailed herein.
8. Automobile fueling stations shall be required to site the main building as described below, and such building shall be required to adhere to the same design criteria specified herein. Any canopy used to cover the gasoline pumps may be sited within the front, side, or rear yard, provided that a minimum setback of ten (10) feet from all property lines shall be observed. Support columns for canopies must be clad in brick or stucco.
9. Buildings shall be required to maintain a functional public entrance on one or more public streets with a public sidewalk. A public or private parking lot shall not be construed to be a public street for purposes of this section.
10. Any sign for which a sign permit is required shall be only externally illuminated per Section 12.6.

D. BUILDING APPEARANCE STANDARDS, VOLUNTARY

The following standards are not required to be met, but are highly suggested to be followed:

1. All windows should be framed with wood, or finished metal. Windows with true-divided panes are encouraged, however, if snap-in mullions are used, they should be attached to the outside of the glass in order to provide a shadow line. Internal mullions and vinyl-clad windows should be avoided.
2. Entry doors along public streets should be constructed of and framed with wood, or finished metal. Such doors should have glass panes to allow light and visibility. Unfinished metal frames should be avoided. Metal security doors are acceptable for entrances not readily visible from a street.
3. Awnings should be canvass. Mansard style wood awnings, awnings with roof shingles, and all metal awnings should be avoided, with the exception of copper- or bronze-clad awnings.
4. Facade materials and architectural detailing should be similar to those available and typically used prior to 1940, and taking into consideration the dominant architectural themes of the block in which the building is situated.
5. Roof materials should not be of the type that harshly reflects sunlight, causing glare.
6. The floors of multi-story buildings should be articulated on the facade with a horizontal band of contrasting material or architectural detail.
7. Window openings should be framed with wood or brick sills, and an exposed header, head molding or lintel course of masonry.
8. Quoins are encouraged to frame building edges.
9. Bricks and stone materials used in the construction of buildings should be of an appearance or type commonly used in the pre-1940 period.
10. Single buildings housing three or more ground floor retail, service, and/or office establishments should utilize distinctly different, yet complimentary facade treatments for each business to avoid large-scale uniformity of design.
11. Window tinting on ground floor windows should not be excessive.

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Pedestrians should be able to see into a building from the sidewalk in front of the building. Darker tinting may be used on upper floor windows.

12. All building entrances fronting a public street shall be articulated (recessed or protruding) from the main facade line not less than three feet. The facade line shall not be construed to include awnings or canopies attached to the building face.

E. SITE CONSIDERATIONS

1. New buildings may sit back from a public street right-of-way not less than ten (10) feet and not more than 20 feet. Buildings existing at the time of passage of this zoning district may be enlarged to within ten feet of a public street right-of-way. Any addition to such buildings shall not, however, be subject to the 20-foot maximum setback; therefore, compliance with the maximum setback is voluntary in such cases. All other yard requirements shall be as set forth in the underlying zoning district.
2. All parking shall be provided in the side and rear yards behind the front building line; except that any on street parking adjacent to (and on the same side of the street as) the building may count toward fulfilling the parking requirements.
3. Fences shall consist of one or more of the following designs:
 - a. Picket fence, constructed with either wood or vinyl pickets.
 - b. Wrought-iron fences, or brushed aluminum or anodized aluminum fences that mimic the style and appearance of wrought iron.
 - c. Brick, stone, stucco (decorative CMU can be used as an accent material).
 - d. Solid wood panel or similar fences not closer than 50 feet to a public street right-of-way. Any portion of such fence that is shielded from view from all adjoining streets by a building wall may be exempted from the 50-foot requirement.
 - e. Vinyl-coated chain link fences not exceeding six feet in height, and not closer than 75 feet to a public street right-of-way. Any portion of such fence that is shielded from view from all adjoining streets by a building wall may be exempted from the 70-foot requirement.
 - f. Any combination of the above not exceeding six feet in height.

- g. Picket or wrought-iron fences, as described above, may be placed up to the property line if their height does not exceed four feet. Brick, stone or stucco fences, as described above, may be placed up to the property line if their height does not exceed three feet. All other allowed fence types, as described above, may not be placed up to the property line and must be set at least ten feet from any public street right-of-way (or more if so required)

F. ALTERNATIVE DESIGNS

- 1. The Administrator may approve certain alternate designs to those that are herein required where, in his opinion, such deviations may not meet the strict requirements of the TD zoning district, but clearly satisfy its purpose and intent. . No request for alternate design shall be considered unless an application has been filed with the Administrator. The Administrator may approve such alternate design only upon making each of the following findings in the affirmative:
 - a. The proposed design substantially meets the requirements of the TD zoning district.
 - b. The proposed design is in harmony with the general purpose and intent of the TD district and preserves its spirit.
 - c. The public interest will be served at least equally by allowing the alternate design as opposed to not allowing such alternate design.
 - d. The granting of the alternate design will not endanger the public health or safety if approved; and, that it will not substantially injure the value of adjoining properties or other properties within the central business district.
 - e. The applicant has submitted reasons justifying the need for the alternate design and that such need results from the strict application of this section. Such reasons can include building codes, or other law, as opposed to reasons not resulting from the Ordinance or law such as personal hardship, economic hardship, or violation of this section.
- 2. Upon making all such findings in the affirmative the Administrator shall send notice that, unless an appeal to the Board of Adjustment is filed, the alternate design will take effect within 15 days of said notice. Said notice shall be sent, by hand delivery or first class mail, to all

adjoining property owners, the Town Administrator, and any other persons who have filed with the Town, a request to be notified of any alternated designs approved under this section. If the director of planning fails to find all five findings in the affirmative, the director shall send notice along with reason(s) for denial by hand- delivery or certified mail to the applicant. The notice shall state that the applicant shall have up to 30 days from the date the notice is received to file an appeal to the planning commission.

7.6.5 WF WATERFRONT OVERLAY DISTRICT

A. Permitted Uses

All permitted principal and accessory uses in the underlying general zoning district. In addition to the uses permitted in the underlying general zoning district, the following uses shall be permitted by right provided they meet all of the requirements herein established:

1. Piers
2. Moorings and floats
3. Breakwaters
4. Swimming areas
5. Marine Railways
6. Sea walls
7. Boathouses

B. Yard Regulations

The yard regulations for any use within a WF District shall be the same as in the underlying zoning district except as herein provided.

C. Other Regulations

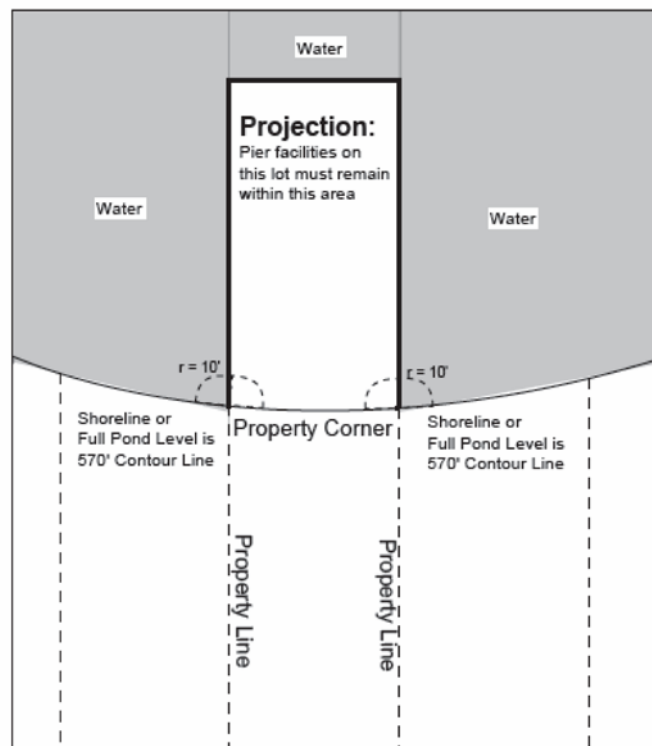
1. STRUCTURE SETBACK

All principal and accessory structures, except for boathouses, piers, sea walls, moorings and floats, walkways, breakwaters and marine railways shall be located at least forty (40) feet landward from the 570-foot contour line.

- a. A pier projection over the water may be established at each of the two property lines on the shoreline. Each projection shall be perpendicular to a line connecting two (2) points on the 570-foot contour line, where a ten (10) foot radius from that property corner intersects the 570-contour line as shown on the following illustration:

Two (2) or more adjoining property owners may apply for a permit for a common pier facility and may use all or any part of the individual area as herein described.

Figure 7.6.4-1



Piers, floats, pilings and buoys and all other appurtenances used to berth a boat at a pier shall not extend over the water more than eighty (80) feet from the shore, except that a pier may extend from the shore for the distance needed to reach a water depth of ten (10) feet below full pond level, but in no event greater than one hundred twenty (120) feet from the shore. When located in a cove, a pier shall not extend more than one-third ($1/3$) the width of the cove as measured from the shore at the point of proposed construction to the closest point on the opposite shore. All piers shall be designed so that the top of the decking will be at least one (1) foot above the water surface when at full pond level.

Any pier serving more than fifty (50) dwelling units must also have a boat launching facility.

All piers and docks must have two (2) white reflectors located at least six (6) inches above the 570-foot contour, on the furthest corners of the extension of the pier into the water, reflecting light parallel to the shoreline in each direction and directly across the lake in line with the shore from each corner. White reflectors must be placed on each side of the pier at intervals of fifteen (15) feet or less, six (6) inches above the water, beginning at its outermost extension into the water, and extending to the 570-contour of the shoreline.

- b. Where, due to unusual property configuration, a pier cannot be constructed within the above-described area, the property owner may apply for and the Board of Adjustment may grant a variance from this requirement. The Board of Adjustment in granting the request must find that the construction of pier facilities on other property affected by the variance would not be preempted.

3. MOORINGS AND FLOATS

Moorings and floats when placed in Lake Wylie or Mountain Island Lake for navigational purposes may only be so placed with the expressed written approval of the Lake Wylie Marine Commission or the North Carolina Wildlife Commission. Moorings and floats placed for the purpose of mooring boats or other legal and authorized floating objects must be separated on every side from any other mooring by a distance of at least fifty (50) feet and must be located to permit unobstructed passage on the Lake of through boats. Moorings and floats may not be anchored in such a manner as to deny or obstruct access to the lake from boat docks, boathouses, or boat launching ramps. In addition, moorings and floats

must conform to the Uniform Waterway Marking System.

4. BREAKWATERS

Breakwaters constructed for the purpose of protecting docks, piers, or other facilities, must be placed to protect the particular facility for its width only and may not offer area protection that might overly obstruct passage on the Lake. Breakwaters must be located and marked so as not to be a hazard to boating at any time.

5. FILLING

All filling operations must be designed by a registered engineer and approved by the U.S. Army Corps of Engineers and Duke Power Company. Fill may not be placed above the 570-foot contour without proper and adequate rip-rapping to prevent the fill material from being eroded into the lake. Fill areas must not obstruct access to the Lake Wylie, be a hazard to passage on the Lake, or a nuisance to adjacent property owners.

6. DREDGING

Dredging may not be conducted in such a way that the dredge spoil is placed back in the Lake reducing water depth in areas outside of the dredged area. All dredging activities must be approved by the U.S. Army Corps of Engineers and Duke Power Company prior to the beginning of any dredging.

7. MARINE RAILWAYS

Marine railways shall have permanent signs complying with the requirements of the North Carolina Wildlife Commission Uniform State Waterway Marking System designating the location of the marine railway. Marine railways shall not extend above the normal or natural lakebed or riverbed more than eighteen (18) inches between a horizontal measurement extending from the full pond level to a water depth of fifteen (15) feet below the full pond level.

8. SIGNS

Signs, other than navigational signs, shall be constructed to be compatible with the adjacent visual qualities of the area in which they are located. Signs shall not unduly obstruct the view of the Lake from any adjacent lakeshore property and may not be placed in the water or within forty (40) horizontal feet of the 570-foot contour. When lighted, signs must have fixed, non-moving, indirect or internal lighting. Off-site advertising signs placed or maintained to be visible from the lake are prohibited.

9. LIGHTING

The Mountain Island Lake or Lake Wylie Marine Commission must approve lighting that offers navigational aid on the Lake, whether public or private. Lights installed for purposes other than navigation may not be moving, flashing or colored other than white except for non-flashing yellow light for insect control. Lights must not inhibit vision in any way and not be so bright that they may cause night blindness for boat operators on the lake.

10. OVERHEAD TRANSMISSION LINES

Overhead transmission lines must be constructed to a minimum height of forty-eight (48) feet above the 570-contour level at all times.

11. PUBLIC AND PRIVATE SWIMMING AREAS

Swimming areas may not be defined in water deeper than fifteen (15) feet and may not extend more than eighty (80) feet from the shoreline. Swimming areas must remain confined within the projection of the side lot lines of the lot on which the area is located and must maintain the side yard requirements of the district within which the lot is located. Public swimming areas must be, and private swimming areas may be, marked and protected in conformance with Division of Environmental Management regulations.

7.6.6 SH SPECIAL HIGHWAY OVERLAY DISTRICT

These districts are located in areas adjacent to or in close proximity of the designated Special Highways. The regulations contained in this zoning district shall be supplemental to those found in the underlying zoning district, except where noted. The location of all SH Districts shall appear on the Zoning Map.

A. Permitted Uses

Uses in the SH district shall be limited to those permitted and special uses listed in the underlying general zoning district. In no case, however, shall any of the following principal uses be allowed to take place in any area located in the SH District:

1. Manufactured Goods, Class 2
2. Automobile Body shop
3. Automobile Repair Shop

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4. Automobile Towing and Wrecker Service
5. Camping and Recreational Vehicle Park
6. Building Materials and Lumber Sales
7. Amusement and Sporting Facility (Outdoor)
8. Junkyards/Salvage Yard
9. Flea Market, Outdoors
10. Commercial Vehicle and Truck Storage
11. Outdoor Storage Yard
12. Animal Kennel
13. Auction Facility, Livestock
14. Farmers Market
15. Manufactured Homes (All Classes)

B. Minimum Lot Size

One (1) acre. If the underlying zoning district requires a greater lot size for any particular use, then the greater lot size requirement shall prevail.

C. Maximum Building Height

None for non-residential uses. This shall have the effect of nullifying the underlying zoning district maximum height regulations for all nonresidential uses in the SH District. Residential uses shall observe the maximum building height for the underlying zoning district

D. Maximum Floor Area Ratio

1. Maximum floor area ratio for all uses shall be in accordance with the following table:

<u>LOT SIZE RANGE</u>	<u>MAXIMUM FLOOR AREA</u>
0.00 – 0.99 acres	0.20
2.00 – 4.99 acres	0.25
5.00 – 9.99 acres	0.30

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10.00 – 19.99 acres	0.35
20.00 + acres	0.40

2. For a shopping center, office park or other multi-tenant development, (excluding industrial parks) the area of the entire group development site shall be used to determine the floor area ratio.

E. YARD REQUIREMENTS

1. MINIMUM FRONT YARD SETBACK- FIFTY (50) FEET, EXCEPT AS FOLLOWS:
 - a. One hundred (100) feet shall be required if the front yard lies adjacent to a Special Highway right-of-way.
 - b. If a frontage road lies between the Special Highway and the principal building, a fifty (50) foot setback from the edge of the right-of-way of the frontage road shall be required.
2. MINIMUM SIDE YARD SETBACK- TWENTY-FIVE (25) FEET, EXCEPT AS FOLLOWS:
 - a. If the side yard lies adjacent to a Special Highway right-of-way, a one hundred (100) foot setback shall be required.
 - b. If the side yard is adjacent to a frontage road which lies between the lot and the Special Highway, a fifty (50) foot setback shall be required from the edge of the right-of-way of the frontage road.
3. MINIMUM REAR YARD SETBACK- FIFTY (50) FEET, EXCEPT AS FOLLOWS:
 - a. If the rear yard lies adjacent to a Special Highway right-of-way, a one hundred (100) feet setback shall be required.
 - b. If a frontage road lies between the principal building and the Special Highway, a fifty (50) foot setback shall be required as measured from the edge of the right-of-way of the frontage road.

F. USAGE OF YARD AND SETBACK AREAS

1. Boundary fences, gates, security stations, flagpoles, outdoor sculptures, fountains and similar works of art and on-premise ground-mounted identification signs are permitted in any required setback area.
2. Off-street parking and/or loading areas shall not be allowed: (i)

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within any portion of any yard which lies within one hundred (100) feet from the edge of a Special Highway right-of-way line; (ii) within any required setback area which is measured from the edge of a frontage road right-of-way; and, (iii) within any required landscaped area.

3. Outdoor storage and/or display of goods, accessory structures and uses and the dispensing of goods and services are permitted under the following conditions:
 - a. Such goods and activities shall not be located or conducted in any required setback area that abuts a frontage road or Special Highway right-of-way.
 - b. All outdoor storage of goods located on the lot shall otherwise be screened from the view of motorists from any Special Highway. Such screening shall generally be in conformance with Section 11.3.2 of this Ordinance except that the screening shall consist of natural plantings only and shall effectively screen said outdoor storage within three (3) years after the certificate of occupancy has been issued.
 - c. The Administrator may waive the requirements for such screening in cases where he determines that due to topography such screening would be impossible to install, would be unusually and unreasonably burdensome upon the developer, or would serve no screening or buffering purpose; provided, however, that in making such waiver the spirit and intent of this Section are met.
4. Driveways and other means of ingress and egress shall be allowed in any required yard or setback area.

G. SIGNS

1. Wall signage shall be allowed per the underlying zoning district.
2. Each non-residential use shall be permitted freestanding identified signs as allowed in Chapter 12 of this Ordinance for the underlying general zoning district except as follows:

Any non-residential principal use is permitted only one (1) ground mounted identifications sign to be located between the principal building and the right-of-way of the Special Highway. Said sign shall be no closer than twenty-five (25) feet from the edge of the right-of-way of the Special Highway (and outside the right-of-way of any frontage road which may lie between the building and the Special Highway) and shall

be limited to a height of ten (10) feet and a sign face area of one hundred (100) square feet. If a frontage road lies between the principal building and the Special Highway and that road provides the main access to the use, then said sign shall also be installed in lieu of any other freestanding identification sign allowed pursuant to Chapter 12 of this Ordinance. In addition, signage per Section 12.5.4H shall be allowed. For purposes of this subsection a shopping center, office park, or similar planned multi-tenant development (including industrial parks) shall be deemed to be one principal use.

3. Advertising signs shall be prohibited.

H. LANDSCAPING

1. In order to provide for a visually appealing landscape as viewed by the motorist from the adjoining Special Highway, special landscaping requirements are required for properties that lie adjacent to or otherwise visible from such Special Highways for all uses except single-family and two-family residential uses.
2. The first one hundred (100) feet of the yard lying between the Special Highway and the principal structure shall be landscaped or otherwise be left as a natural wooded landscape. This area shall run the entire length of the lot on the side where such lot adjoins the right-of-way of the Special Highway and said area shall include all land lying between said right-of-way and a line located one hundred (100) feet away from and running parallel to said right-of-way. Such landscaping shall be in the form of natural plantings (trees, shrubs, planted or naturalized ground cover and/or berm). Part of all of the required landscaped area may also be left as natural wooded areas. In no event shall any portion of the landscaping area (excluding fences gate posts, works of art, permitted signs, walkways, drainage structures, points of ingress and egress, etc. and as otherwise provided in Subsection F consist of impervious surface. No portion of the landscaped area shall exist as bare soil.
3. If a frontage road lies between the principal building and a Special Highway, the first fifty (50) feet of the yard lying between the frontage road right-of-way and the principal building shall be landscaped as provided above. This area shall run the entire length of the lot on the side where such lot adjoins the right-of-way of the road. Said area shall be measured perpendicular to the edge of said road right-of-way and run parallel to the road right-of-way for the length of the lot. A similar fifteen (15) foot landscaped area (as

measured perpendicular and parallel to the edge of the road right-of-way) shall otherwise be required in any front yard which: (i) does not adjoin the Special Highway or (ii) does not lie between the Special Highway and the frontage road.

4. Street yard landscaping shall be provided per Section 11.4. Off-street parking landscaping shall be provided per Section 11.5. All required landscaped areas shall be installed and maintained in accordance with installation and maintenance requirements of Section 11.1.2(E).

I. INGRESS AND EGRESS

1. Direct access onto a Special Highway from any lot located in a SH district shall not be permitted. In addition, no access shall be allowed onto a ramp connecting the Special Highway with an intersecting road. No two (2) points of ingress and egress (as measured at their closest distance) on any lot located in a SH district shall be closer than three hundred (300) feet apart. If a lot has less than three hundred (300) feet of frontage on a road which may be directly accessed, no more than one (1) point of ingress and egress (no more than one (1) driveway) shall be allowed on the same road for each lot, or per principal use if the principal use is located on more than one lot.

Provided however, any retail use engaged significantly in the sale of automotive fuels to the public and having one or more fuel stations located more than ten (10) feet distant from any principal building shall be permitted one (1) additional access point along its total frontage (total frontage includes the total for all streets on which the use fronts) provided said access point is no closer than forty (40) feet from any other access point. Planned multi-tenant projects such as shopping centers, office parks, and industrial parks shall be deemed to be a single principal use. A maximum of two (2) separate points of ingress and egress per lot shall be allowed per road front except under the following conditions:

- a. The lot is five (5) acres or greater in area; and
- b. The development is reviewed under the Special Use Permit or Conditional Zoning process.

Under said conditions, more than two (2) points of ingress and egress per road front per lot may be allowed.

2. Wherever possible, no portion of any point of ingress and egress shall be located closer than two hundred (200) feet from the center line intersection of any two roads. Whenever this distance is not possible due to the lot dimensions or other requirements of this

subsection, the point of ingress and egress shall be located as far as possible from the intersections.

3. Each driveway access (i.e., point of ingress and egress) shall be at least twenty-four (24) feet in width but not greater than thirty-six (36) feet in width, except where required by NCDOT.

J. OFF-STREET PARKING

No more than two (2) rows of parking shall be allowed between the edge of the Special Highway right-of-way line and the nearest portion of the adjacent building [refer to Section 7.6.3(l)]. All such parking shall be located outside of the landscaped area called for in Subsection H above. No greater than four (4) rows of parking shall be allowed on either side of the building. All additional parking shall be placed to the rear of the building away from the Special Highway right-of-way.

K. LOCATION OF OFF-STREET LOADING AREAS

Off-street loading location requirements, as indicated in Section 7.6.3 (C) shall prevail in the SH with the following exceptions:

1. Off-street loading berths shall not be located between the Special Highway and the adjoining building façade.
2. Off-street loading berths shall not be located in such a manner so as to be visible from the Special Highway.

L. BUILDING MATERIALS

The standards of Section 7.6.3(B) shall apply within the SH Overlay District with the following exceptions:

1. The term front façade shall mean the façade that fronts the SH Special Highway.
2. The building material requirements that apply to the “front façade”, as herein described, shall also apply to any other façade that is visible from the SH Special Highway.

7.6.7 CH CORRIDOR HIGHWAY OVERLAY DISTRICT

A. PERMITTED AND SPECIAL USES

Any permitted or special use, with the exception of manufactured homes, allowed in the underlying general zoning district, shall be permitted in the CH District. Manufactured homes shall not be allowed in the CH Corridor Highway Overlay District unless allowed elsewhere in this ordinance. Any special use in

Town of McAdenville, North Carolina
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Chapter 7 – Uses and Building Lot Standards

the underlying zoning district shall be permitted in accordance with the regulations outlined in Section 5.11. All such permitted and special uses shall also meet all requirements of the CH District. With the exception of manufactured homes (which are not allowed in the CH District), in no instance shall the regulations of this overlay district apply to single and two-family dwellings.

B. MAXIMUM FLOOR AREA RATIO

1. For all nonresidential uses, the following maximum floor area ratios shall be observed:

<u>LOT SIZE RANGE</u>	<u>MAXIMUM FLOOR AREA</u>
0.00 – 0.99 acres	0.25
1.00 – 9.99 acres	0.30
10.00 – 19.99 acres	0.35
20.00 + acres	0.40

2. Said floor area ratios shall normally be computed for individual lots. However, in the case of a planned multi-tenant development that contains more than one lot (i.e., a shopping center which contains out parcels or an office park) said floor area ratio shall be applied to the whole development. For industrial parks, however, the floor area ratio shall only be applicable to the individual lots.

C. LANDSCAPING

Street yard landscaping shall be provided per Section 11.4. Off-street parking landscaping shall be provided per Section 11.5.

D. PARKING LOT CONNECTIONS

The provisions of Section 7.6.3(A) shall also apply in the CH Overlay District.

E. BUILDING MATERIALS

The standards of Section 7.6.3(B) shall apply within the CH Overlay District.

F. LOCATION OF OFF-STREET LOADING AREAS

Off-street loading location requirements, as indicated in Section 7.6.3(C) shall apply in the CH overlay district.

G. SETBACK REQUIREMENTS

1. Front Yard Setback- All lots containing principal nonresidential uses shall observe a front setback of at least fifty (50) feet from the edge of the road right-of-way.
2. Side Yard Setback- All structures shall be set back at least twenty-five (25) feet from any side lot line.
3. Rear Yard Setback- All structures shall be set back at least twenty-five (25) feet from any rear lot line.

H. Minimum Lot Width

Any lot having direct access (i.e., a point of ingress and egress) onto a Corridor Highway shall have a minimum lot width measured at the Corridor Highway right-of-way line of two hundred (200) feet.

I. INGRESS AND EGRESS POINTS

Pre-existing ingress/egress points that have been approved by the NCDOT or other appropriate governing body are exempt from the provisions of this section. On any lot or in any planned multi-tenant development which contains more than one (1) lot, no two (2) points of ingress and egress (as measured at their closest distance) onto the same road shall be closer than three hundred (300) feet apart. No more than two (2) separate points of ingress and egress per lot or within a planned multi-tenant development shall be allowed per road front, except were included as conditional for a use which requires a special use permit located on a lot containing five (5) or more areas. Any use engaged significantly in the sale of automotive fuels to the public and having nor more fuel stations located more than ten (10) feet distant from any principal building shall be permitted one (1) additional point of access along its total frontage (total frontage includes the total for all streets on which the use fronts) provided said access point is no closer than forty (40) feet from any other access point.

Wherever possible, no portion of a point of ingress and egress shall be located closer than two hundred (200) feet to the center line intersection of the road upon which the use fronts and intersecting road.

Any driveway serving as a point of ingress and egress shall have a width of no less than twenty-four (24) feet and no greater than thirty-six (36) feet.

7.6.8 RESERVED

7.6.9 MH MOBILE HOME OVERLAY DISTRICT

Said overlay district may only be placed in an underlying Residential (R) District.

A. Allowed Uses

1. All uses permitted in the underlying zoning district
2. Dwelling, Manufactured Home Class A

B. Special Uses

None

C. Yard Regulations

The yard regulations in a MH District shall be the same as in the underlying zoning district. A mobile home in a MH District shall observe the same yard regulations as a single-family detached dwelling.

CHAPTER 8
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For any use which requires the issuance of a special use permit, the performance criteria listed herein may be in addition to any other fair and reasonable conditions placed on such use by the Town Council. Such conditions may impose greater restrictions on a particular use than those that are listed herein.

SECTION 8.1 RESIDENTIAL TYPE USES

8.1.1 RIDING STABLES / RIDING RINGS

All buildings, structures and facilities (including riding rinks/rings but excluding pasture lands) designed for use or occupancy of animals shall be located at least one hundred (100) feet from any lot line.

**8.1.2 ASSISTED LIVING CENTER; CONTINUING CARE
FACILITY; NURSING HOME**

- A. Any facility which is licensed to have greater than fifty (50) residents shall maintain a side setback of at least twenty (20) feet and a rear setback of at least forty (40) feet when the side or rear yard abuts a residential district or a lot containing a principal residential use, unless a greater setback is otherwise required for the zoning district in which it is located.
- B. Any facility on a lot that abuts a residentially zoned district must install a Type B buffer along the property line.

8.1.3 DAY CARE CENTER, CLASS A

- A. The facility must be staffed by at least one (1) person who resides in the dwelling in which the day care center is located.

- B. Outdoor play areas shall be located in the rear or side yards only.
- C. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height. Outdoor play areas shall not include driveways, parking areas, or other land unsuitable for play use.
- D. The day care center shall be located in a structure originally designed and constructed as a single-family dwelling. Said structure shall be the principal structure on the lot. The exterior of the structure (aside from the allowed day care signage) shall not be altered in a manner that diminishes its single-family dwelling characteristics.

8.1.4 DWELLING, MIXED USE

- A. The dwelling unit and the commercial use shall occupy the same principal structure.
- B. Lot and yard requirements for this use shall be the same as those for the nonresidential use.
- C. Nonresidential uses shall be limited to those allowed in the zoning district in which the structure is located.
- D. A maximum of one dwelling unit may be located in the building.
- E. In all districts, the structure must contain a commercial use for a dwelling to also be located in the structure.

8.1.5 DWELLING, TWO-FAMILY

- A. Two-family dwellings are allowed as a use by right on residential corner lots (except in the RS-8 district). Driveway ingress and egress to each unit shall also be from separate streets. The structure must meet the minimum front setbacks from both streets.
- B. Two-family dwellings on interior lots shall require a special use permit in the RLD, RMF, RS-20, and TMU districts.
- C. A special use permit is required for a two-family dwelling in the RS-8 zone. A two-family dwelling is allowed on corner lots only. The architectural front of each dwelling unit must face separate streets.

Driveway ingress and egress to each unit shall also be from separate streets. The structure must meet the minimum front setbacks from both streets.

8.1.6 FAMILY CARE HOME

A family care home shall be a use by right, except that no family care home shall be located within one-half (1/2) mile of another family care home unless a special use permit is granted by the Board of Adjustment, in accordance with Section 5.12, for such reduced separation.

8.1.7 GROUP HOME

No group care home may be located closer to another such home than one-half (1/2) mile measured by a straight line, and not street distances, in order to prevent the creation of a de facto social service district and to avoid affecting the surrounding neighborhood. "Affecting" means the point at which the number of group care homes or residents therein might become so large that it may alter the character of a neighborhood. This subsection is also intended to protect existing group care homes from the possibility that an over-concentration of such homes might inadvertently create an institutional setting and hinder or negate the purposes of such homes.

8.1.8 MANUFACTURED HOME PARK

- A. A manufactured home located in a manufactured home park that existed on the effective date of this Ordinance may be replaced.
- B. Said replacement manufactured home may be placed on a preexisting manufactured home space provided that the front, side, and rear setbacks for the manufactured home that existed prior to the replacement of the manufactured are not reduced.
- C. Manufactured homes shall be in compliance with all other applicable local and state codes.
- D. In no instance shall a manufactured home park that existed on the effective date of this Ordinance be allowed to expand (i.e., increase in the number of manufactured home spaces) subsequent to the adoption of this Ordinance.
- E. In no instance shall any new manufactured home parks be created after the effective date of this Ordinance.

F. RESERVED.

8.1.9 MATERNITY HOME

- A. In the R-1, R-2 and R-3 zoning districts, the use is permitted by right for up to six (6) beds. For a use with seven (7) or greater beds, a special use permit shall be required, with a maximum number of beds being no greater than twelve (12).
- B. In the R-1, R-2 and R-3 zoning districts, the structure containing the use shall not exceed three-thousand five-hundred (3,500) square feet.
- C. In the OLC, O-1 and C-1 zoning districts, the use is permitted by right for up to thirty (30) beds. For a use with greater than thirty (30) beds, a special use permit shall be required.

8.1.10 MULTI-FAMILY DEVELOPMENT

A. Multi-family Development Guidelines

1. Allowed Zoning Districts

Multi-family developments may be placed in the RMF, TMU, OLC, O-1, CBD, UMU, C-1 and I-U Districts. All multi-family developments must be served by a public water and sewer system.

2. Maximum Residential Density

ZONING DISTRICT	MAXIMUM BY- RIGHT DENSITY (Units per Acre)
RMF	8
TMU	8
OLC	8
O-1	8
CBD	8
UMU	6
C-1	6
I-U	6

NOTE: Any density greater than the above listed requires a CZ zoning.

3. Maximum Building Height

Same as underlying zoning district

4. Minimum Gross Acreage

One (1) acre

5. Common Open Space

In all zoning district except for CBD, the following amount of common open space shall be provided:

- a. Less than ten (10) units: no open space required
- b. 10-49 units: a minimum of ten (10) percent of gross acreage required
- c. 50+ units: a minimum of fifteen (15) percent of gross acreage required

All common open space shall be in accordance with Section 11.7 of this Ordinance.

6. Approval Process

AREA OF TRACT	PIM REQUIRED	APPROVAL BODY
Less Than two (2) Acres	None	Administrative Approval
Greater Than or equal to two (2) acres	Yes for CZ	Conditional Zoning (CZ) (see chapter 5) Results of Public Information Meeting (PIM) made public to governing board.

7. Off-street Parking Requirements

Parking shall be provided in accordance with Chapter 10 herein.

8. Screening Requirements

Screening shall be a minimum Type B and installed in accordance with Chapter 11.

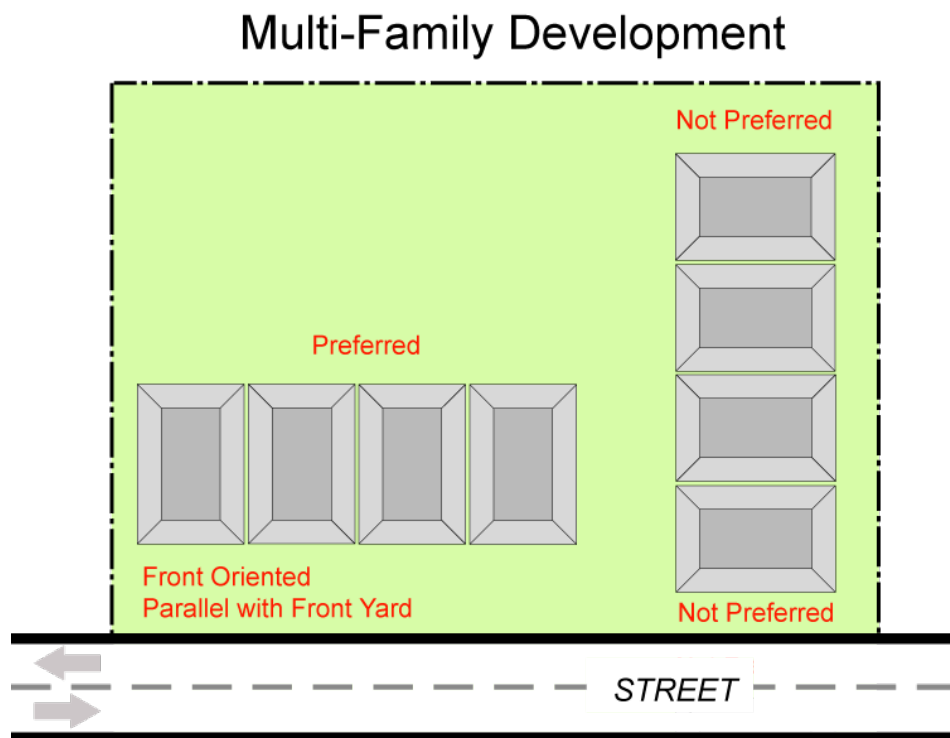
9. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

B. Multi-family Building Design Standards

1. All principal structures located within two-hundred (200) linear feet of the front lot line shall be oriented parallel with the front yard. (NOTE: These orientation requirements shall be waived if screening in the form of a Type B or higher screen is provided in the front yard. This regulation does not apply in the CBD zone.) The Administrator shall have the authority to waive or modify this requirement provided that specific circumstances unique to the subject property would make meeting the required width impractical or impossible.

Figure 8.1.10-1



2. If the interior side or rear yards of the multi-family development abut a Residential (R) district (other than RMF), screening in said yards in the form of a Type C or higher screen shall be provided. This requirement shall not apply in the CBD, TMU and UMU zones or where a proposed multifamily development abuts an existing multifamily development.
3. No off-street parking spaces may be placed in front yard unless a Type B or higher screen is provided in the front yard to shield the parking spaces from the adjoining street. Notwithstanding, in no case may greater than one-half (1/2) of the required off-street parking be placed in the front yard.
4. A minimum separation of ten (10) feet shall be maintained between one-story buildings within the multi-family development.
5. Reserved.
6. A special use permit shall be required for any building over three (3) stories in height.
7. At least fifty (50) percent of the front elevation of the building shall be veneered with brick, rock, decorative block, approved stucco and other permitted masonry materials as determined by the Zoning Administrator or approval body in instances where a special use permit or conditional zoning is involved.
8. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e., rise over run).
9. All newly constructed buildings shall have a minimum of two (2) different roof elevations on any building with a length over seventy-five (75) feet. Refer to figure 8.1.10-2

Figure 8.1.10-2



10. Each exterior front door that provides access to an individual unit or any shared door [i.e., a door that provides access to more than one (1) unit from the exterior)] shall contain one (1) or more of the following architectural additions: porch, cornice, overhang, arch, etc. to provide protection from the elements to persons entering or leaving the building or unit. Each such element shall extend in or out horizontally for a distance of at least three (3) feet.



11. There shall be a landscaped area at least four (4) feet in width along the entire length of the front façade of each building. There shall be at least one (1) shrub per six (6) linear feet of building. (**NOTE:** This is not applicable in the CBD district. This shall apply in the TMU and UMU districts with a possible administrator's waiver in qualifying instances.)



12. On individual case basis, the Administrator may allow in lieu of the street tree requirements contained in Section 11.4, trees shall be planted between the building and the adjoining public street (at the fringes of the development) as follows:
 - a. Two (2) canopy trees and two (2) understory trees shall be planted for every one-hundred (100) linear feet of public street frontage.
 - b. When the backs of dwelling units face a street right-of-way, the number of plantings required above shall be increased by fifty (50) percent.
13. For buildings greater than one hundred (100) feet long, there shall be no uninterrupted wall length exceeding seventy-five (75) feet. An interruption shall consist of a change in plane by more than one (1) foot or a change in texture / masonry patterns.



For buildings less than one hundred (100) feet long, a minimum of one (1) interruption shall be required within thirty (30) feet of the center of the wall.

14. Sidewalk requirements – refer to section 9.18.1.
15. Greenstrip requirements – refer to section 9.18.2.
16. Curb / Gutter requirements – refer to section 9.18.3

8.1.11 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

A. Planned Residential Development Guidelines

1. Allowed Zoning Districts

All PRDs must be served by a public or community water and sewer system.

2. Maximum Residential Density

Zoning District	By-Right Maximum Density	CZ Maximum Density
R-1	3(1)	5(2)
R-2	3(1)	5(2)
R-3	3(1)	5(2)
RS-20	3(1)	5(2)
RS -12	4	6
RS -8	6	8
RMF	8	12
TMU	8	12
OLC	8	12
O-1	8	12
CBD	8	12
UMU	8	12
C-1	8	12
I-U	8	12

(1) By-Right: outside USO district = three (3) units
 Inside USO district = five (5) units

(2) CD: Outside USO district = five (5) units
 Inside USO district = seven (7) units

(3) Project acreage over four (4) acres in size requires a CZ.

3. Maximum Building Height

Three (3) stories, not to exceed forty-five (45) feet.

4. Allowed/Required Housing Types

Each PRD must contain at least two (2) of the following housing types (except that in no instance shall a PRD consist entirely of townhouses / rowhouses and multi-family dwellings):

- Single-family residential units (excluding manufactured homes)
- Lot line house
- Patio house
- Village house
- Atrium house
- Duplex
- Twin House
- Townhouse
- Rowhouse
- Multi-family dwellings

Outside the Urban Standards Overlay District, a majority of the housing units must be of the single-family (detached) variety.

5. Minimum Gross Acreage

Three (3) acres, except for five (5) acres in the R-1, R-2, or R-3 districts.

6. Common Open Space

At least twenty (20) percent of the gross acreage of the PRD shall consist of common open space per Section 11.7.

7. Approval Process for a PRD

See Section 8.1.11A2 above for density allowed. Process for CZ, if required, is located in Section 5.16.5.

8. Off-street Parking Requirements

Refer to Chapter 10 for parking requirements.

9. Screening Requirements

There are no mandated screening requirements within the PRD. A minimum Type B screening shall be provided at the fringes of the PRD, in accordance with Chapter 11.

10. Sidewalk / Greenstrip / Curb and Gutter Requirements

Refer to Section 9.18.1(E) for sidewalk requirements; Section 9.18.2 for greenstrip requirements; Section 9.18.3 for curb and gutter requirements.

11. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

12. Street Requirements

- a. Streets within the PRD should have a design speed of thirty (30) miles per hour and a posted speed of twenty-five (25) miles per hour. Higher design and posted speeds may be allowed on major boulevards that provide through access to the PRD and adjoining developments.
- b. All streets (including alleys) within the PRD shall be publicly maintained (if not NCDOT maintained, then the Home Owners Association must maintain). All streets (but not including alleys) shall be designed to have on-street parking on at least one (1) side of the road. The street network within the PRD and with adjacent streets outside the PRD shall be interconnected to the greatest degree feasible and practical.
- c. Alleys in the PRD shall have a minimum paved surface of sixteen (16) feet and a minimum right-of-way width of twenty-four (24) feet. Alleys shall meet all other applicable NCDOT design and construction, except that alleys shall not be required to have curb and gutter and shall not be required to have an inverted crown for drainage.
- d. Cul-de-sacs shall be limited in number within the PRD and shall not

be used to avoid street connections. Cul-de-sacs shall be no greater than two-hundred fifty (250) feet in length.

- e. Block lengths shall be no less than five-hundred (500) and no greater than eight-hundred (800) feet in length.
- f. Street trees shall be provided per Section 11.4 in all PRDs.

B. PRD Building and Lot Standards

The following design standards shall apply (in the Urban Standards Overlay only, the stricter of the two standards shall apply):

1. Multi-family Buildings



- a. Front build-to lines shall be 0-15 feet behind the sidewalk.
- b. Building facades shall be parallel to the adjoining street.
- c. Trash dumpsters are to be located to the rear of the building.
- d. The primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- e. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, wood, cement

fiberboard, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- f. Multi-family buildings shall have porches that form a predominant aspect of the building design. Porches shall constitute at least fifteen (15) percent of the front façade of each apartment unit in the building.

Example: A multi-family building has a front façade area of two thousand four hundred (2,400) square feet (i.e., building is eighty (80) feet in length by thirty (30) feet in height) and the façade forms the front of four (4) apartments. Each apartment constitutes six hundred (600) feet of façade area. Thus, fifteen (15) percent of that façade (i.e., ninety (90) feet) must have a porch / balcony protruding from it.



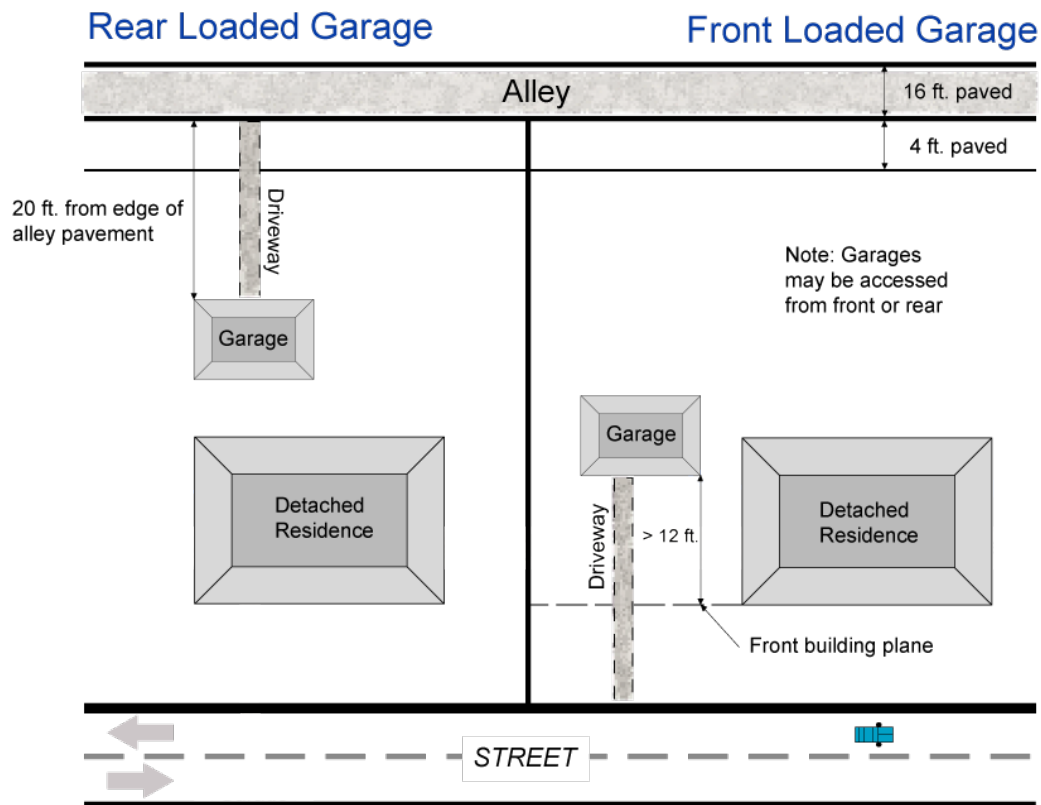
- g. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- h. Multi-family residences shall be separated from detached residential dwellings within the PRD by a street or greenway. If not possible, residential uses adjacent to the multi-family residences shall have substantially similar and compatible

architectural facades

2. Detached Single-family Residences

- a. Garages may be attached or detached. If detached, they shall be in the side and rear yards only and designed to be entered into from the front or rear street and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to Figure 8.1.11-1 for an illustration of this requirement.

Figure 8.1.11-1



- b. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).

- c. Pedestrian access to the residence shall be from the adjoining front yard sidewalk.



- d. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement fiberboard; wood or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Front porches, where provided, shall be a minimum of eight (8) feet in depth.
- g. Building facades shall be generally parallel to front property line

- h. Front loaded detached garages are allowed and shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.1.11-1 for an illustration of this requirement.
- i. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area and shall be comprised of materials similar as the principal structure. Otherwise, accessory structures shall be in compliance with Section 9.9 of this Ordinance.

3. Attached Residences



- a. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).
- b. Building facades shall be generally parallel to front property line.
- c. Pedestrian access to the residence shall be from the adjoining street.
- d. Building elevations fronting and/or visible from public streets shall be clad with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal

roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Attached residences shall be separated from detached residential uses in the PRD by a street or greenway. If not possible, residential uses adjacent to the attached residences shall have substantially similar and compatible architectural facades.
- g. Front loaded garages are allowed and shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.1.11-1 for an illustration of this requirement. Detached garages may be located in the rear yard only and designed to be entered into from the rear yard. The garages shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface.
- h. Accessory structures consisting of mailboxes, newspaper boxes, walls, fences, birdhouses, or flag poles may be located in any front, side or rear yard. Otherwise, accessory structures shall be in the rear yard only. Accessory structures greater than fifty (50) square feet in area shall be comprised of the same exterior materials as the principal structure. Otherwise, accessory structures shall be in compliance with Section 9.9 of this Ordinance

8.1.12 RESIDENTIAL DEVELOPMENT, INFILL



A. Infill Development Guidelines

1. Allowed Zoning Districts

An infill residential development must meet each of the following requirements:

- a. Infill residential developments may only be located in the Urban Standards Overlay (USO) District, and then only in the RS-8, RS-12, RS-20, RMF, TMU, OLC, O-1, CBD, UMU, C-1 and I-U Districts. All infill residential developments must be served by a public or community water and sewer system.
- b. An infill residential development shall be located on a site that is: (i) on a (Charlotte Area Transit System (CATS) or Gaston) transit line; or, (ii) on a principal or minor arterial; or, (iii) in an area that lies within a one- quarter (1/4) mile walking distance (and where sidewalk is provided within such quarter-mile) of a CBD district; or, (iv) within such quarter- mile (1/4) walking distance to a shopping center, office park, industrial park, or individual commercial, office, or industrial use, any of which contains one-hundred thousand (100,000) or more square feet GFA.

2. Minimum Lot Size

Four thousand (4,000) square feet or one-half (1/2) the minimum lot size in the underlying zoning district, whichever is greater.

3. Maximum Building Height

Same as in the underlying zoning district

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4. Allowed Housing Types

Infill residential developments shall be limited to the following residential types:

- a. Single- family detached dwellings (excluding manufactured homes)
- b. Lot line house
- c. Patio house
- d. Village house
- e. Atrium house
- f. Twin House

5. Gross Acreage (per infill residential development)

- a. Minimum: One (1) acre;
Maximum: Five (5) acres.
- b. In no instance may a second infill subdivision be carved out of the same tract of land (or portions thereof) within any five (5) year continuous period.

6. Minimum Setbacks

For yards on lots located at the perimeter of the infill residential development, the normal required minimum yard for a single-family residential use for the underlying zoning district shall be required. Otherwise, for all other yards within the interior of the development, the following minimum setbacks shall be required:

Front Yard – Twenty (20) feet
Side Yard – Five (5) feet
Rear Yard – Twenty (20) feet

For lot line houses and twin houses, there shall be a minimum principal building separation on adjacent lots of ten (10) feet.

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7. Common Open Space

If ten (10) or more housing units are provided within an infill residential development, common open space, in accordance with Section 11.7, shall be provided in the infill residential development. No common space shall be required for infill developments with less than ten (10) units.

8. Approval Process

AREA OF TRACT	PIM REQUIRED	APPROVAL BODY
Less than two (2) acres	None	Administrative Approval
Two (2) acres or greater	Yes	Conditional Zoning

9. Off-street Parking Requirements

Shall be in accordance with Chapter 10.

10. Screening Requirements

There are no mandated screening requirements within the infill residential development.

11. Accessory Structure Requirements

Accessory structure requirements shall be the same as provided in Section 9.9 of this Ordinance, except as provided herein.

12. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

13. Street Requirements

- a. Streets within the infill residential development may be publicly maintained and must be built to all applicable NCDOT or municipal design standards (except as herein provided). Privately maintained streets are allowed if they are less than three-hundred (300) feet in length and serve less than ten (10) units.
- b. Valley curb and gutter shall be provided on all streets. For streets internal to the infill residential development, two (2) street sections may be used (either option must meet or exceed NCDOT standards):
 1. Have a minimum pavement width of eighteen (18) feet and a right-of-way width of twenty-six (26) feet (with sidewalks); or,
 2. Have a minimum pavement width of twenty-four (24) feet, as measured from back to back of curb, and a minimum right-of-way width of forty (40) feet (without sidewalks). Sidewalks, if provided, shall meet the construction requirements of Section 9.18.1(C).
- c. A minimum two (2) foot utility easement must be provided on each side of the street adjacent to the right-of-way.
- d. Cul-de-sacs and dead end streets can be no greater than three-hundred (300) feet in length.

B. Infill Residential Building Standards

All design standards of the Urban Standards Overlay (USO) District shall be applicable. In addition, the following design standards shall apply (the more restrictive standard shall prevail):

1. Garages may be attached or detached. If detached, they shall be in the rear yard only.
2. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement fiberboard; wood or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Board of Commissioners, in instances where a conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

3. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
4. Front porches, where provided, shall be a minimum of eight (8) feet in depth.
5. Building facades shall be generally parallel to the adjoining public street. Pedestrian access to each unit may be from the front or rear yard.
6. Accessory structures consisting of mailboxes, newspaper boxes, walls, fences, birdhouses, or flag poles may be located in any front, side or rear yard. Otherwise, accessory structures shall be in the rear yard only. Accessory structures greater than fifty (50) square feet in area and shall be comprised of materials similar as the principal structure.
7. If a twin home is located on a corner lot, the architectural front of each home must face a different street.

8.1.13 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

A. TND Guiding Principles

The following is a summary of the guiding principles of a TND:

1. Principles of Public Realm
 - a. Well-designed places; terminal vistas.
 - b. Non-residential buildings near or at the sidewalk.
 - c. Lots are typically smaller and narrower than in conventional subdivisions.
 - d. Rear access alleys allowed.
2. Principles of Transportation System
 - a. Connected web of streets.
 - b. Cul-de-sacs are to be avoided and, where permitted, are short in length.
 - c. Curved as well as straights streets may be provided.
 - d. Short blocks.
 - e. Sidewalks are located on both sides of the street.
 - f. Two or more points of ingress and egress are provided for the TND.

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3. Principles of Mixed Use

- a. TNDs always contain a mixture of dwelling types (e.g., single-family detached, single-family attached, multi-family, dwellings atop of commercial uses, etc.).
- b. Denser housing is found near a designated “TND Center”.
- c. Civic uses are encouraged within the TND.
- d. Similar types of buildings should face each other on opposite sides of the street.

4. Principles of Architecture

- a. Commercial buildings should be of the “shop-front” variety that cater to the pedestrian.
- b. Other non-residential uses within the TND should also be designed so as to cater to the pedestrian.

5. Principles of the TND Center

- a. Each TND must have at least one neighborhood center (i.e., TND Center) as a focal point of the community.
- b. The TND center is “ideally” located in the geographic center, although there may need to be some variation to this theme to insure that the center is viable. In certain instances, a nearby, established, and pedestrian-oriented center located outside the TND may serve as an alternative.
- c. The TND Center shall consist of one or more uses that serve the residents of the TND and can include retail, office and civic uses.
- d. With limited exceptions (i.e., financial institutions, ATMs), commercial uses should not be automobile oriented.

6. Principles of Open Space

- a. Compact development should result in preservation of open space.
- b. TNDs always have public open spaces such as greens, village squares, parks and/or playgrounds.
- c. Smaller open space areas should be distributed throughout the TND.
- d. Pre-existing natural features should be retained (to the greatest degree feasible) and be incorporated into the TND.

7. Principles of Civic Uses in TNDs

- a. Civic uses may serve TND residents only (swimming pools, meeting centers) or the community as a whole (church, school).
- b. For TNDs located on tracts of less than twenty-five (25) acres, the TND Center can consist entirely of civic uses that serve the TND residents only.

B. TND Development Guidelines

1. Allowed Zoning Districts

TNDs may be allowed in the R-1, R-2, R-3, RS-20, RS-12, RS-8, RMF, TMU, OLC, O-1, CBD, UMU, C-1 and I-U Districts.

2. Maximum Residential Density

None

3. Maximum Building Height (based on TND component)

- a. Village Residential- Three (3) stories
- b. Central Residential- Three (3) stories
- c. TND Center- Five (5) stories, except three (3) stories in all R-1, R-2, R-3, RS-20 and RS-12 districts as well as any TND not located in the Urban Standards Overlay District.

5. Minimum Lot Width

None, except forty (40) feet on any lot containing a detached single-family dwelling unit.

6. Minimum TND Tract Area

Ten (10) acres

7. Required TND Components

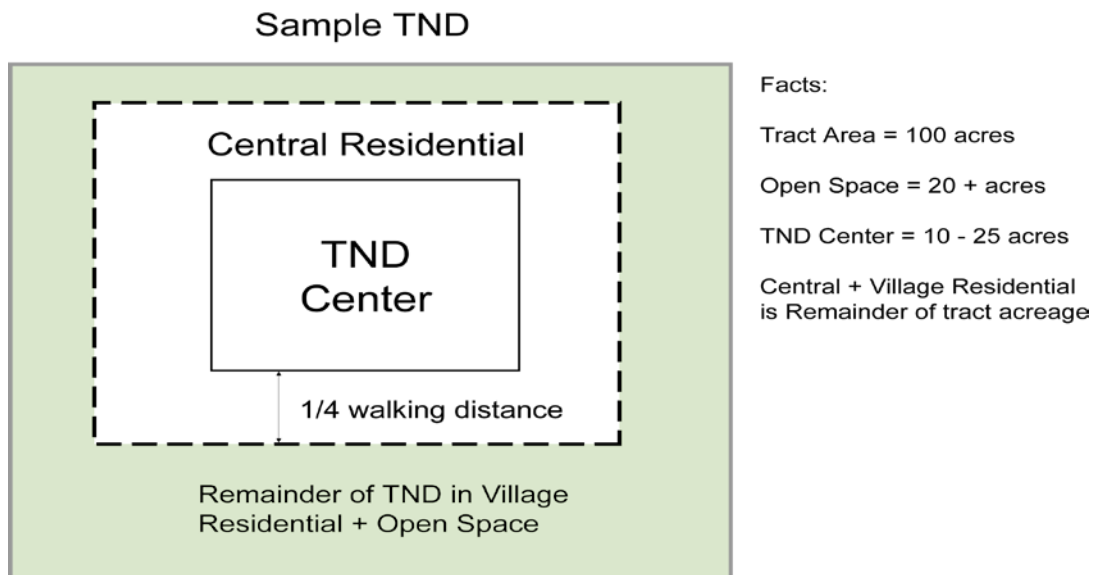
Each TND shall contain the following four components:

- a. **TND Center-** This is the “Main Street” of the TND and may be located within the center of the TND itself, or on the internal periphery of the TND along a major road emanating from an existing adjacent thoroughfare. Non-residential uses may include retail, office, civic and certain “high-tech, low-impact” manufacturing uses. Residences may also be located in freestanding buildings or on top of non-residential buildings. Civic uses may be located anywhere in the TND Center or in other portions of the TND. If an established pedestrian-accessible town center (i.e., retail area,

equal or greater in size to that which would have been required in the TND itself) lies within twenty-four hundred (2,400) linear feet (as measured by walking distance) from seventy-five (75) percent of the residential units contained in the TND, the TND Center requirement within the TND may be waived.

There may be more than one (1) designated TND Center within the TND; however, there shall be at least one (1) designated “primary TND Center” that accommodates a minimum of seventy-five (75) percent of the total acreage designated as “TND Center”.

Figure 8.1.13-1



- b. **Central Residential-** This shall consist of higher-density residential development, along with civic uses, that lies adjacent (i.e., within $\frac{1}{4}$ mile walking distance from the edge of the primary TND Center) to the TND Center. Residential dwellings can include those of the attached and detached variety that are a maximum of three (3) stories in height.



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- c. **Village Residential-** The remaining developed portion of the TND shall consist of “village residential” uses that are limited to detached dwelling units.



- d. **Open Space-** Greenways, Parks, Greens, Village Squares, etc (but not sidewalks or greenstrips), that meet the requirements of Section 11.7.



8. TND Layout Requirements

- a. **Open Space:** Open space shall be provided on a minimum of twenty (20) percent of the gross acreage of the TND. Such open space shall be in accordance with Section 11.7 of this Ordinance and shall be of such variety so as to be readily accessible to all residents of the TND.

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- b. TND Center: The TND Center shall constitute from ten to twenty-five (10 to 25) percent of the gross acreage of the TND.
 - c. Central Residential: There is no maximum acreage standard for the Central Residential portion of the TND.
 - d. Village Residential: If all of the residential acreage lies within a one-quarter (1/4) mile walking distance from the primary TND Center, there shall not be a required “Village Residential” component to the TND and the residential component of the TND can be satisfied entirely by the “Central Residential” component.
9. Approval Process for a TND

	PIM REQUIRED	APPROVAL BODY
(1) Less than fifteen (15) acres	None	Administrative Approval
(1) Fifteen (15) acres or greater	Yes (2)	Conditional Zoning; Results of PIM made public to governing board

(1) Irrespective of acreage within the TND, a PIM and conditional zoning shall be required if either the TND Center or any multi-family residential buildings lie (1) directly across a public street from property not within the TND; or (2) within 200 feet from the edge of a property line of a lot not located in the TND that is less than one acre in area and that contains a pre-existing single-family dwelling unit.

(2) The Administrator shall be required to meet with the developer and review the TND per Section 17.1.5(A) to ensure conformity to the Ordinance prior to the PIM being held.

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10. Uses Allowed Within the TND

Use	Allow ance	Supple mental Regula tions	Use	Allow ance	Supple mental Regula tions
Amusement and Sporting Facility, Indoor	X	8.2.2	Essential Services, Class 2	X	8.4.8
Amusement and Sporting Facility, Outdoor	SUP	8.2.3	Essential Services, Class 4	X	8.4.9
Animal Hospital, Indoor	X	8.2.4	Family Care Home	X	8.1.6
Art Gallery	X		Fraternal and Service Organization Meeting Facilities	SUP	8.4.11
ATM	X	8.2.6	Grooming Services	X	
Auction House, Indoor Only	X	8.2.7	Laundromat, closed midnight to 5:00AM	X	
Auditoriums / Assembly Hall / Community Center, less than 500 seats	X		Library	X	
Auditoriums / Assembly Hall / Community Center, 500 or more seats	SUP	8.4.2	Manufactured Goods, Class 1	SUP	8.3.7
Bed and Breakfast Inn	X	8.2.12	Offices, including Medical Services, up to 99,999 sf per building	X	
Bus or Train Terminal, passenger	X	8.2.13	Park	X	8.4.14
Business Services	X		Parking Lot	X	8.2.28
Church / Place of Worship	X	8.4.6	Post Office	X	
Convenience Store, closed midnight to 5:00AM	X	8.2.17	Restaurants, no fast food / drive through	X	8.2.31
Day Care Center, Class B	X	8.2.19	Retail, up to 50,000 sf GFA	X	8.2.32
Day Care Center, Class C	SUP	8.2.19	School for the Arts	X	
Dwelling, Mixed Use	X	8.1.4	Schools, elementary, middle, high	X	8.4.17
Dwelling, Single Family	X		Stadium	SUP	8.4.20
Essential Services, Class 1	X		Transit Station	SUP	

Note:

1. X = Use allowed by-right; SUP = Special Use Permit required
2. If a use located in the TND is subject to the issuance of a special use permit, and if such use were shown on the site plan originally approved for the TND through the conditional zoning process, issuance of a special use permit for such use shall not be needed. In instances where such use

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was not indicated on and approved as part of the site plan for the conditional rezoning of the property for the TND, or if the TND were approved administratively, a special use permit would need to be issued for such use.

3. Additional specifications for building design and layout in TNDs are indicated elsewhere in this Section.

11. Allowed Housing Types

	TND CENTER	CENTRAL RESIDENTIAL	VILLAGE RESIDENTIAL
Single Family Dwelling (excluding manufactured homes)	Allowed	Allowed	Allowed
Lot Line House	Allowed	Allowed	Allowed
Patio House	Allowed	Allowed	Allowed
Village House	Allowed	Allowed	Allowed
Atrium House	Allowed	Allowed	Allowed
Duplex	Allowed	Allowed	Allowed
Twin House	Allowed	Allowed	Allowed
Townhouse	Allowed	Allowed	Allowed
Multi-family [with up to three (3) stories]	Allowed	Allowed	Not Allowed
Multi-family [with more than three (3) stories]	Allowed ⁽¹⁾	Not Allowed	Not Allowed

⁽¹⁾ Allowed only in TNDs with a gross acreage of fifty (50) acres or greater and located within the Urban Standards Overlay District. Notwithstanding, such type use shall not be allowed in an R-1, R-2, R-3, RS-20 or RS-12 zoning districts.

12. Off-street Parking Requirements

The requirements of Chapter 10 shall prevail except the location of off-street parking shall be as provided for herein based on the building type (i.e., uses within the TND Center must have their parking located entirely within the TND Center.) Parking decks, if used, shall be of the Option “B” and “C” variety as contained in Sections 10.9.2 and 10.9.3 of this Ordinance.

13. Screening Requirements

A minimum type B screening shall be provided along the perimeter of the TND in accordance with Section 11.4. Screening may be required within the TND based on the use types.

14. Accessory Structure Requirements

Accessory structure requirements shall be the same as provided in Section 9.9 of this Ordinance, except as herein provided.

15. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

16. Street Requirements

- a. Streets within the TND should have a design speed of thirty (30) miles per hour and a posted speed of twenty-five (25) miles per hour. Higher design and posted speeds may be allowed on major boulevards that provide through access to the TND and adjoining developments.
- b. All streets (but not including alleys) shall be designed to have on-street parking on at least one (1) side of the road. The street network within the TND and with adjacent streets outside the TND shall be interconnected to the greatest degree feasible and practical.
- c. Alleys in the TND shall have a minimum paved surface of sixteen (16) feet and a minimum right-of-way width of twenty-four (24) feet. Alleys shall meet all other applicable NCDOT design and construction, except that alleys shall not be required to have curb and gutter and shall not be required to have an inverted crown for drainage.
- d. Cul-de-sacs shall be limited in number within the TND and shall not be used to avoid street connections. Cul-de-sacs shall be no greater than two-hundred fifty (250) feet in length.

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- e. All primary entrances into the TND shall terminate at a terminal vista.
- f. Block lengths shall be no less than five-hundred (500) feet and no greater than eight-hundred (800) feet in length.
- g. Refer to Section 9.18.3 for curb and gutter.

17. Sidewalk / Greenstrip Requirements

Refer to Section 9.18.1(D) for sidewalk requirements and Section 9.18.2 for greenstrip requirements.

18. Street Tree Requirements

Street trees shall be provided on all streets per Section 11.4.

C. TND Building and Lot Standards

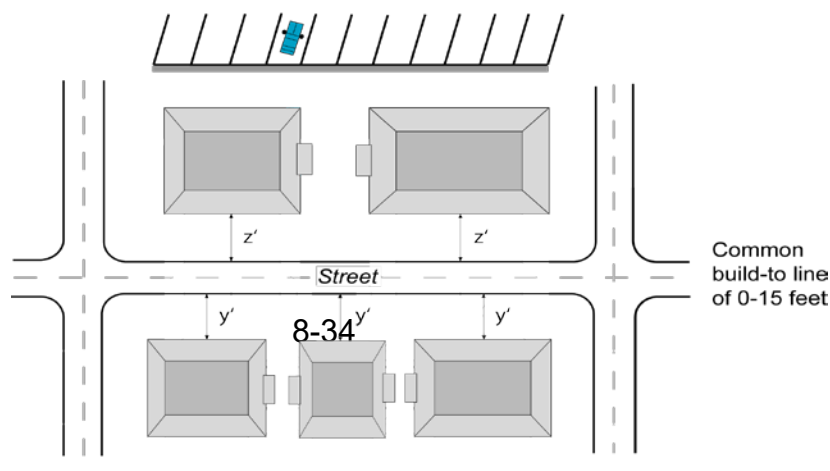
All design standards of the Urban Standards Overlay District shall apply. Refer to Section 9.18.1(D) for provisions relating to sidewalks. In addition, the following design standards shall apply (the more restrictive of the design standards shall prevail):

1. Non-Residential Buildings in the TND Center

- a. Buildings facing each other on the same side of the same street shall maintain a common front build-to line of from zero to fifteen (0-15) feet behind the sidewalk. The Administrator may allow for minor deviations from the build-to line to allow for exterior amenities such as outdoor dining areas, customer drop-off points, etc. Refer to Figure 8.1.13-2 for an illustration of this requirement.

Figure 8.1.13-2

Common build-to lines for non-residential buildings in the TND Center



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- b. Building facades shall be parallel to the adjoining street.



- c. Off-street parking shall be to the rear of buildings.
- d. Off-street parking areas shall be inter-connected, wherever possible.
- e. Trash dumpsters are to be located to the rear of the building.
- f. Buildings are to be served with rear-loading alleys.
- g. Primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- h. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, stone or stone veneer, stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

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- i. Street level windows shall be provided and shall be transparent. Mirror or reflective glass shall not be allowed.

2. Multi-family Buildings

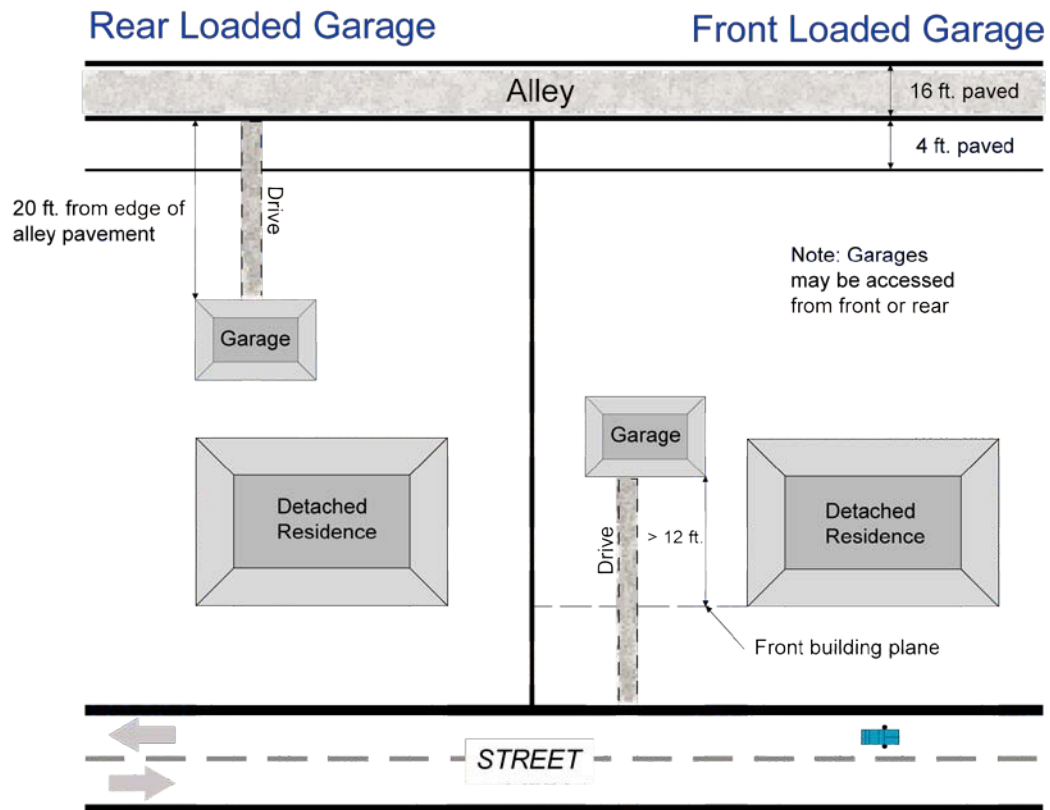
- a. Front build-to lines shall be zero to fifteen (0-15) feet behind the sidewalk.
- b. Building facades shall be parallel to the adjoining street.
- c. Trash dumpsters are to be located to the rear of the building.
- d. The primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- e. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, wood, cement fiberboard, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- f. Outside the TND Center, multi-family buildings shall have porches that form a predominant aspect of the building design. Porches shall constitute at least fifteen (15) percent of the front façade of each apartment unit in the building.
- g. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- h. Multi-family residences shall be separated from detached residential uses within the TND by a street or greenway. If not possible, residential uses adjacent to the multi-family residences shall have substantially similar and compatible architectural facades

3. Detached Single-family Residences

- a. Garages may be attached or detached. If detached, they shall be in the side or rear yards only and designed to be entered into from the front or rear street and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to

Figure 8.1.13-3 for an illustration of this requirement. Up to one (1) accessory dwelling unit may be placed above the garage. Such dwelling unit shall be exempt from any additional off-street parking requirements.

Figure 8.1.13-3



- b. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).
- c. Pedestrian access to the residence shall be from the adjoining front yard sidewalk.
- d. Building elevations fronting and/or visible from public streets shall be clad with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement fiberboard; wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not

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specifically listed but similar in appearance and texture to those herein listed.

- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Front porches, where provided, shall be a minimum of eight (8) feet in depth.
- g. Building facades shall be generally parallel to front property line.
- h. Front loaded detached garages are allowed outside the TND Center portion of the TND. Such garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.1.13-3 for an illustration of this requirement.
- i. Manufactured homes shall not be allowed.
- j. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area and shall be comprised of materials similar as the principal structure.

4. Attached Residences

- a. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G). Building facades shall be generally parallel to front property line.



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- b. Pedestrian access to the residence shall be from the adjoining street.
- c. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- d. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- e. Attached residences shall be separated from detached residential uses in the TND by a street or greenway. If not possible, residential uses adjacent to the attached residences shall have substantially similar and compatible architectural facades.
- f. Garages may be attached or detached. If detached, they shall be in the side or rear yards only and designed to be entered into from the front or rear street and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to Figure 8.1.13-3 for an illustration of this requirement. Front loaded detached garages are allowed outside the TND Center portion of the TND. Such garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch).
- g. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area shall be comprised of the same exterior materials as the principal structure.

5. Civic Buildings

- a. A minimum ten (10) foot front yard setback shall be observed. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G). Off-street parking in the front yard shall be prohibited.

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- b. Building facades shall be generally parallel to front property line.
- c. Pedestrian access to the principal buildings shall be from the adjoining front yard sidewalk.
- d. Off-street parking areas shall be inter-connected, wherever possible.
- e. Trash dumpsters are to be located to the rear of the building.
- f. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, decorative concrete block, pre-cast or field poured tilt concrete panels with texture; stone or stone veneer, flush architectural metal panels; stucco or artificial stucco; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed.



- g. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- h. Street level windows shall be provided and shall be transparent. Mirror or reflective glass shall not be allowed.
- i. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below.

8.1.14 CUSTOMARY HOME OCCUPATION

- A. Customary home occupations may be established in any principal dwelling unit as allowed by North Carolina State Building Code. Customary home occupations shall be incidental to a residential unit and shall not be considered a substitute to traditional retail establishments that rely on a substantial amount of walk-in traffic. Customary home occupation requirements shown herein shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located.
- B. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the exterior residential character of the dwelling.
- C. No accessory structures or outside storage of materials or equipment shall be allowed in connection with the customary home occupation.
- D. Use of the dwelling for the home occupation shall be limited to twenty-five (25) percent of the gross heated floor area of the principal structure.
- E. The operator of the customary home occupation must reside on the same lot as where the customary home occupation takes place. Residents of the dwelling plus a maximum of one (1) nonresident may be engaged in the customary home occupation or otherwise report to work at the dwelling.
- F. No products, goods, materials, or equipment associated with the customary home occupation shall be visible from any adjoining street or properties. All such products, goods, materials or equipment shall be stored within the residential dwelling unit. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.
- G. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
- H. Only vehicles used primarily as passenger vehicles (i.e., passenger automobiles, passenger vans and passenger pickup trucks) shall be permitted in connection with the conduct of the customary home occupation. No more than two (2) vehicles shall be used in conjunction with the customary home occupation. Parking in association with the customary home occupation shall only take place in the driveway or garage.

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- I. Chemical, mechanical, or electrical equipment or any other activity associated with the customary home occupation that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.
- J. Hours of operation shall be anywhere from 8:00 AM to 8:00 PM only.
- K. Private Instruction in School of Arts in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).
- L. Permitted customary home occupations shall be limited to the following:
 - 1. Bakery (Retail)
 - 2. Barber Shop
 - 3. Beauty Shop
 - 4. Bicycle Sales/Service
 - 5. Blueprint and Drafting Service
 - 6. Clock Shop
 - 7. Computer and Data Processing Service
 - 8. Detective Agencies
 - 9. Florist, Retail
 - 10. Florist, Wholesale
 - 11. Food Catering Facility
 - 12. Gunsmith
 - 13. Insurance Agency
 - 14. Key Shop
 - 15. Locksmith
 - 16. Photographic Studio
 - 17. Private Instruction in School of Arts (dance, piano, pottery, etc.)
 - 18. Real Estate Agency
 - 19. Sewing, Cloth and Notions Store
 - 20. Shoe Repair Shop
 - 21. Tailor and Alterations Store
 - 22. Tax Preparation Service
 - 23. Taxidermy
 - 24. Travel Agency
 - 25. Upholstery Shop
 - 26. Watch and Clock Repair Shop
- M. The Administrator shall have the authority to allow a customary home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with customary home occupations listed herein.

8.1.15 RESERVED

8.1.16 MANUFACTURED HOMES, CLASS C & D

- A. Class C and D homes are permitted within Manufactured Home Parks only, except as permitted below.
- B. Class C homes are allowed to be used as a temporary accessory home as allowed elsewhere in this Ordinance.

8.1.17 PRIVATE RESIDENTIAL QUARTERS

Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (excluding manufactured homes) in accordance with the following requirements:

- A. The same person shall own the private residential quarters and principal dwelling units. The owner of the principal dwelling unit shall live on-site.
- B. A disabled person, family member, an occasional guest or live-in servant shall occupy the private residential quarters.
- C. The private residential quarters shall not serve as a rental unit for gain (except in a Traditional Neighborhood Development).
- D. The private residential quarters may be attached to or separate from the principal dwelling unit. Except in a TND, the private residential quarters may be located in a separate accessory structure if the area of the lot is at least one-hundred fifty (150) percent that of the smallest approved lot size for the TND.

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Example: The smallest lot is five thousand (5,000) square feet. The minimum lot size for the lot containing the PRQ to be in an accessory structure shall be a minimum of seven thousand five hundred (7,500) square feet.

- E. If the private residential quarter is in a detached structure, it shall be served by the same driveway accessing the principal structure.
- F. The ground floor area of the private residential quarters shall be no greater than fifty (50) percent of the ground floor area of the principal dwelling unit, or seven-hundred fifty (750) square feet, whichever is less.



- G. If the private residential quarter is located in an accessory structure, said structure shall be located in the rear or side yard. No such structure shall be located closer than fifteen (15) feet from any side or rear lot line (except in a TND). The accessory structure housing the private residential quarters shall not exceed the height of the principal dwelling.



- H. No more than one (1) private residential quarter per lot shall be allowed.
- I. A private residential quarter shall have at least two (2) off-street parking spaces.

8.1.18 AUTO HOBBYIST

- A. Allowed on any lot containing a principal single-family or two-family dwelling, or in a designated manufactured home space within a Manufactured Home Park.
- B. Section 9.17 shall also apply.

SECTION 8.2 OFFICE / COMMERCIAL TYPE USES

8.2.1 ADULT ESTABLISHMENT

This section applies to any new adult establishment, and any expansions, additions, and alterations thereof an existing adult establishment and said business shall conform to the requirements set forth in this ordinance.

- A. Adult establishments have negative secondary impacts upon: adjacent neighborhoods; residential neighborhoods; churches; schools; day care centers; public parks; or when adult establishments are concentrated. Special regulation of these establishments is necessary to ensure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The requirements of this section are therefore established.
- B. This section shall apply to all “Adult Establishments” as defined in NC Gen. Stat. 14-202.10.
- C. Adult establishments shall be permitted subject to the following requirements, except where requirements in other applicable sections of the zoning ordinance are more restrictive:

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1. Massage businesses shall be permitted in an I-1 and I-2 zones only. This provision shall not pertain to massage therapists who are licensed or registered medical professionals or other persons certified by a state or nationally recognized organization; nor shall this apply to any private or public fitness center or nonprofit community recreational fitness and service organization, either of which provides massage therapy as a service incidental to the operation of a fitness center.
2. No two (2) adult establishments may be located within five-hundred (1000) linear feet of each other.
3. No adult establishment may be located within one-thousand (750) linear feet of the property line of any church/house of worship; any public or private elementary, middle, junior high, or high school; children's camp; library; public park or playground; day care center (except a day care center located within an industrial facility, i.e. building), or two-hundred fifty (250) linear feet from the edge of a residential zoning district.
4. The required distances shall be measured from the closest edge of the property line occupied by an adult establishment to the closest edge of the property line occupied by a church/house of worship; any public or private elementary, middle, junior high, or high school; children's camp; library; public park or playground; day care center (except a day care center located within an industrial facility, i.e. building); or residential zoning district or another adult establishment. Provided, however, that when an adult establishment is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such establishment.
5. No more than one (1) adult establishment shall be located within the same structure or portion thereof.
6. Doors shall be prohibited on all private viewing booths and the interior of the booth shall be constantly visible to the operator of the establishment.
7. The patron entrance to all adult establishments shall be in the front of the building.
8. No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls

of the establishment. Windows shall be opaque preventing the view of the interior of the building.

9. Irrespective of the sign area regulations contained in Chapter 12, no freestanding signs for adult establishments shall be permitted. Additionally, signs attached to or applied to the building (paint, stickers, etc.) shall not exceed ten (10) percent of the size of the exterior surface wall fronting on a public vehicular area, but in no instance shall exceed fifty (50) square feet. Additionally, signs are limited to text only; graphics shall not be allowed. The text may not include the following terms: “Nude,” “Topless,” “Erotic” or “XXX.”
10. The Board of Adjustment shall have no authority to modify or grant variances from the separation distance requirements listed herein.
11. After the effective date of these regulations, the establishment of a residential zoning district or protected use subsequent to the commencement of an adult establishment will not render the adult establishment nonconforming.

8.2.2 AMUSEMENT AND SPORTING FACILITY, INDOOR

In any Office zoning district, only fitness gyms shall be allowed.



8.2.3 AMUSEMENT AND SPORTING FACILITY, OUTDOOR

- A. All outdoor swimming facilities shall be located at least fifty (50) feet from any adjoining lot line, except one-hundred (100) feet shall be required if adjacent to a residential zoning district.
- B. All outdoor accessory recreational uses (with the exception of swimming pools) located on any lot must be located at least twenty (20) feet from any side or rear lot line; fifty (50) feet shall be required if adjacent to a residential zoning district. These distances shall serve as minimum distances and shall be increased for particular uses as mandated elsewhere in this Ordinance.
- C. Lights shall be turned off after regular hours of operation. Illumination of sporting events shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
- D. The following requirements apply to fairgrounds only:
 - 1. All outdoor recreation facilities and vending stands shall be located at least five-hundred (500) linear feet from a residential district. Otherwise, all buildings or structures, whether permanent or temporary, may not be located within one-hundred (100) feet of any lot line.
 - 2. Access to the site shall be provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- E. The following requirements apply to firing ranges only:
 - 1. For outdoor firing ranges, shooting areas shall be located at least five-hundred (500) linear feet from any property line
 - 2. The distance from any firing point, measured down range in the direction of fire to the nearest property line of the property on which the range is located shall be at least one-half mile (2,640 feet) at the time of initial construction.

3. A projectile-proof backstop, consisting of concrete, steel, earth, or any combination, at least fifteen (15) feet above the target line must be erected and maintained behind all target areas.
- F. The following requirements apply to golf driving ranges only:
1. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving or playing areas so as to prevent golf balls from going onto adjacent properties. Such devices, where applicable, may be counted towards any required screening provided.
 2. The minimum lot depth from the tees to the end of the driving area shall be one thousand (1,000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
- G. The following requirements apply to recreational fish lakes or ponds only:
- Electronic sound amplification shall not be permitted.

8.2.4 ANIMAL HOSPITAL (INDOOR KENNEL); ANIMAL HOSPITAL (OUTDOOR KENNEL)

- A. If the use shares interior walls with any other use, the animal hospital structure shall be insulated and soundproofed, in order to minimize all loud and disturbing noises that might disturb those persons in adjoining structures or in the nearby vicinity.
- B. For animal hospitals with outdoor kennels only, if the lot containing the use is located within one-hundred (100) feet of a residential zoning district, a special use permit per Section 5.11 shall be required.
- C. If the use has an outdoor kennel, it shall meet the requirements of Section 8.2.5, with the exception of the minimum lot size requirements.

8.2.5 ANIMAL KENNEL; ANIMAL SHELTER

- A. Any structure which houses animals which is not fully enclosed, and all animal runs shall each be located at least one-hundred (100) linear feet from any lot line and three-hundred (300) linear feet from any preexisting principal residential structure located on another lot.
- B. An animal kennel may be an accessory use on a lot containing a principal single-family residential use in the R-2 and R-3 districts subject to the regulations contained herein.
- C. Outdoor run areas shall be located in the rear yard only and shall be enclosed by an opaque, decorative fence or masonry wall at least eight (8) feet in height.
- D. In the R-2 and R-3 zoning districts, a minimum lot area of three (3) acres shall be required.
- E. In the C-2 and C-3 zoning districts, a minimum lot area of one (1) acre shall be required.

8.2.6 AUTOMATIC TELLER MACHINE (ATM)

- A. Freestanding ATM structures shall be visible from a public street.
- B. A freestanding ATM must be located outside all required setbacks.

8.2.7 AUCTION HOUSE

- A. In the CBD, UMU, C-1 and IU zoning districts and in all TNDs, if all principal and accessory structures for the use exceed twenty-five thousand (25,000) square feet GFA, a special use permit shall be required.
- B. An Auction House with animals requires a special Use Permit and is only allowed in the I-2 and I-3 districts.

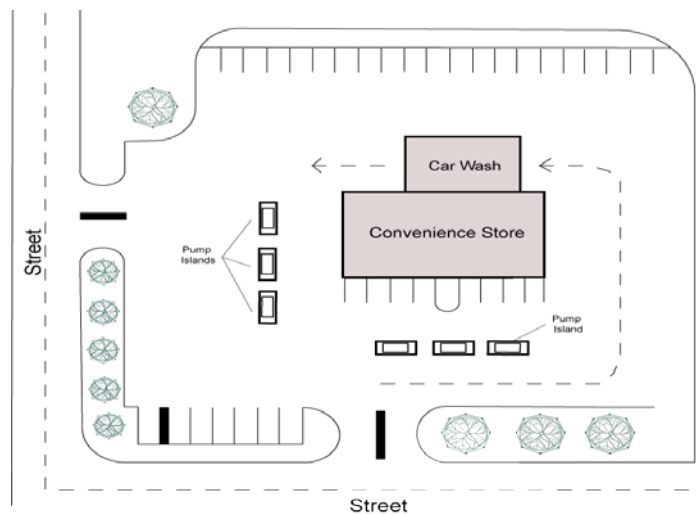
**8.2.8 AUTOMOBILE BODY SHOP; AUTOMOBILE DETAIL SHOP;
AUTOMOBILE REPAIR SHOP**

- A. All storage of equipment and materials shall be placed on the lot containing the use and shall not be on any adjacent street or lot.
- B. All painting and/or external repair of damaged vehicles and all "auto body work", shall be done behind closed doors in a properly ventilated, indoor area.
- C. All outdoor storage of damaged or wrecked vehicles to be repaired shall be screened in accordance with Chapter 11. No storage of "salvage" vehicles or parts is allowed.
- D. Any use which also has an automobile towing and wrecking service as an accessory use must meet the requirements contained in Section 8.2.10.
- E. Any use with over seven (7) spaces designated for vehicles waiting for repair must screen such spaces from any public road in accordance with Chapter 11.
- F. Maximum allowed front and side yard parking shall be equivalent to three (3) parking spaces per garage bay. Additional parking spaces shall be located in the rear yard only and shall be substantially screened from any public street before issuance of a certificate of occupancy.
- G. In the IU and R-3 zoning districts, if the lot containing the use is located within one-hundred (100) feet of a residential zoning district or the use has towing and wrecking as an accessory use, a special use permit shall be required.
- H. In the R-3 zoning district, the total gross floor area of all principal and accessory structures shall be no greater than three thousand (3,000) square feet.
- I. In the R-3 zoning district, a maximum of three thousand (3,000) square feet of outdoor storage shall be allowed. Said storage shall be screened from any public road. Said screening shall be in the form of a fence, wall, berm or natural plantings. Said screening shall be installed and maintained in accordance with chapter 11 of this Ordinance.

- J. In the R-3 zoning district, delivery of parts, automobiles and any other goods or materials in association with said use may only take place during the hours of operation. Operating hours shall be anytime from 7AM to 10PM.

8.2.9 AUTOMOBILE SERVICE STATION

- A. No above grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be located closer than twenty-five (25) feet to any public right-of-way and ten (10) feet to any exterior property line or within any required setback, whichever is greater. Pump island canopies shall not be located closer than ten (10) feet to a public right-of-way in the front yard or extend within any required side or rear yard setback.
- B. In the Urban Standards Overlay District only, no more than three (3) fuel pumps in the front yard by-right, any additional fuel pumps in the front yard requires a Special Use Permit. For corner lots, each road frontage shall be considered a separate front yard for this regulation.



- C. If the lot containing the use has more than thirteen (13) fueling pumps and is located within one-hundred (100) feet of a residential zoning district, a special use permit shall be required.

8.2.10 AUTOMOBILE TOWING AND WRECKER SERVICE

- A. Any outdoor vehicle storage area shall be located a minimum of one-hundred (100) linear feet from any street right-of-way and two-hundred (200) linear feet from any residential zoning district.
- B. If the lot containing the use is located within three-hundred (300) feet of a residential zoning district, a special use permit shall be required.
- C. All damaged and wrecked vehicles must be parked in delineated parking spaces.
- D. If the vehicle storage area is greater than twenty-five (25) parking spaces then a special use permit is required.
- E. Vehicle storage facilities shall not be located at an elevation whereby the storage is visible from a public street after the required screening is in place.
- F. The automotive storage area shall be located in the rear yard only, and be materially screened with a six (6) foot high opaque fence in addition to other required screening provided elsewhere in this ordinance.
- G. A minimum two hundred-forty (240) square foot building for office and restroom shall be provided on site.
- H. No outdoor disassembly or salvaging of the vehicles or parts thereof shall be permitted on site.
- I. No portion of any pre-existing principal residential structure (other than the residential structure which is occupied by the owner of said use) shall be located within one hundred (100) feet of the automotive storage area.

**8.2.11 AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE,
MANUFACTURED HOME AND RECREATIONAL VEHICLE
SALES AND RENTAL**

- A. All outdoor vehicle display areas shall be paved.
- B. No vehicles may be displayed or stored on or within required buffer yards, including required street yards, ten (10) foot parking setback (see Section 10.1 H), Greenstrips (see Section 9.18) or in violation of any other section of this ordinance.

- C. Paved areas reserved for the 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 Chapter 10.
- D. In the USO and CH Overlay districts, only two (2) rows of display vehicles allowed in the front yard.
- E. Any business that does not conform to the conditions of this subsection shall within twelve (12) months of the effective date (April 21st, 2021) of the UDO submit a parking site plan to the Administrator for approval.

8.2.12 BED AND BREAKFAST INN

Off-street parking in the side and rear yards shall be screened with a minimum Type A buffer yard (see Section 11.3) if the lot containing the use adjoins a residential zoning district, except the R-2 and R-3 zoning districts. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

8.2.13 BUS OR TRAIN TERMINAL, PASSENGER

The site shall be located so as to have buses directly accessing thoroughfares as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan to avoid traveling through any abutting residential neighborhoods.

8.2.14 CAMPING AND RECREATIONAL VEHICLE PARK

- A. All spaces for camping and recreational vehicles shall be located at least one-hundred (100) linear feet from any adjoining lot line.
- B. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time a certificate of occupancy is issued for the use.
- C. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).

8.2.15 CAR WASH, AUTOMATIC; CAR WASH SELF SERVICE



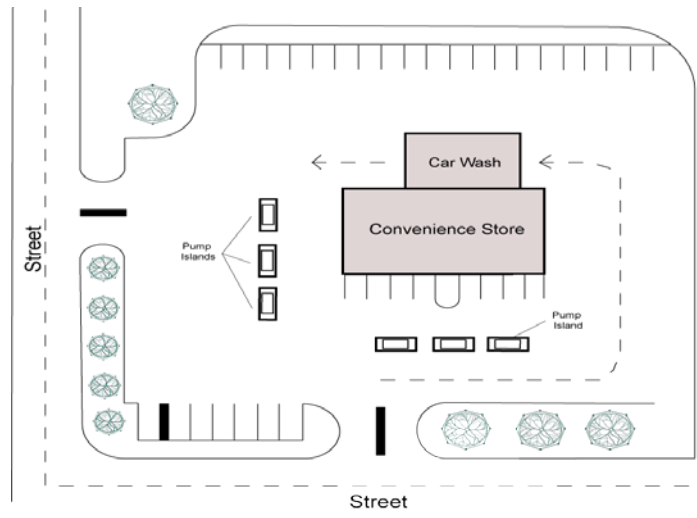
- A. Vacuuming, drying and polishing facilities may not be located in the front yard.
- B. Wash bays shall not face any lot in a residential zoning district. This shall not apply in the case of lots containing such automobile washes that are separated from such residentially zoned lots by a principal or minor arterial.
- C. All vehicular accessible areas on the lot shall be at least fifty (50) feet from any adjoining residentially zoned lot, except in cases where such lot lies directly across a principal or minor arterial.
- D. If a car wash is located adjacent to a residentially zoned district, a special use permit shall be required.

8.2.16 CLUB, PRIVATE (WITHOUT ADULT ENTERTAINMENT); FOOD CATERING FACILITY (WITH ONSITE DINING AREAS); LOUNGE / NIGHTCLUB

If the lot containing the use is located within one-hundred (100) feet of a residential zoning district, a special use permit shall be required.

8.2.17 CONVENIENCE STORE

- A. The following uses shall be considered accessory to Convenience Stores: Car Washes, Automatic (in the side or rear yard only) and rental of video tapes / DVDs. All such accessory uses will not require additional parking. In no case shall such accessory uses be allowed additional signage.
- B. In the UMU and C-1 districts, access to the site shall be provided by at least one (1) principal or minor arterial, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- C. No above grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be located closer than twenty-five (25) feet to any public right-of-way and ten (10) feet to any exterior property line or within any required setback, whichever is greater. Pump island canopies shall not be located closer than ten (10) feet to a public right-of-way in the front yard or extend within any side or rear required setbacks.
- D. In the Urban Standards Overlay District only, no more than three (3) fuel pumps in the front yard by-right, any additional fuel pumps in the front yard requires a Special Use Permit. For corner lots, each road frontage shall be considered a separate front yard for this regulation.



- E. Vacuuming, air, and water facilities may be located outside the building, but may not be located within any required setback or front yard.
- F. The sale of fuel at convenience stores shall be prohibited in TNDs.
- G. Restaurants within the primary building shall be required to meet parking requirements for restaurants with inside seating.
- H. Convenience stores with fuel must comply with Section 8.2.39.

**8.2.18 COUNTRY CLUB; GOLF COURSE; GOLF DRIVING RANGE;
MINIATURE GOLF**

- A. Accessory uses including restaurants, retail shops selling golf related items, and other accessory uses normally associated with a country club or golf course may be allowed.

8.2.19 DAY CARE CENTER, CLASS B; DAY CARE CENTER, CLASS C

- A. Outdoor play areas shall be located in the rear or side yards only.
- B. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height or shall meet the North Carolina Day Care regulations, whichever is more restrictive.
- C. See Section 10.6 for staging area requirements.
- D. For Class C Day Care Centers only, access to the site shall be provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- E. Class B Day Care Centers may be an accessory daycare to churches and are allowed as a use by right.
- F. In residential, NBS and I-1 zoning districts, Class B Day Care Centers not accessory to a church and Class C Day Care Centers shall require a Special Use Permit.

8.2.20 FLEA MARKET, INDOOR AND OUTDOOR

- A. For outdoor flea markets only, there shall be at least three hundred (300) linear feet between said use (including all facilities / parking area) and any residential district.
- B. Any flea market shall be on a lot of at least five (5) acres that fronts and has direct access from a minor arterial road or higher classification as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.2.21 FOOD CATERING FACILITY

For any use with banquet facilities, a special use permit shall be required if the lot containing the use is located within one-hundred (100) feet of a residentially zoned district.

8.2.22 HEALTH AND BEHAVIORAL CARE FACILITY

- A. If the facility exceeds ten-thousand (10,000) square feet gross floor area (GFA) in the OLC, O-1, NBS and C-1 zoning districts, a special use permit shall be required.
- B. Any facility which serves more than fifty (50) clients shall maintain a side setback of at least twenty (20) feet and a rear setback of at least forty (40) feet when the side or rear yard abuts a residential district, unless a greater setback is otherwise required for the zoning district in which it is located.

8.2.23 HOTEL; MOTEL

- A. Retail uses, lounges, and restaurants may be located as an accessory use within any motel or hotel.
- B. In the IU district, only conversion hotels (i.e., conversion of a building into a hotel from another use) shall be allowed.
- C. The following requirements apply to hotels in the OM district only:
 - 1. Only full service hotels are allowed in the OM district.
 - 2. In the OM district only, each of the additional findings of fact must be found in the affirmative by the Board of Adjustment prior to the issuance of a special use permit for a hotel:
 - a. The hotel will be supportive of the hospital and medical community. Examples of this include: (i) marketing of meeting rooms to the medical community; (ii) marketing and promotion of lodging to the medical community and to friends and/or relatives of hospital patients; or (iii) assignment of rooms designated to serve persons receiving out-patient care or other medical care not requiring hospitalization.
 - b. The design and exterior finish shall be of a type and quality in keeping with the existing development found in the area.
 - c. Access and traffic flow patterns for the site shall not create difficulties for emergency vehicles accessing the hospital and shall be compatible with the overall hospital complex.

8.2.24 NURSERY (GARDEN)

- A. Structures associated with the use shall be at least fifty (50) feet from any rear or side lot line and a Type A landscaping buffer shall be installed along all rear or side lot lines.
- B. Mulch and gravel piles, etc., must be located out of the front, rear and side setbacks. If the mulch and gravel piles, etc. are stored in the front yard, they must be permanently screened from the adjoining public road with either an opaque landscaping screen or a wooden fence. Such screen must have a minimum height of six (6) feet.

8.2.25 OFFICE USES WITH GREATER THAN 100,000 GFA IN THE UMU AND IU DISTRICTS

Office buildings greater than one-hundred thousand (100,000) square feet GFA are only allowed as a use by right for conversions in the UMU and IU zoning districts; otherwise, such uses shall be a special use in the UMU and IU zoning districts.

8.2.26 PLANNED UNIT DEVELOPMENT

A. PUD DEVELOPMENT GUIDELINES

1. Allowed Zoning Districts

Planned Unit Developments may be placed in the R-2, R-3, RMF, TMU, OLC, O-1, CBD, UMU, C-1, C-2, C-3, I-1, I-2 and I-U Districts. All PUDs must be served by a public water and sewer system and must have access onto a principal or minor arterial.

2. Maximum Building Height

All buildings shall have a maximum building height of five (5) stories, provided that buildings shall be no greater than three (3) stories in height in PUDs on sites of less than fifty (50) acres.

3. Minimum Gross Acreage

Ten (10) acres

4. Residential Component

In any residential zoning district in which a PUD is allowed, such PUD shall have residential uses that make up a minimum of sixty (60) percent of the gross acreage of the development.

5. Common Open Space

At least ten (10) percent of the gross acreage of the PUD shall be preserved as common open space. This shall include all common areas [at least one-half (1/2) of which shall be grassed or landscaped] that are readily accessible by residents and users of the PUD. At least one-half (1/2) of the required common open space shall consist of improved common areas, such as plazas, courtyards and other improved pedestrian-accessible areas specifically designed to accommodate residents and visitors. Such areas can include benches, fountains, play equipment and venues for outdoor vending stands shall not include parking areas.

All common open space shall otherwise be in accordance with Section 11.7 of this Ordinance.

6. Approval Process for a PUD

AREA OF TRACT	PIM REQUIRED	APPROVAL BODY
Less than Fifteen (15) acres	None	Administrative Approval
Fifteen (15) acres or greater	Yes	Conditional Zoning; Results of PIM made public to governing board.

7. Off-street Parking Requirements

The requirements of Chapter 10 shall prevail except location of off-street parking shall be as provided for herein based on the building type. Parking decks, if used, shall be of the Option “B” and “C” variety as contained in Sections 10.9.2 and 10.9.3 of this Ordinance. Streets within the PUD are strongly encouraged to be designed to accommodate on-street parking.

8. Screening Requirements

There are no mandated screening types within the PUD, however, the Administrator may require screening based on the uses within the PUD. Screening shall be provided at the perimeter of the PUD as a Type B screen.

9. Accessory Structure Requirements

Accessory structures shall be in compliance with Section 9.9 of this Ordinance, except where otherwise provided herein.

10. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

11. Reserved

12. Uses Allowed in the PUD

Uses within a PUD are limited to those listed below. Except as specifically provided, uses are further limited to those allowed in the underlying zoning district. Refer to Table 7.1-1.

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Use	Allowance	Supplemental Regulations	Use	Allowance	Supplemental Regulations
Amusement and Facility, Indoor Sporting	X	8.2.2	Flex Space	X	
Amusement and Facility, Outdoor Sporting	SUP	8.2.3	Fraternal Organization and Service Meeting Facilities	SUP	8.4.11
Animal Hospital, Indoor	X	8.2.4	Grooming Services	X	
Art Gallery	X		Hotel / Motel	SUP	8.2.23
ATM	X	8.2.6	Laundromat, closed midnight to 5:00AM	X	
Auction House, Indoor Only	X	8.2.7	Laundromat, open up to 24 hrs	SUP	
Auditoriums / Assembly Hall / Community Center, less than 500 seats	X		Library	X	
Auditoriums / Assembly Hall / Community Center, 500 or more seats	SUP	8.4.2	Manufactured Goods, Class 1	SUP	8.3.7
Bus or Train Terminal, passenger	X	8.2.13	Offices, including Medical Services,	X	8.2.25
Business Services	X		Park	X	8.4.14
Convenience Store,	X	8.2.17	Parking Lot	X	8.2.27
Convenience Store, open up to 24 hrs	SUP	8.2.17	Post Office	X	
Day Care Center, Class B	X	8.2.19	Restaurants, no fast food / drive through	X	8.2.31
Day Care Center, Class C	SUP	8.2.19	Retail	X	8.2.32
Development, Multi-Family	X		School for the Arts	X	

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Dwelling, Single Family	X		Schools, elementary, middle, high	X	8.4.17
Essential Services, Class 1	X		School, Vocational	SUP	8.4.18
Essential Services, Class 2	X	8.4.8	Stadium	SUP	8.4.20
Essential Services, Class 4	X	8.4.9	Transit Station	SUP	
Financial Institution	X				

Note:

1. X = Use allowed by-right; SUP = Special Use Permit required
2. Additional specifications for building design and layout in PUDs are indicated elsewhere in this Section.

13. Street Requirements

- a. Streets within the PUD should have a design speed of thirty (30) miles per hour and a posted speed of twenty-five (25) miles per hour. Higher design and posted speeds may be allowed on major boulevards that provide through access to the PUD and adjoining developments.
- b. Except for major boulevards that provide access and channel traffic throughout the PUD, all streets (excluding alleys, where provided) within the PUD shall be publicly maintained.
- c. Alleys in the PUD shall have a minimum paved surface of sixteen (16) feet and a minimum right-of-way width of twenty-four (24) feet. Alleys shall meet all other applicable NCDOT design and construction, except that alleys shall not be required to have curb and gutter and shall not be required to have an inverted crown for drainage.

14. Sidewalk/Greenstrip Requirements

Refer to Section 9.18.1(G) for sidewalk requirements and Section 9.18.2 for greenstrip requirements.

15. Street Tree Requirements

Street trees in accordance with Section 11.4 shall be required on all streets within the PUD, irrespective of the underlying zoning district.

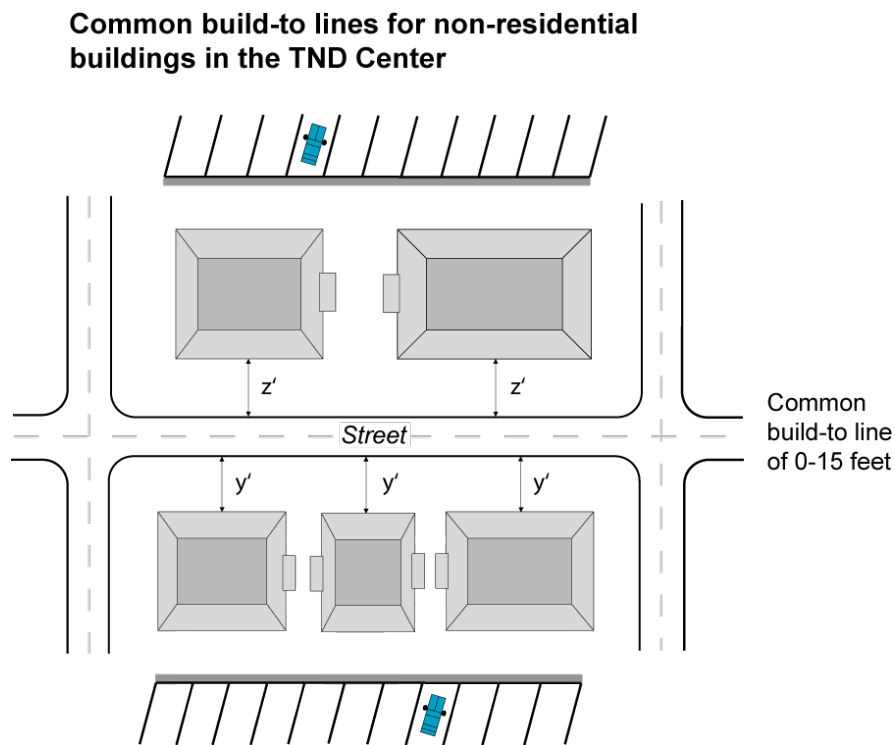
B. BUILDING AND LOT STANDARDS

All design standards of the Urban Standards Overlay District shall apply. Additional design standards are also shown below. (The more restrictive of the design standards shall prevail):

1. Commercial Buildings

- a. Buildings facing each other on the same side of the same street shall maintain a common front build-to line behind the sidewalk. The Administrator may allow for minor deviations from the build-to line to allow for exterior amenities such as outdoor dining areas, customer drop-off points, etc.

Figure 8.2.26-1



- b. Building facades shall be parallel to the adjoining street.
- c. Off-street parking areas shall be inter-connected, wherever possible.
- d. Trash dumpsters are to be located to the rear of the building.
- e. Buildings may be served with rear-loading alleys.
- f. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, stone or stone veneer; stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- g. Street level windows shall be transparent. Mirror or reflective glass shall not be allowed.

- h. Roofs may either be flat or pitched. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below. If pitched, principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).

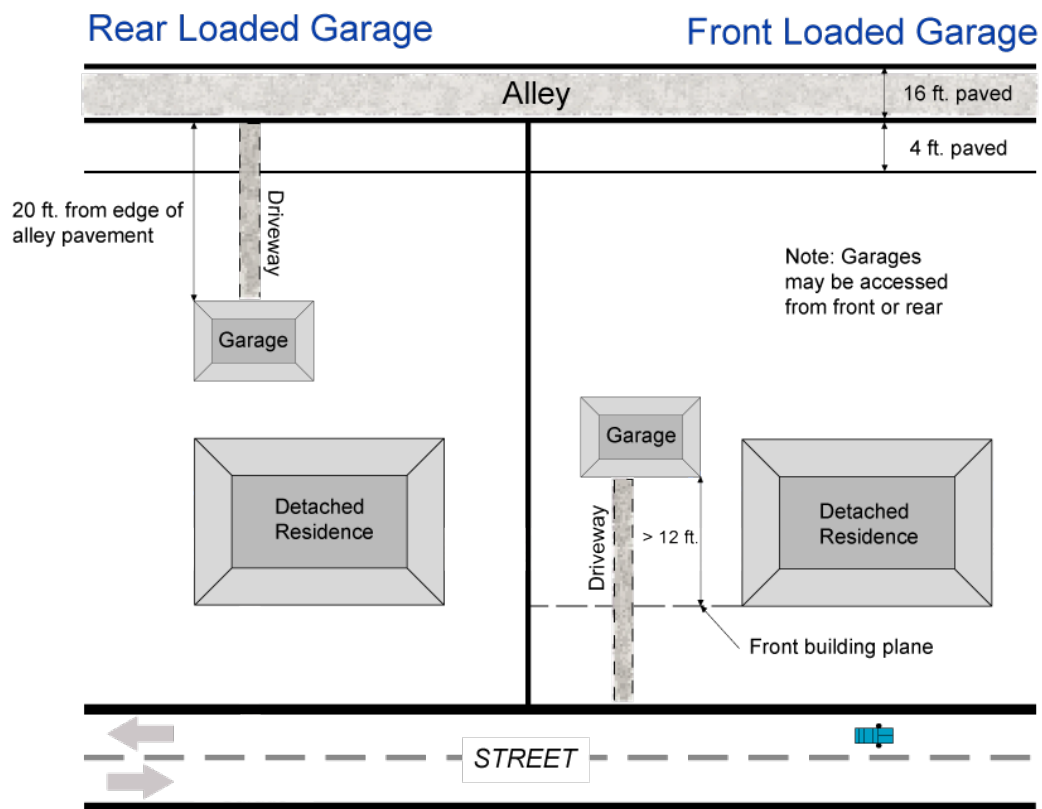
2. Multi-family Buildings

- a. Front build-to lines shall be zero to fifteen (0-15) feet behind the sidewalk.
- b. Building facades shall be parallel to the adjoining street.
- c. Trash dumpsters are to be located to the rear of the building.
- d. Primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- e. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, wood, cement fiberboard, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- f. Roofs may either be flat or pitched. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below. If pitched, principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e., rise over run).
- g. Multi-family residences shall be separated from detached residential uses within the PUD by a street or greenway. If not possible, residential uses adjacent to the multi-family residences shall have substantially similar and compatible architectural facades.

3. Detached Single-family Residences

- a. Garages may be attached or detached. If detached, it shall be in the side or rear yards only and designed to be entered into from the front or rear and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to Figure 8.2.26-2 for an illustration of this requirement.

Figure 8.2.26-2



- b. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).
- c. Pedestrian access to the residence shall be from the adjoining front yard sidewalk.
- d. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement

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fiberboard; wood or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Front porches, where provided shall be a minimum of eight (8) feet in depth.
- g. Building facades shall be generally parallel to front property line.
- h. Front loaded detached garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.2.26-2 for an illustration of this requirement.
- i. Manufactured homes shall not be allowed.
- j. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area and shall be comprised of similar exterior materials as the principal structure.

4. Attached Residences

- a. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G). Building facades shall be generally parallel to front property line.
- b. Pedestrian access to the residence shall be from the adjoining street.
- c. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a special use permit or conditional zoning is

involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- d. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- e. Attached residences shall be separated from detached residential uses in the PUD by a street or greenway. If not possible, residential uses adjacent to the attached residences shall have substantially similar and compatible architectural facades.
- f. Garages may be detached and may be located in the side or rear yards only and designed to be entered into from the front or rear street. The garages shall be set back at least twenty (20) feet from the edge of any adjoining alley travel surface. Front loaded garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.2.26-2 for an illustration of this requirement.
- g. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may be located in any front, side or rear yard. Accessory structures greater than fifty (50) feet in area shall be comprised of the same exterior materials as the principal structure.

5. Civic Buildings

- a. A minimum ten (10) foot front yard setback shall be observed. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4. Off-street parking in the front yard shall be prohibited.
- b. Building facades shall be generally parallel to front property line.
- c. Off-street parking areas shall be inter-connected, wherever possible.
- d. Trash dumpsters are to be located to the rear of the building.
- e. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, decorative concrete block, pre-cast or field poured tilt concrete

panels with texture; stone or stone veneer, flush architectural metal panels; stucco or artificial stucco; glass, wood, or wood materials, or similar materials. The Administrator or approval body, in instances where a special use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- f. Street level windows shall be transparent. Mirror or reflective glass shall not be allowed.
- g. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below.

8.2.27 PAINTBALL FACILITY

- A. No portion of the operation activities shall be located closer than one-hundred (100) linear feet from any exterior lot line, and one-hundred fifty (150) feet to any residentially zoned lot line. At a minimum, indoor facilities shall adhere to the underlying zoning district setback requirements.
- B. The facility shall be placed on a parcel of land consisting of at least five (5) acres.
- C. The use shall not be permitted to locate adjacent or contiguous to any existing place of worship, day care or school.
- D. A public address system is permitted, provided that the speakers and other such audible equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.
- E. A lighting system is permitted, provided that the light fixtures and other such equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.
- F. Any paintball facility requiring fifty (50) or more parking spaces shall be located on a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- G. Hours of operation shall be between 7:00 a.m. to 11:00 pm, Eastern Standard Time.

8.2.28 PARKING LOT (PRINCIPAL USE)

- A. In all zoning districts except for the C-2, C-3 and Industrial zoning districts, lots shall be limited to one-half (1/2) acre or less in size.
- B. No portion of any such parking lot shall be located closer than five-hundred (500) feet to any portion of another such parking lot.

8.2.29 RACETRACK, LARGE; RACETRACK, SMALL

- A. For outdoor motor vehicle racetracks, no portion of the use shall be located closer than seven hundred fifty (750) feet to any existing principal structure on any abutting lot.
- B. A minimum lot area of forty (40) acres shall be required for large racetrack; five (5) acres for small racetracks.
- C. Large racetracks must have frontage on a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.2.30 RESTAURANT WITH DRIVE THROUGH

If the lot containing the use is located within one-hundred (100) feet of a residential zoning district, a special use permit shall be required.

8.2.31 RESTAURANT

Restaurants having any outside amphitheater, stage, sports equipment, playing field or court, or any provision for live or recorded acoustic or amplified entertainment outside of the building, shall comply with the following standards:

- 1. The use shall be located no closer than one hundred (100) feet from any residential zoning district.
- 2. The Administrator may establish a closing time for any outside facility that is earlier than the closing time of the activities that occur entirely within the building if the lot containing the use is within one hundred (100) feet of a residentially zoned district.

8.2.32 RETAIL

- A. In the Office Districts (TMU, OLC, O-1 and O-M), a retail establishment less than fifteen-thousand (15,000) square feet GFA shall be a use by right; uses larger than this size shall require a special use permit.
- B. In the O-M District, the only retail establishments allowed are: medical supply, optician, pharmacy and florist.
- C. For retail uses of between fifty-thousand (50,000) but less than one-hundred-thousand (100,000) square feet GFA, access to the site shall be provided by one (1) or more principal or minor arterials, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- D. For retail uses with greater than one-hundred (100,000) square feet GFA, access to the site shall be provided by either:
 - 1. Two (2) principal; or
 - 2. One (1) principal and one (1) minor arterial, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- E. For retail uses with greater than one-hundred (100,000) square feet GFA, the following requirements apply:

Reuse / Compartmentalization. As part of the special use permit review process, any retail establishment constructed after the adoption of these regulations shall be designed to include specific elements for adaptation to multi-tenant re-use. Such elements may include but are not limited to the following:

- 1. Compartmentalized constructions include plumbing, electrical service, heating, ventilation, and air conditioning.
- 2. Building design shall also allow for the interior subdivision of the structure into separate tenancies.
- 3. Facades shall be readily adaptable to multiple entrances.
- 4. Parking lot schemes shall be designed to enable users of any future tenants to readily walk from their vehicles to the storefront
- 5. Other design elements that facilitate the multi-tenant re-use of the building.

8.2.33 RODEO / ACCESSORY RODEO

- A. All activities shall take place at least one hundred (100) feet from any exterior lot line.
- B. The use shall be placed on a parcel of land of at least ten (10) acres. When the use is an accessory rodeo, a combination of contiguous parcel(s) under the same ownership totaling ten (10) acres is permissible.
- C. Food sales shall be provided for patrons of the rodeo and accessory rodeo only.
- D. A public address system is permitted, provided that the speakers and other such audible equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.
- E. A lighting system is permitted, provided that the light fixtures and other such equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.
- F. Accessory rodeos shall not exceed ten (10) shows per calendar year. A show shall consist of an event taking place for not more than five (5) consecutive days associated with the same event.
- G. Accessory rodeos are not required to have paved or graveled parking or driveway areas, provided there is an established pasture and farmland with adequate vegetative ground cover. The accessory rodeo shall have sufficient area to accommodate the required amount of parking per Chapter 10. The parking area shall remain in a well- maintained vegetative state during the life of the operation.
- H. Principal use rodeos shall be located on a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- I. Hours of operation shall be between 7:00 a.m. to 11:30 p.m. eastern standard time.
- J. All rodeo and accessory rodeo fencing material must meet all applicable safety guidelines.

8.2.34 SHOPPING CENTER

- A. Direct access to shopping centers with more than one-hundred thousand (100,000) square feet GFA shall be served by at least one (1) principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. For shopping center with greater than two-hundred fifty thousand (250,000) square feet GFA, a traffic study based on ITE (Institute of Transportation Engineering) rates or other comparable source analyzing the proposed site's impact on the existing road network shall be provided. Proposed roadway improvements serving the site should also be detailed.
- C. Uses in a shopping center are limited to those that are allowed in the underlying zoning district. Any use shown as a "special use" shall require the issuance of a special use permit in a shopping center, irrespective of the size of that shopping center.

8.2.35 SWIMMING POOL, SALES, SERVICE AND SUPPLIES

- A. A pool dealer shall be permitted to erect up to three (3) functioning model pools outdoors on the same site as the store. Said pools may be above ground or in-ground types. A "functioning model pool" is one which is operational and maintained in a clean appearance as if fit for swimming and intended to be used as a sales display only and may also include a pool which is covered with a winterizing cover between September 15 and April 15 of any year. There are no restrictions on the number of model pools the pool store may erect indoors.
- B. Any such model pool erected outdoors shall meet the enclosure requirements for residential accessory pools found in Section 9.9(A)(11) .

8.2.36 TIRES SALES, NEW AND / OR USED

- A. All tires for outdoor display shall be placed on a display rack only. The maximum number of tires for outdoor display shall be limited to thirty (30) at any time.
- B. All tires must be stored in within an enclosed building or garage

8.2.37 BODY PIERCING ESTABLISHMENT AND TATTOO PARLOR

- A. Must obtain appropriate local and state health permits.
- B. Must comply with rules governing Tattooing Operations in North Carolina.

8.2.38 MARINA, ACCESSORY

- A. Such marinas shall be allowed as a permitted accessory use to a residential development.
- B. No sale of goods or services (other than those accessory to the operation of the marina) or other commercial activities shall be allowed.
- C. The number of boat slips shall not exceed one hundred twenty-five (125) percent the number of residential units in the development which the marina services.
- D. Any off-street parking area or service area which abuts a lot located in a Residential district shall provide a Type A buffer along said abutting side and / or rear lot lines.

8.2.39 WATER SHED CRITICAL AREA RESTRICTIONS

In order to protect the quality of water in the Critical Areas as shown on the latest Gaston County Water Shed Water Supply Map, this use shall not be allowed. This use could be allowed in other areas of the County's Zoning Jurisdiction.

8.2.40 FIRING RANGE

- A. Outdoor only, no portion of the use shall be located closer than five hundred (500) feet from any existing principal residential structure on another lot; provided, however, that no existing principal residential structures shall be located closer than one thousand-five hundred (1,500) feet down range of any target.
- B. A Special Use Permit shall be required if detonation of explosives is intended to be conducted.
- C. Other Federal, State, and local regulations shall apply if applicable.

8.2.41 RESTAURANTS, WITHIN OTHER FACILITIES

- A. May be allowed within another use. Such restaurant shall be designed to serve customers or users of such use. Examples of such uses include snack shops in department or variety stores, employee cafeterias, snack shops or canteens in office buildings, bowling alleys, etc.
- B. Access to such restaurant shall not be directly available from outdoors.
- C. Separate off-street parking spaces for such use shall not be required.
- D. The restaurant shall be allowed up to sixteen (16) square feet of exterior wall identification signage. Said signage shall be included as part of the signage allowed for the principal use. No freestanding signs for said restaurant shall be allowed.
- E. The aggregate gross area of all restaurants within any building shall occupy no greater than ten (10) percent of the gross floor area of the building.

8.2.42 Electronic Gaming Operations

This section applies to any new electronic gaming operations, and any expansions, additions, and alterations thereof existing electronic gaming operations.

- A. Electronic gaming operations shall be permitted subject to the following requirements, except where requirements in other applicable sections of the zoning ordinance are more restrictive:
1. Electronic gaming operations shall be permitted in the I-2 zone only.
 2. No two (2) electronic gaming operations may be located within five-hundred (500) linear feet of each other.
 3. No electronic gaming operations may be located within one-thousand (1000) linear feet of the property line of any church/house of worship; any public or private elementary, middle, junior high, or high school; children's camp; library; public park or playground; day care center (except a day care center located within an industrial facility, i.e. building), or two-hundred fifty (250) linear feet from the edge of a residential zoning district.
 4. The required distances shall be measured from the closest edge of the property line occupied by an adult establishment to the closest edge of the property line occupied by a church/house of worship; any public or private elementary, middle, junior high, or high school; children's camp; library; public park or playground; day care center (except a day care center located within an industrial facility, i.e. building); or residential zoning district or another electronic gaming establishment. Provided, however, that when an electronic gaming operation is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such establishment.
 5. No more than one (1) electronic gaming operation shall be located within the same structure or portion thereof.
 7. The patron entrance to all electronic gaming operations shall be in the front of the building.

9. Irrespective of the sign area regulations contained in Chapter 12, no freestanding signs for electronic gaming operations shall be permitted. Additionally, signs attached to or applied to the building (paint, stickers, etc.) shall not exceed ten (10) percent of the size of the exterior surface wall fronting on a public vehicular area, but in no instance shall exceed fifty (50) square feet.
10. The Board of Adjustment shall have no authority to modify or grant variances from the separation distance requirements listed herein.
11. After the effective date of these regulations, the establishment of a residential zoning district or protected use subsequent to the commencement of an electronic gaming operation will not render the electronic gaming operation nonconforming.

SECTION 8.3 INDUSTRIAL TYPE USES

8.3.1 COMMERCIAL VEHICLE AND TRUCK STORAGE

- A. All vehicle and truck storage areas shall be screened from both a public street (except for I-85) and any adjoining residentially zoned lot with a Type C screening.
- B. Commercial vehicle and truck storage for solid waste and septic tank trucks shall require issuance of a special use permit.
- C. In the C-3 district, if the lot containing the use is greater than ten (10) acres, a special use permit shall be required.

8.3.2 FLEX SPACE

- A. Only industrial uses are not required to meet the USO standards.
- B. Underlining zoning district regulates the uses.
- C. All other parking lot, screening, and setbacks apply.
- D. In the USO and converted to a non-industrial use, then it must comply with USO standards.

8.3.3 JUNKYARD AND SALVAGE YARD

- A. Outside storage of all material shall be at least one hundred (100) feet from all lot lines.
- B. Must be Type E, option 2 or 3 screening to materially screen the storage area at the time the certificate of occupancy is issued.

**8.3.4 LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID)
(MAJOR)**

A. USE SEPARATION

There shall be a minimum separation of one-hundred (100) feet between the fill area and any adjoining property line. There shall also be a three-hundred (300) feet minimum separation between this use and any pre-existing principal residential structure located on a lot not containing the landfill.

B. REQUIRED SCREENING

A minimum Type D screening shall be required along all property lines.

C. ACCESS

Access to the landfill by the public shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.

D. DUST

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

E. OPERATION

- 1. No filling is permitted in the 100-year flood way. Filling in the 100-

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year flood plain is permitted only if a flood development permit has been issued.

2. No filling is permitted in minor drainage ways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
3. No filling is permitted in utility easements.
4. Landfills may only operate from 8:00 a.m. until sunset, Eastern Standard Time, Monday through Saturday only.
5. Landfills shall not operate within one-hundred (100) feet of an exposed body of water or mineshaft opening.

F. MAXIMUM TIME PERIOD

Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy, provided that the Board of Adjustment, upon request, may grant one (1) or more one (1) year renewals.

G. CLOSURE

The landfill site shall permanently close when it has been filled or reached capacity. In addition, once it has been determined that the site has reached capacity, closure procedures must be completed within ninety (90) days. Landfills shall be closed with a minimum of one (1) foot of clean soil, placed in a manner that will provide good positive drainage (no standing water) with stabilized paths of travel for concentrated flows, with the perimeter slopes, graded to a maximum slope of 3:1 (i.e., three-to-one run to rise), and all areas stabilized with vegetation or by other approved means.

H. EROSION/SEDIMENTATION CONTROL

Provisions for the control of sedimentation and erosion shall be made on all sites. When required by the State, an approved erosion and sedimentation control plan shall be submitted to the Administrator prior to the issuance of the zoning permit.

I. SITE RECORDATION

A plat map and/or metes and bounds legal description designating the lot

and landfill boundary area shall be recorded in the Gaston County Register of Deeds prior to the issuance of a zoning permit by the Administrator.

**8.3.5 LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID)
(MINOR)**

A. MAXIMUM AREA

The maximum area of Minor LCID shall be two (2) acres.

B. MAXIMUM TIME PERIOD

Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy, provided that the Board of Adjustment may, upon request, grant one (1) or more one (1) year renewals.

C. USE SEPARATION

There shall be a minimum separation of one-hundred (100) feet between the fill area and any adjoining property line. There shall also be a three-hundred (300) feet minimum separation between this use and any pre-existing principal residential structure located on a lot not containing the landfill.

D. SCREENING REQUIREMENT

A minimum Type D screening shall be required along all property / lot lines.

E. ACCESS

Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.

F. DUST

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

G. OPERATION

1. No filling is permitted in the 100-year flood way. Filling in the 100-

year flood plain is permitted only if a flood development permit has been issued.

2. No filling is permitted in minor drainage ways unless the drainage has been piped or otherwise diverted in accordance with approved plans;
3. No filling is permitted in utility easements;
4. Landfills may only operate from 8:00 a.m. until sunset, Eastern Standard Time, Monday through Saturday.

H. CLOSURE

The landfill site shall permanently close when the landfill site has been filled or reached capacity. In addition, once it has been determined that

the site has reached capacity, closure procedures must be completed within ninety (90) days. Closed landfill sites shall be covered with a minimum of one (1) foot of clean soil, placed in a manner that will provide good positive drainage (no standing water) with stabilized paths of travel for concentrated flows, with the perimeter slopes, graded to a maximum slope of 3:1 (i.e., three-to-one run to rise), and all areas stabilized with vegetation or by other approved means.

I. EROSION/SEDIMENTATION CONTROL

Provisions for the control of sedimentation and erosion shall be made on all sites. When required by the State, an approved erosion and sedimentation control plan shall be submitted to the Administrator prior to the issuance of the zoning permit.

J. SITE RECORDATION

A plat map and/or metes and bounds legal description designating the lot and landfill boundary area shall be recorded in the Gaston County Register of Deeds prior to the issuance of a zoning permit by the Administrator.

8.3.6 MACHINE, METAL AND WOODWORKING SHOP

- A. No accessory or principal structure shall be located within one-hundred (100) feet from any adjacent residential principal structure that is located in a residentially zoned district.

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- B. In the R-3 district, delivery of parts, automobiles and any other goods or materials in association with said use may only take place during the hours of operation. Operating hours shall be anytime from 7AM to 10PM, Eastern Standard Time.
- C. In the R-3 district, the total gross floor area of all principal and accessory structures shall be no greater than three thousand (3,000) square feet.
- D. In the R-3 district, a maximum of three thousand (3,000) square feet of outdoor storage shall be allowed. Said storage shall be screened from any public road. Said screening shall be in the form of a fence, wall, berm or natural plantings. Said screening shall be in accordance with Chapter 11 of this Ordinance.

8.3.7 MANUFACTURED GOODS, CLASS 1

- A. In the UMU, CBD and C-1 districts, and in TNDs, only manufactured goods uses that are enclosed within a building, have no noxious odors or noxious noise shall be allowed. Tractor trailer / railcar deliveries shall not be allowed.
- B. The total gross floor area of all principal and accessory buildings in the UMU and CBD districts shall not exceed five-thousand (5,000) square feet and in the C-1 district shall not exceed ten thousand (10,000) square feet.

8.3.8 RESERVED

8.3.9 MANUFACTURED GOODS, CLASS 2

- A. No accessory or principal structure shall be located within two-hundred (200) feet from any adjacent property that is located in a residentially zoned district.
- B. The following requirements apply to mining uses only:
 - 1. The quarry and all its buildings, pits, and processing equipment shall not be located within one-hundred (100) feet from any lot line, and three-hundred (300) feet from any adjacent lot line that is located in a residentially zoned district.
 - 2. A non-climbable fence, at least six (6) feet high, shall be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not

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to exceed two (2) inches by four (4) inches or equivalent and must be placed on the interior side of screening and/or buffering devices.

3. Access to the quarry shall not make use of any non-arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
4. Any crushing of rock or processing of material shall be done in such a way as to minimize the amount of air-borne dust created.
5. All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
6. A truck route plan shall be submitted showing routes to the site from all 4-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.
7. One (1) copy of a completed mining application form and an approved mining permit from the State Department of Environment, Health and Natural Resources, Land Quality section, shall be required prior to issuance of a zoning permit by the Administrator.
8. An operation plan shall be submitted to the Administrator prior to issuance of a zoning permit. Such plan shall include the following:
 - a. The date proposed to commence operations and their expected duration.
 - b. Proposed hours and days of operations.
 - c. Estimated type and volume of extraction.
 - d. Description of method of operation, including the disposition of topsoil, overburden, and byproducts.
 - e. Description of equipment to be used in the extraction process.
 - f. Any phasing of the operation and the relationship among the various phases.
 - g. Operating practices to comply with the performance standards applicable to the operation.

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9. Rehabilitation:

- a. Within one (1) year after the cessation of production, all equipment and stockpiles that are incidental to such operation shall be dismantled and removed by and at the expense of the owner.
- b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainage ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

C. The following requirements apply to asphalt plants only:

1. The asphalt operation shall be enclosed by a non-climbable fence that is at least six (6) feet in height.
2. All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
3. A truck route plan shall be submitted showing routes to the site from all four-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.
4. Rehabilitation:
 - a. Within one (1) year after the cessation of production, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
 - b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

8.3.10 MINI-WAREHOUSE

- A. All externally accessible storage compartments within the mini-warehouse shall front on a private drive having a minimum width of eighteen (18) feet to ensure sufficient room for vehicular circulation, loading, and parking.
- B. Driveways providing ingress and egress to the site shall not permit any parking or loading within thirty (30) feet of the adjoining street right-of-way.
- C. All doors to storage units that front on a public road must be screened with a Type A buffer yard.
- D. Facilities can only be used for dead storage of materials or articles and must not be used for assembly, fabrication, processing or repair.
- E. The storage of hazardous, toxic, explosive substances or any other substance is prohibited.
- F. In the C-1 or C-2 district outside the Urban Standards Overlay District, any side of a building facing a public street must be constructed with a façade of brick, stone, wood, or split-faced block. An exception is allowed for mini-warehouses located on corner lots provided that shrubbery of low-growing evergreens is planted every five (5) feet along the frontage of the secondary road. In all other zoning districts outside the USO, the building materials shall not be reflective.
- G. If the mini-warehouse facility has a locked and keyed entrance, two (2) staging spaces must be located outside of the public right-of-way.
- H. Outdoor storage must have designated parking area shown on the site plan and marked on the property.
- I. Screening must comply with Section 11.6.

8.3.11 OUTDOOR STORAGE YARD (CONTRACTOR)

If more than one (1) acre of outdoor storage area is provided, a special use permit shall be required.

8.3.12 PORTABLE TOILET SERVICE

No zoning permit shall be issued without proof that the applicant has received all appropriate licenses and approvals from state and local agencies for discharging into the public sewer system.

8.3.13 TRUCK TERMINAL

- A. For all lots containing the use that are less than five (5) acres in area, access shall be provided by a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. For all terminals located on lots with five (5) or more acres, access shall be provided by a principal arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan. In addition, a truck route plan shall be submitted showing routes to the site from all four-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.

8.3.14 WAREHOUSE

- A. In the C-3 and I-U districts, warehouse with a gross floor area of up to two-hundred fifty thousand (250,000) square feet shall be a use by right; otherwise, a special use permit shall be required.
- B. In the C-3 and I-U districts, access shall be provided by a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.3.15 WOOD WASTE GRINDING OPERATION

- A. In residential districts where allowed, the subject tract shall contain at least ten (10) acres of land. In non-residential districts where allowed, the subject tract shall contain at least two (2) acres of land.
- B. All entrances and exits shall be paved as provided in Section 10.4 for a distance of fifty (50) feet back from the edge of the paved street. Other areas within the tract designated or required for traffic circulation shall be at a minimum graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled. Gravel or any other dust reduction material used for traffic circulation must be maintained during the life of the operation.
- C. No grinder, screener, or other similar equipment shall be located within five hundred (500) feet of any residential dwelling with the exception of the

- owner's or applicant's own residential dwelling(s). The detailed site plan shall include a footprint demonstrating where the equipment will be located in relation to all dwellings located on adjoining properties.
- D. In residential districts where allowed, the operation shall have a two hundred (200) foot setback from any property line of the subject tract. In non-residential districts where allowed, the operation shall have at least a fifty (50) foot setback from any property line of the tract, except when adjoining residential districts, in which a one-hundred (100) foot setback shall be is required.
 - E. Hours of operation shall be between 7:00 A.M. to 7:00 P.M. Eastern Standard Time.

**8.3.16 SOLID WASTE AND SEPTIC TANK CONTRACTOR'S OFFICE
AND OPERATION CENTER**

- A. All vehicles and equipment associated with the operation must be located in the rear yard and be materially screened in accordance with Chapter 11.
- B. When abutting non-industrial districts, a minimum of a fifty (50) foot setback from all property lines must be maintained for all vehicles and equipment associated with the operation.
- C. Major repairs to vehicles and equipment associated with the operation shall not be allowed.
- D. When abutting residential districts, hours of operation shall be between 7:00 AM to 7:00 PM, Eastern Standard Time, Monday through Saturday.
- E. No solid waste or septic waste shall be allowed on site for more than twenty-four (24) hours.

8.3.17 LANDFILL, BENEFICIAL FILL

A permit is not required from the State for Beneficial Fill activity that meets all of the following conditions:

- A. The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock and gravel.
- B. The fill activity involves no excavation.
- C. The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
- D. The fill activity is not exempt from, and must comply with, all other applicable Federal, State and Local laws, ordinances, rules and regulations, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, mining regulations, sedimentation and erosion control regulations. Fill activity shall not contravene groundwater standards.

8.3.18 INDUSTRIAL HEAVY EQUIPMENT BULK STORAGE YARD

- A. Storage of equipment shall comply with all federal, state, and local regulations and ordinances appropriate to this storage.
- B. A minimum setback of one hundred (100) feet shall be maintained from any stream, creek, river, lake or other water way.
- C. Bulk storage of any chemicals, solvates, fluids, petroleum products, other liquids or hazardous materials used in the operation of said equipment stored on an individual site shall be prohibited.
- D. Retail and wholesale operations are not allowed.

SECTION 8.4 CIVIC / INSTITUTIONAL TYPE USES

8.4.1 AIRPORTS; AIRSTRIP/FREIGHT AND FLYING SERVICE

- A. All uses shall meet the standards and requirements imposed by the Federal Aviation Administration and all other federal, state, or local agencies having jurisdiction.
- B. The lot containing the use shall not be located within three hundred (300) feet of an existing residential structure.

8.4.2 AUDITORIUM / ASSEMBLY HALL / AMPHITHEATRE / COMMUNITY CENTER (500 SEATS OR MORE)

Access to the site shall be provided by a principal or minor arterial only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.4.3 BOTANICAL GARDEN

All maintenance and accessory structures and off-street parking facilities shall be located no closer than three hundred (300) feet from any property line unless separated from the property line by a Type C or greater screening.

8.4.4 CEMETERY

- A. Tombstones, crypts, monuments and mausoleums shall be located a minimum of twenty (20) feet from any side or rear lot line and at least thirty (30) feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which the cemetery is located.
- B. Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only).

8.4.5 CHARITABLE SERVICE FACILITY; SHELTER FOR THE HOMELESS

- A. The lot containing the use shall not be located within one-hundred (100) feet from any residentially zoned district.
- B. No such facility shall be located within one-quarter (1/4) mile of an existing shelter for the homeless.
- C. The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
- D. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and / or volunteer(s) during the hours of operation.

8.4.6 CHURCH / PLACE OF WORSHIP

- A. Any church / place of worship having a sanctuary capacity of five-hundred (500) or more seats shall be located on and have direct access to a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. Refer to Section 8.2.19(E) for additional requirements on day care centers which are associated with churches / places of worship.

8.4.7 CORRECTIONAL FACILITY

- A. The principal structure and any accessory use or structure (excluding property boundary fencing) shall be located at least five-hundred (500) feet from any property located in a residential zoning district.
- B. That property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials abutting property located in a residential district.
- C. In addition to the security fencing, the landscaping requirements for a Type B level buffer yard shall be provided on the exterior of fencing wherever it is adjacent to a street or property in a residential district.
- D. Any facility larger than five (5) acres shall have direct access to a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.4.8 ESSENTIAL SERVICES, CLASS 2

Any lot containing a wastewater treatment plant shall not be located with two-hundred (200) feet from any residentially zoned district.

8.4.9 ESSENTIAL SERVICES, CLASS 4

- A. Heliports shall be allowed on the property of any public safety stations with a special use permit as an accessory use.
- B. Heliports shall have a setback of minimum one hundred (100) feet from the property line and / or buildings.
- C. In the R-1, RS-20, RS-12, RS-8 districts only, building size or outdoor personnel development and training activity area over ten thousand (10,000) square feet shall require a SUP. The maximum building size or outdoor personnel development and training activity area shall be no more than twenty thousand (20,000) square feet.

8.4.10 FARMERS MARKET

In addition to the findings of facts in Section 5.11, ingress and egress to the site shall not have a negative impact on any adjoining lot or nearby street.

8.4.11 FRATERNAL AND SERVICE ORGANIZATION MEETING FACILITY

- A. In any non-residential district, if the lot containing the use is located within one-hundred (100) feet of a residentially zoned district, a special use permit shall be required.
- B. This use is not permitted in the RLD, RS-20, RS-12, RS-8 and RMF districts if a restaurant, nightclub, alcoholic beverages or amplified music is provided.

8.4.12 HELIPORT / HELISTOP

- A. In the OM district, heliports are only allowed in association with a hospital or other medical service provider.
- B. All heliports will meet the standards and requirements imposed by the Federal Aviation Administration and all other federal, state, or local agencies having jurisdiction.
- C. Non-emergency use (i.e., for use other than for public safety or medical purposes) of private heliports between the hours of 10:00 p.m. and 6:00 a.m. shall be prohibited. Emergencies for public safety or medical purposes shall not be subject to this requirement.
- D. Heliports located on top of buildings shall be exempt from any height limitations (except those promulgated by the FAA).
- E. A minimum of one hundred (100) foot setback shall be maintained.

**8.4.13 MILITARY RESERVE
 CENTER**

All outdoor equipment shall be screened in accordance with Section 11.6.

8.4.14 PARK

For parks larger than fifty (50) acres, a special use permit shall be required if the lot containing the use is located in a residential zoning district or is adjacent to a residentially zoned district.

8.4.15 RECREATION CENTER AND SPORTS CENTER

Direct access to the site shall be provided by a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.4.16 RECYCLING DEPOSIT STATION

- A. Any building or structure or any outdoor recycling bins shall be located at least one-hundred (100) feet from any preexisting principal residential structure. This shall only apply to recycling deposit stations that serve as principal uses and recycling deposit stations that are in the form of manned trailers that serve as collection points for deposited clothes and other household items.
- B. No outdoor storage of goods to be recycled shall be permitted.
- C. The station shall be kept free of litter, debris, and residue.
- D. All drop-off containers and storage bins shall be durable, waterproof, rustproof, covered, and secure from unauthorized entry, and shall be clearly marked to indicate the type of material to be deposited therein.
- E. Accessory recycling deposit stations shall not be located in the front yard.

8.4.17 SCHOOL, ELEMENTARY, MIDDLE AND SENIOR HIGH

- A. Middle and senior high schools having an enrollment capacity of three-hundred (300) students or greater shall have direct access to the site provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. All modular classrooms are subject to site plan review.

8.4.18 SCHOOL, VOCATIONAL

- A. Truck driving schools with outdoor maneuvering area shall be allowed in the I-1 and I-2 districts only.
- B. In the event the school engages in commerce, that is, trainees practice their developing skills with the public, then, the facility housing these transactions must abide by the regulations on that trade or industry found within this Ordinance. For example, if the school operates a repair garage for the benefit of training students and that activity is in a freestanding facility, it must adhere to those regulations imposed upon automotive repair shop as both a special and/or "permitted based on standards" uses.

8.4.19 SOLID WASTE TRANSFER STATION

- A. Any principal or accessory structure must be located at least three-hundred (300) feet from any residentially zoned lot or fifty (50) feet from any other zoned lot line.
- B. There shall be no outdoor storage of waste products, unless entirely enclosed in containers and storage bins that are durable, waterproof, rustproof, covered, and secure from unauthorized entry.
- C. The site shall be kept free of litter, debris, and residue.

8.4.20 STADIUM

- A. Stadiums shall be a use by right if accessory to a school, and then must be located within one-quarter (1/4) of a mile from the school. Otherwise, a stadium shall be subject to the issuance of a special use permit.
- B. Access to the site shall be provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan if seating for more than one-thousand (1,000) persons is provided.
- C. All principal structures (including bleachers) shall be located a minimum of one-hundred (100) feet from all lot lines.
- D. A Type B screening or higher screen will be required between said use and any abutting lot located in a residential district.
- E. Off-street parking requirements need to be met if the stadium is freestanding and not an accessory use to a school.

8.4.21 TOWER AND / OR STATION, RADIO AND TELEVISION BROADCAST

- A. The tower must be located at least two-hundred (200) feet from any residentially zoned lot or forty (40) feet from any other lot line.
- B. Towers shall be setback a minimum of two-hundred fifty (250) feet from any principal or minor arterial as depicted on the most currently adopted

- version of the local thoroughfare plan or comprehensive transportation plan.
- C. Guy wire ground connections within thirty (30) feet of a residentially zoned lot shall be surrounded by a five (5) foot high chain-link fence located along the adjoining residential property line. Where said fencing is within clear view of a residential lot, sufficient landscaping shall be installed around the fence to screen the fence from the residential lot within five (5) years.
 - D. Where a tower site is adjacent to a residentially zoned district, access to each tower base shall be secured with an eight (8) foot high wooden privacy fence with a three-strand barbed wire security top angled outward. When a tower site is adjacent to a residential district and multiple towers exist, or are being installed on the site, a nine (9) gauge, chain-link tower area perimeter fence (without a top rail) shall be installed. Said tower area perimeter fence shall be at least eight (8) feet in height and include a three (3) strand barbed wire security top angled outward. The Administrator shall determine the location of all fencing required by this section based on both security and aesthetics from adjacent properties.
 - E. If tower only is to be placed on property, then Parking Regulation Number 1.0 of Chapter 10 shall apply.

8.4.22 TELECOMMUNICATION TOWERS AND FACILITIES

If it is determined that telecommunications providers cannot provide an adequate service level from collocating an antennae on an existing telecommunications tower, locating antennae on existing electrical transmission towers or similar structures, or locating/camouflaging antennae within an existing structure (see Section 8.4.22S9) then telecommunications towers and facilities shall be allowed as a special use subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this Ordinance (see also Section 9.15):

- A. In Residential, Office, Commercial, Transitional Mixed Use (TMU), and I-U zoning districts, all new and proposed telecommunication towers shall be of a monopole design and construction. All monopoles shall be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible.

In all Industrial (except I-U) districts, a monopole which is designed to “telescope” or collapse inward is preferred by the town. If the applicant can demonstrate that a monopole cannot provide adequate service or

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structural integrity, then a lattice construction steel structure tower is acceptable. If a lattice tower is necessary, then it must be one that is designed to collapse inward upon itself.

Newly proposed telecommunication towers are prohibited in the Scenic View (SV) and Downtown Overlay district.

- B. It is the intent of the town to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Gaston County. New telecommunication towers shall be capable of supporting additional communications antennas unless a stealth design is being constructed. Prior to completing an application for a telecommunication tower, the applicant shall provide to the Town evidence of negotiation in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the special use permit process. No wireless communication tower shall be sited within 1 mile of another wireless communications tower except as a component of existing public utility infrastructure or stealth design.
- C. The maximum allowable height of a tower is one hundred ninety-nine and nine tenths (199.9) feet. No increase to the height may be granted unless the applicant can prove the maximum height will not provide an adequate service level (i.e. cannot provide a reasonable level of service in the area). The height of a tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.
- D. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, an access road of at least twelve (12) feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.
- E. Towers are prohibited on the top of buildings or structures in all the Residential, Office, Commercial, TMU, CBD, and I-U zoning districts as well as the Scenic View (SV) and Downtown Overlay District. In Commercial and Industrial (except I-U) zoning districts, towers may be placed on roofs or walls with an approved Special Use Permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the tower and the proposed method of affixing the tower to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Towers on roofs may be allowed when the tower height:

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1. Does not exceed more than thirty (30) percent of the height of the building or is no more than fifty (50) feet above the building / structure, whichever is less.
 2. Towers on roofs or walls shall be screened, constructed, and / or colored to match the structure to which they are attached.
- F. The town recognizes that a telecommunications facility (the original tower and antennae provider as well as any co-location entities) cannot be prohibited nor can a special use permit be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards. The town requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- G. A minimum eight (8) foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire, razor wire, or other similar types shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The Zoning Administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

Note: Applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

- H. Landscape screening shall be required along the outside area of the perimeter fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall consist of evergreen shrubs planted in accordance with Type B buffer, with a five (5) feet planting strip (see Section 11.3). Evergreen shrubs should be of a size expected to reach a minimum of six (6) feet in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be drought tolerant or irrigated to ensure good health and vitality.

The installation and maintenance requirements of Section 11.1.2(E) shall apply.

Screening requirements shall not apply to telecommunications providers who camouflage (stealth towers) towers or antennas within another structure (such as a bell steeple), or co-locate on an existing tower. Nor shall screening apply when an antenna will be mounted on an electrical

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transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

The Administrator may waive any or all of the screening requirements upon determining existing topography or existing natural conditions on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Administrator may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site.

- I. Minimum setback requirement, on all sides of the property including road right-of-way, or leased area of a parcel, shall be seventy-five hundredths (.75) foot for every one (1) foot of actual tower height (i.e. a 199.9-foot tower would require a 149.9 foot setback on all sides), or the documented collapse zone, whichever is greater in all zoning districts in which telecommunication towers are allowed. This requirement shall not be applicable to a telecommunication tower proposing to locate in the C-3 and Industrial (except I-U) zoning districts. These setback requirements are established to prevent ice-fall materials and/or debris from tower failure or collapse from damaging off site property.

All towers shall be at least 100 feet from any existing residence.

Setbacks for free standing towers in the C-3 and Industrial (except I-U) districts setbacks shall be determined by the underlying zoning district.

Setbacks for towers located within leased areas shall be measured to the edge of the parcel in which the leased area is located (except in C-3 and Industrial zoning districts).

- J. Minimum lot size requirements for telecommunication towers shall be determined by the maximum setback possible for a proposed tower.
- K. Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain a written signed certification from the property owner that no future development or subdivisions of land of leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.

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- L. Towers and related facilities must be removed by the applicant and/or tower owner upon abandonment of the tower (no longer used for its original intent) for a period of three hundred sixty-five (365) consecutive days. Such removal (clearing from site) shall take place and be fully completed within ninety (90) days of the first day the tower was declared to have been abandoned for three hundred sixty-five (365) days. It shall be the responsibility of the applicant or tower owner to notify the town when the tower has been abandoned for a period of three hundred sixty-five (365) days.
- M. Any planned increase in tower height to an existing approved telecommunication tower requires the provider to apply for an amendment to the original special use permit. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Administrator. Planned height increases for towers which were constructed prior to the adoption to the McAdenville Unified Development Ordinance and/or do not have a special use permit on file with the town shall be required to apply for a special use permit, which includes a review and approval by the town.
- N. Applications by providers to use co-location space on an approved existing tower shall be permitted by right provided that the tower height is not increased. If the co-locator or owner of the tower proposes to increase the tower's height, this shall require the co-locator or owner to apply for an amendment to the original special use permit, which includes a new review and approval by the town. Co-location applicants must comply with all requirements provided in Section 8.4.24, unless provided by the original special use permit applicant.
- O. Free-standing signs are prohibited. Wall signs shall be limited to (i) identification signage allowed on equipment structures or fences surrounding the telecommunication tower / structure provided it does not exceed nine (9) square feet in size for the purpose of identifying the owner of said tower, and co-location availability, and (ii) "No trespassing" signs, "Danger - High Voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons.

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Signs shall be on installed and/or mounted on the perimeter fence, and or on tower at the base of the tower.

No advertising signs shall be allowed on the tower.

- P. The provider shall show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a special use permit, or an amendment to that permit. Once approved, documentation of adequate insurance must be provided to the Administrator every twelve (12) months.
- Q. Outdoor storage of equipment or other related or non-related items are prohibited.
- R. Associated telecommunication equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- S. All applications for a Special Use Permit (or amendment to the original Special Use Permit) for a telecommunication tower must include the following information in addition to any other applicable information contained in the Zoning Ordinance:
 - 1. Identification of intended provider(s);
 - 2. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one (1) user. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate;
 - 3. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
 - 4. Documentation that all property owners of residentially zoned property within five hundred (500) feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to existing Special Use Permits.

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5. Documentation that the telecommunication equipment complies with Federal Radio Frequency Emission Standards;
6. Documentation from a professional RF Engineer that towers over one hundred and ninety-nine and nine tenths (199.9) feet are necessary for a minimal level of service;
7. A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings and location, and longitude and latitude in degrees and minutes, indicate the horizontal datum used either NAD 83 and NAD 27;
8. Documentation of monopole tower or lattice tower collapse area, for newly proposed telecommunication towers.
9. Expert testimony that demonstrates to the satisfaction of the town that the provider has explored all means for stealth tower locations and co-location opportunities. Evidence may consist of the following:
 - a. Existing or approved telecommunications towers with available co-location space are not located within the search area.
 - b. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
 - c. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.
 - d. The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the spacing requirement between antennae cannot be met).
 - e. Existing or approved towers lack of co-location space.
 - f. Documentation that the provider has sent copies of letter to owners of all existing towers within a one (1) mile radius of the proposed site, inquiring whether or not their existing

tower could accommodate the proposed antennae without causing instability or radio frequency interference.

- g. If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower cannot be structurally strengthen to accommodate an additional user.
- T. In all zoning districts where telecommunication towers are allowed except for the C-3 and Industrial (except I-U) districts, any newly proposed tower shall be located at least one (1) mile from any other existing telecommunications tower. The provider shall provide on the proposed site plan any existing towers within the one (1) mile separation requirement.
- U. Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

8.4.23 TELECOMMUNICATIONS ANTENNAE AND ASSOCIATED EQUIPMENT ON EXISTING TOWERS AND STRUCTURES

- A. Provided the structural integrity of the structure / tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunication antennae and its associated equipment buildings may locate on any existing tower, water tank/tower, building, or similar structures by right in all zoning districts so long as the addition does not increase the original height of the existing structure. Such antennae shall be painted to match the color of the building/structure or the background against which they are most commonly seen.

Note: No antennae used for the purpose of cellular telecommunication shall be mounted on any structure used solely for residential purposes.

- B. The town requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- C. Screening requirements shall not apply to telecommunications providers who camouflage (stealth locations) antennas within another structure (such as a bell steeple) or co-locate on an existing tower. Nor shall

- screening apply when an antenna will be mounted on an electrical transmission tower or on structures such as a water tower / tank, grain silos, etc. or similar structures.
- D. Applications by providers to use co-location space on an approved existing tower shall be permitted by right provided that the tower height is not increased. Any co-location which will result in an increase to the tower height, shall require the co-locator or applicant to apply for an amendment to the original special use permit, or apply for a new special use permit(if there is no original special use permit) which includes a new review and approval by the town.
 - E. Outdoor storage of equipment or other related or non-related items are prohibited.
 - F. The associated telecommunication antennae equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
 - G. Telecommunication antennae and associated equipment shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

8.4.24 CO-LOCATION FOR NEWLY PROPOSED AND REPLACEMENT TELECOMMUNICATION TOWERS

- A. The location of antennae and its associated equipment on an approved telecommunications tower shall be permitted by right in all zoning districts provided the tower's height is not increased and the structural integrity of the tower is not diminished or compromised as determined and documented by a licensed professional structural engineer.
- B. Newly proposed or replacement telecommunication towers up to one hundred-fifty (150) feet shall be structurally designed and built to accommodate two (2) or more users.
- C. Newly proposed or replacement telecommunication towers which exceed one hundred-fifty (150) feet shall be structurally designed and built to accommodate three (3) or more users.

- D. New telecommunication towers and replacement towers shall provide enough ground site area to accommodate future providers' ground equipment buildings associated with future co-locates.

**8.4.25 FREE STANDING MONOPOLE TOWERS UP TO 199.9 FEET
[LOCATED IN THE C-3 AND INDUSTRIAL (EXCEPT I-U)
DISTRICTS]**

- A. All monopoles shall be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible.
- B. Newly proposed telecommunication towers are prohibited in the Scenic View (SV) Overlay district.
- C. It is the intent of the town to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Gaston County. New telecommunication towers shall be capable of supporting additional communications antennas. This will assist the County in reducing the total number of towers in the County.

Newly proposed monopole telecommunication towers up to one hundred-fifty (150) feet shall be structurally designed and built to accommodate two (2) or more users.

Newly proposed monopole telecommunication towers exceeding one hundred-fifty (150) feet shall be structurally designed and built to accommodate three (3) or more users.

New telecommunication towers shall provide enough site and/or land area to accommodate future co-locates equipment buildings, and other related equipment.

- D. The maximum allowable height of monopole tower by right is one hundred and ninety-nine and nine tenths (199.9) feet.
- E. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, an access road of at least twelve (12) feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.

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- F. The town requires that each applicant must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- G. A minimum eight (8) foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire, razor wire, or other similar types shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The Zoning Administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

Note: Applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

- H. Landscape screening shall be required along the outside area of the perimeter fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall consist of evergreen shrubs planted as per a Type B screening, with a five (5) foot planting strip (see Section 11.3). Evergreen shrubs should be of a size expected to reach a minimum of six (6) in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be drought tolerant or irrigated to ensure good health and vitality.

The installation and maintenance requirements of Section 11.1.2(E) shall apply.

The Zoning Administrator may waive any or all of the screening requirements upon determining existing topography or existing natural conditions on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met.

The Zoning Administrator may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site.

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- I. Setbacks for free standing towers in the C-3 and Industrial (except I-U) zoning districts setbacks shall be determined by the underlying zoning district.

Setbacks for towers located within leased areas shall be measured to the edge of the parcel in which the leased area is located.

- J. Minimum Lot size requirement for towers locating in the C-3 and Industrial (except I-U) zoning districts shall be determined by the underlying zoning districts.

- K. Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period of three hundred sixty-five (365) consecutive days. Such removal (clearing from site) shall take place and be fully completed within ninety (90) days of the first day the tower was declared to have been abandoned for three hundred sixty-five (365) days. It shall be the responsibility of the applicant or tower owner to notify the Town when the tower has been abandoned for a period of three hundred sixty-five (365) days.

- L. Free-standing signs are prohibited. Wall signs shall be limited to (i) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine (9) square feet in size for the purpose of identifying the owner of said tower, and co-location availability, and (ii) “No trespassing” signs, “Danger - High Voltage” signs and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be only installed and / or mounted on the perimeter fence, and or on tower at the base of the tower.

No advertising signs shall be allowed on the tower.

- M. The provider shall show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a zoning permit by McAdenville. Once a zoning permit is issued, documentation of adequate insurance must be provided to the Administrator every twelve (12) months.
- N. Outdoor storage of equipment or other related or non-related items are prohibited.
- O. Associated telecommunication equipment buildings located in any zoning district shall not be used as an employment center. This provision does

not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

P. Applications for a monopole telecommunication tower must include the following information in addition to any other applicable information contained elsewhere in the Zoning Ordinance:

1. Identification of intended provider(s);
2. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one (1) user. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate;
3. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
4. Documentation that the telecommunication equipment complies with Federal Radio Frequency Emission Standards;
5. A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings and location, and longitude and latitude in degrees and minutes, indicate the horizontal datum used either NAD 83 and NAD 27;
6. Documentation of monopole tower or lattice tower collapse area, for newly proposed telecommunication towers.

Q. Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

8.4.26 BONA FIDE FARMS

Bona fide farms shall be permitted in accordance with the Table of Uses (Table 7.1-1), subject to the following:

- A. The use shall meet the definition of a bona fide farm.
- B. Bona fide farming uses shall be exempt from all zoning requirements in this UDO.

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- C. Bona fide farms may be permitted to have more than one (1) principal structure.
- D. Bona fide farms shall be permitted to have accessory structures without a principal structure.
- E. The maximum height of residential structures shall conform to the underlying district requirements.
- F. Produce stands shall be permitted in conjunction with any bona fide farming use, regardless of whether the produce stand is allowed in the underlying zoning district. However, sufficient on-site parking must be provided so that no parking associated with the produce stand shall take place within a public right-of-way.

8.4.27 PRODUCE STAND

- A. A produce stand shall not be located in a road right-of-way;
- B. A produce stand shall not be located closer than ten (10) feet to any side lot line and twenty (20) feet to any side lot line which is in or abuts a Residential District, unless a greater setback is required for the zoning district in which it is located.
- C. Signs for a produce stand shall not be illuminated.
- D. If located in any Residential District, except the R-3 District, during the times of the year in which the produce stand is not in operation the stand and any structure associated with it shall not be visible from any adjoining road.
- E. If located in a Residential District, all produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located.
- F. Screening shall not be required for any produce stand.
- G. A produce stand may be located on a lot containing another principal use. If another use is located on the lot, required parking for the produce stand and the other use must both be required.
- H. Site plan review per Section 5.2 for produce stands shall not be required.

CHAPTER 9
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SECTION 9.1 LOCATION OF REQUIRED YARDS IRREGULAR AND THROUGH LOTS

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house. On a water front lot, where an accessory structure is to be located on the same lot with a principal structure in which the architectural front faces the water, and the rear yard has been determined to abut the street or road right-of-way, then the required rear yard setback for an accessory structure shall be greater or equal to the required front yard setback for principal structures in the underlying zoning district. In addition, the side yard setbacks for accessory structures shall comply with the required side yard setbacks for principal structures. On lots where it is determined the front yard abuts the street or highway right-of-way, section 9.9 for accessory structures shall apply.

On through lots, the required rear yard setback for accessory structures shall equal or exceed the required front yard setback from principal structures which would normally be applied in that zoning district. For example, if a through lot were located in a zoning district which normally required a thirty (30) foot front yard setback, then required rear yard setback for the accessory structure shall be thirty (30) feet. The front yard shall be based on the front architectural orientation of the principal building. In addition, side yard setbacks for accessory structures locating in the rear yard on through lots shall be allowed within five (5) feet of any side lot line.

The location of required setbacks on other irregularly shaped lots shall be determined by the Administrator based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

SECTION 9.2 ORIENTATION OF MANUFACTURED HOMES IN RESIDENTIAL ZONING DISTRICTS

Any manufactured home shall be situated on the lot so that the external wall which, by design, is intended to be the front, faces a street adjoining the lot. This requirement shall not apply if the dwelling is located on a "flag" or "panhandle" lot; or, the dwelling is set back at least one hundred (100) feet from the street right-of-way on an interior lot.

Relief to this requirement may be granted by the Administrator subject to the following findings:

1. The dwelling cannot practically be located on the subject lot in any other manner; and,
2. The dwelling shall have sufficient architectural treatment (e.g. roof gables, addition of windows, doors, porches, etc.) so that the end wall does not appear to be an end wall.

SECTION 9.3 BOUNDARY STRUCTURES

- A. Boundary structures are permitted in any zoning district provided that no portion of the structure, including footings, extends into or over any easement, right-of-way, or property line. The maximum height of a boundary structure shall be twelve (12) feet including all columns, light fixtures or other ornamentations, but excluding berms. A “boundary structure” shall not be considered a “fence or wall” and shall not be subject to the requirements of Section 9.4.
- B. All boundary structures shall require the submittal of a site plan in accordance with Section 5.2.
- C. Boundary structures shall be subject to sight distance triangle provisions contained in Section 9.7.

SECTION 9.4 FENCES OR WALLS PERMITTED

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

9.4.1 RESIDENTIAL DISTRICTS

- A. No fence or wall located in any required setback shall be built to a height greater than four (4) feet in the front yard or eight (8) feet in the rear or side yard above grade.
- B. Fence materials, color and/or texture not compatible in appearance with the principal residential structure and/or the general appearance of the neighborhood in which the lot is located may not be used for fencing materials. In no case shall a chain link fence be used in the front yard.

- C. No fence or wall shall be constructed within a general drainage or utility easement, so as to block or materially impede the flow of stormwater runoff, nor in any road right-of-way.
- D. Electric fences, except for livestock protection fences, shall be prohibited. Invisible pet fences shall not be considered as an "electric" fence.
- E. Botanical Gardens may establish deer fences up to ten (10) feet in height.

9.4.2 ALL OTHER DISTRICTS

- A. Within all required setbacks the maximum height of a fence or wall shall be twelve (12) feet.
- B. No electrical fences except livestock protection fences shall be permitted. Invisible pet fences shall not be considered as an "electric" fence.
- C. No fence or wall shall be constructed within a general drainage or utility easement, so as to block or materially impede the flow of stormwater runoff, nor in any road right-of-way.
- D. Fences or walls within required planting yards are subject to review and approval as part of the required landscaping plan.

9.4.3 CORRECTIONAL FACILITY; PUBLIC UTILITY STRUCTURES

There shall be no maximum height for any fence located within the required setback of any correctional facility or for any public utility structure.

SECTION 9.5 LOT TO ABUT A DEDICATED STREET; MINIMUM LOT WIDTHS

- A. No lot may be created after the effective date of this Ordinance that does not have at least fifty (50) feet of road right-of-way frontage in all zoning districts, except CBD, except as follows:
 - 1. Lots within a planned shopping center or office park or other planned multi-tenant development of a nonresidential nature; or,
 - 2. Lots within a condominium, townhome, patio home, or planned residential development, traditional neighborhood development or traditional infill development.
 - 3. Easement lots as provided for in Section 13.15.3(C) of this

Ordinance

- B. A single-family dwelling (or manufactured home, where allowed) may be constructed or placed on a lot that was in compliance when platted or recorded on or before the effective date of this Ordinance which does not abut a dedicated street right-of-way provided the lot is given access to a dedicated street by an easement at least twenty (20) feet in width for the use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for automobiles and service and emergency vehicles.

SECTION 9.6 ONE PRINCIPAL BUILDING OR USE PER LOT

- A. No more than one (1) principal building devoted to a residential use shall be located on a lot, except as: (i) part of a multifamily development; (ii) planned residential development; (iii) as private residential quarters per Section 9.10; (iv) part of a planned unit development, or (v) on any lot having an area of ten (10) acres or greater, a second residential structure may be developed, with each structure having sufficient land area accompanying the structure so that in the event it is sold, the structure and land could be divided into a lot which would meet the guidelines listed in this ordinance. In no case shall the structure be sold unless the structure is located on an individual lot which meets the guidelines set forth in this Ordinance. In the case where a tax parcel is divided by a state maintained road or a recorded private road, built to state standards, each section may be treated on an individual basis for the purpose of this Ordinance. In addition, if any parcel is separated from the larger tract and being less than ten (10) acres, one (1) principal residential structure may be constructed on said parcel.
- B. More than one (1) principal building devoted to a nonresidential use may be located on a lot provided that an access way at least eighteen (18) feet wide is maintained from a public street to each building for use by service or emergency vehicles. Each building on the lot shall otherwise be separated from any other building by a distance of at least ten (10) feet.

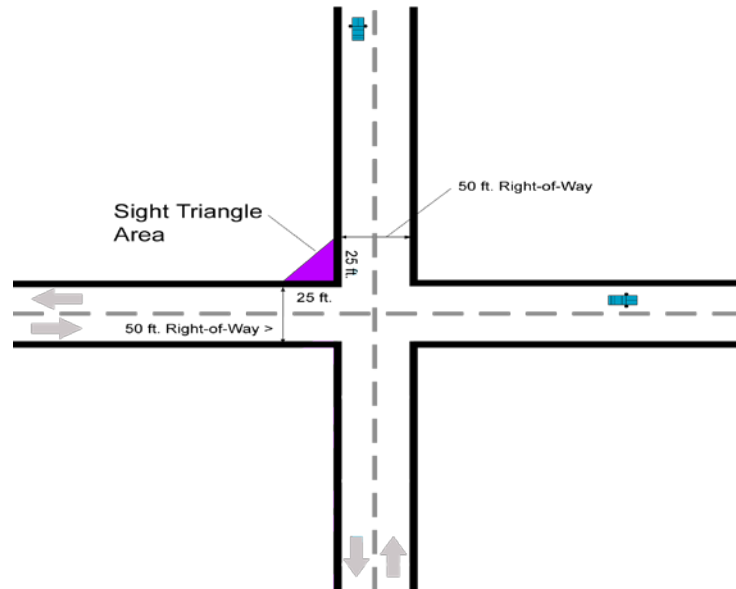
SECTION 9.7 SIGHT DISTANCE TRIANGLES

On corner lots in any zoning district, except the CBD and UMU, there shall be no obstruction to vision above the height of between two (2) feet and ten (10) feet measured above the average elevation of the existing surfaces of the intersecting streets and / or driveways at their centerlines within the area formed

by joining points on the property lines measured as follows:

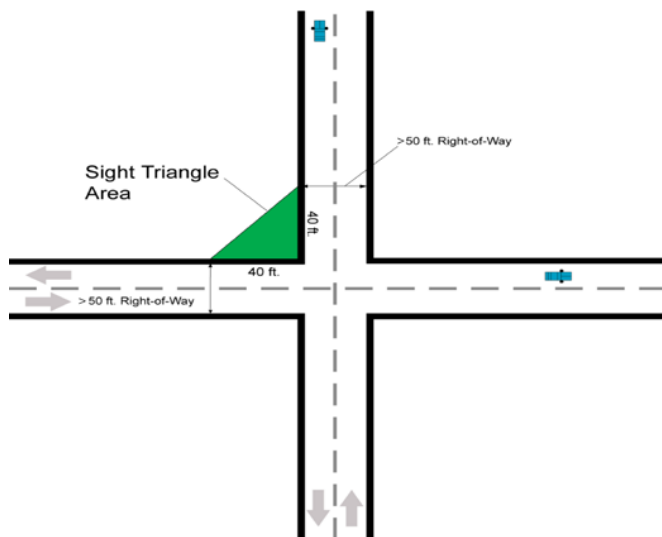
- A. On property lines abutting streets with fifty (50) feet or less in right-of-way width or local streets serving local traffic (i.e. streets other than principal or minor arterials), the points on the property lines shall be at least twenty-five (25) feet from the lot corner. Refer to figure 9.7-1.

Figure 9.7-1



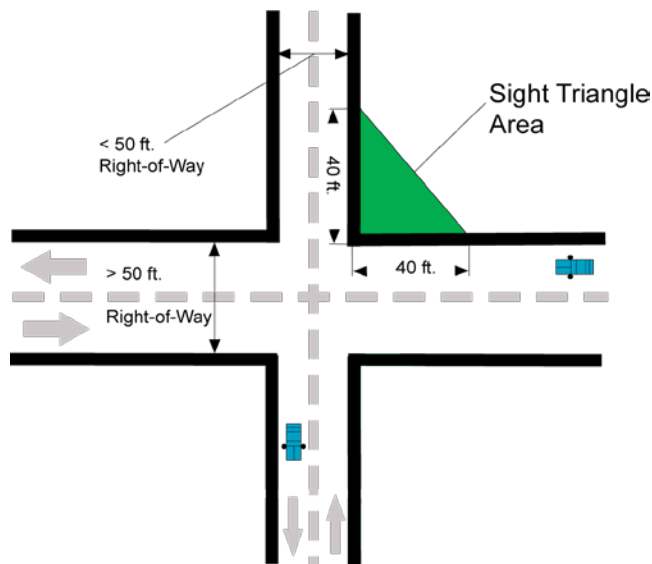
- B. On property lines abutting streets with more than fifty (50) feet in right-of-way width, the points on the property lines shall be at least forty (40) feet from the lot corner. Refer to Figure 9.7-2 for an illustration of these requirements.

Figure 9.7-2



- C. Where the intersection involves two (2) roads, one with a right-of-way with greater than fifty (50) feet and the other with a right-of-way of less than fifty (50) feet, the more stringent sight triangle shall apply. Refer to Figure 9.7-3 for an illustration of this requirement.

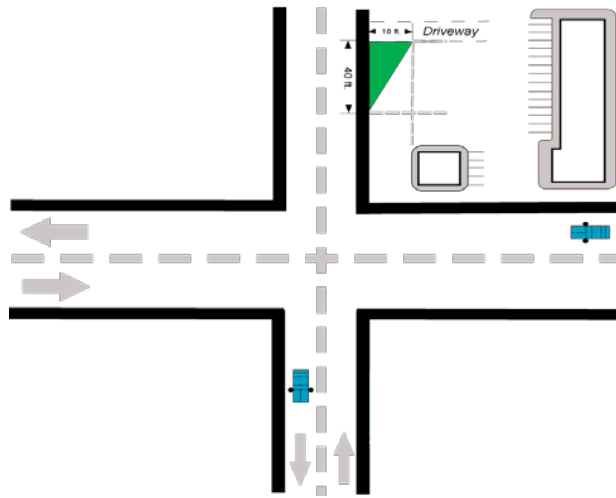
Figure 9.7-3



- D. On roads that are maintained by NCDOT, NCDOT requirements shall prevail. Where the requirements between NCDOT and those listed herein differ, the more restrictive shall apply.
- E. Where a driveway intersects with a road right-of-way, the sight distance shall be measured from the point of intersection along the driveway for a distance of ten (10) feet and along the right-of-way for a distance of forty

(40) feet. Refer to figure 9.7-4.

Figure 9.7-4



F. The provisions of this section shall not apply to:

1. Permanent structures (i.e. buildings, bridge railings, retaining walls).
2. Existing natural grades of existing streets which, by reason of natural topography, rise thirty (30) or more inches above the average grade of the adjacent streets.
3. Fire hydrants, public utility poles, street markers, governmental signs, and traffic-control devices
4. Possible obstructions that do not impede visibility for motorists or pedestrians may be exempt from this section if approved by the Administrator or NCDOT.

SECTION 9.8 HEIGHT EXCEPTIONS

For purposes of this ordinance, the height of a structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

The maximum heights as in various districts may be exceeded for the following uses:

- A. Roof structures not intended for human occupancy and serving an accessory capacity to the principal structure on the lot, such as skylights, housing for elevators, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys, radio and television antennae may exceed the maximum allowable heights as provided in any of the zoning districts.

- B. Any structure which exceeds the prescribed maximum building height for the zoning district in which it is located (allowed per subsection A above), by more than ten (10) feet, shall be located on the lot so that no portion of the structure is located closer to any lot line than the greater of: (i) the minimum setback regulations in that zoning district; or (ii) the difference between the actual height of the structure and the normally allowed maximum building height in the zoning district.
- C. In no instance shall any structure in any zoning district be allowed to have a height in excess of one thousand (1,000) feet.
- D. In no instance shall any of the provisions of this section apply to Telecommunication Towers and Facilities as defined in Chapter 2. Refer to sections 8.4.22, 8.4.23, 8.4.24, or 8.4.25 for Telecommunication Towers and Facilities for requirements.
- E. A parapet wall or cornice may extend up to five (5) feet above the maximum building height for the zoning district in question without necessitating any greater setback requirement, except as required in section 7.6.3 of the USO.

SECTION 9.9 ACCESSORY STRUCTURES

- A. Within any zoning district, accessory structures shall be located as follows:
 - 1. No portion of any accessory structure (except mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, bus shelters and doghouses) shall be located within any front yard on lots less than one (1) acre in area. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, and doghouses may be located in any front, side or rear yard. Bus shelters may be located in any required front yard setback. On lots of one (1) acre in area or greater, accessory structures may be located in the front yard, a minimum of one hundred fifty (150) feet from the edge of the street right-of-way line. Swimming pools, pumps, filters and pool water disinfection equipment installations shall not be located in any front yard, irrespective of lot size.
 - 2. Accessory structures are allowed in any side yard, although none are allowed in any required side yard setback except as provided in Subsection 1 above. Swimming pools, pumps, filters and pool water disinfection equipment installations shall not be located in any required side yard, irrespective of lot size.
 - 3. Accessory structures are allowed in a rear yard provided that no accessory structure (except as provided in Subsection 1 above)

shall be allowed within five (5) feet of any principal structure and five (5) feet of any rear or side yard line.

4. On any lot one-half ($\frac{1}{2}$) acre or less in area containing a principal residential use, the maximum permitted area of accessory structures (excluding outdoor swimming pools) shall not exceed one-half ($\frac{1}{2}$) the heated ground floor area of the principal structure or seven hundred fifty (750) square feet, whichever is less.
5. On a lot containing an area of greater than one-half ($\frac{1}{2}$) acre, the maximum permitted area of accessory structures shall be computed by taking three (3) percent of the lot area over one-half ($\frac{1}{2}$) acre (21,780 square feet) and adding seven-hundred fifty (750) square feet or one-half ($\frac{1}{2}$) the heated ground floor area of the principal residential dwelling, whichever is greater.
6. Any building attached to a principal structure (e.g., via a breezeway) will not be considered an accessory structure. Any additions to the principal structure shall be deemed “attached” to such structure if the addition is in accordance with all applicable State Building Code requirements
7. On any lot one (1) acre or less in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to two (2). On any lot greater than one (1) acre in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to three (3).
8. Exceptions to the setback requirements above may be made per Section 5.15.1(B) of this Ordinance.
9. In no case may an accessory structure be placed in a general drainage or utility easement without prior approval by the Administrator.
10. With the exception of accessory structures in association with an agricultural use, the height of an accessory structure shall not exceed the height of the principal structure.
11. All outdoor or in-door swimming pools, including in-ground, above-ground or on-ground pools, hot tubs or spas shall be provided with a barrier (a fence, wall, building wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall comply with the most current North Carolina Building Code.

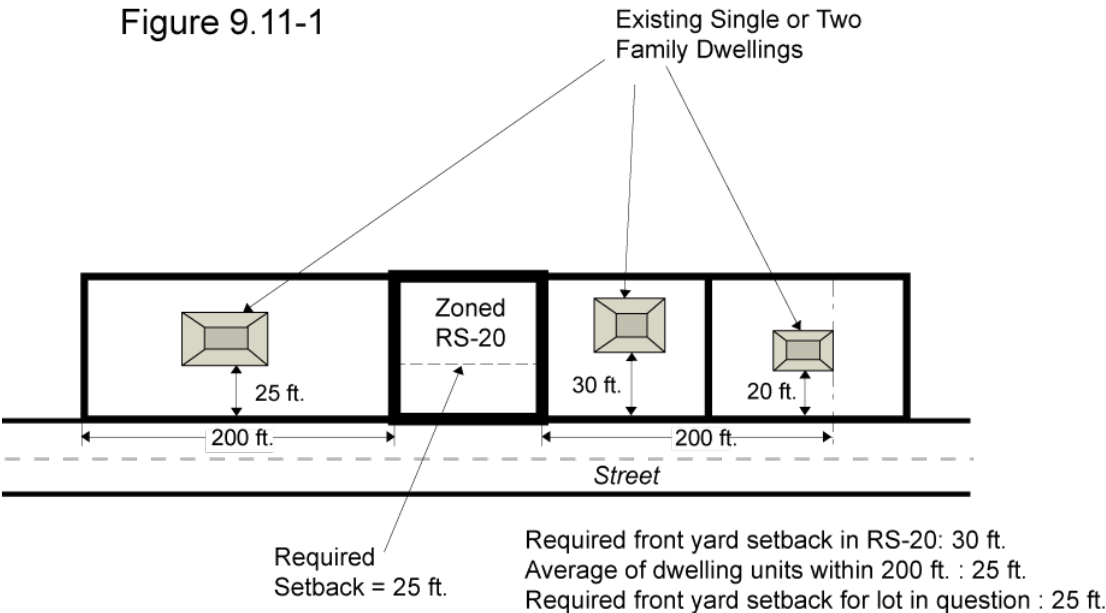
- B. On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character except for an accessory structure used in conjunction with a mixed-use dwelling, temporary produce stand, agricultural use, or similar nonresidential use that otherwise would be allowed on the property. Accessory structures on lots containing a principal residential use shall not be made of highly reflective metal materials. Some examples of structures that cannot be used as an accessory structure to a residential use include: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles, cargo containers, etc.
- C. No accessory structure shall be constructed or placed on a lot prior to the issuance of a zoning permit and a building permit for the principal use or structure on the same lot. Temporary structures including: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles, cargo containers, etc. shall not be issued a zoning permit as an accessory structure unless specifically allowed in this ordinance.
- D. Minor modifications to the size of accessory structures are provided for in Section 5.15.1.B.

SECTION 9.10 RESERVED

SECTION 9.11 REDUCTION OF REQUIRED SETBACKS ON EXISTING LOTS

- A. No yard or lot existing at the time of adoption of this Ordinance or any amendment subsequent thereto shall be reduced in size or area below the minimum requirements set forth herein, except as the result of street widening or other taking for public use or conveyance; or as provided in Section 5.15.1; or as provided herein.
- B. In any Residential zoning district, the required front yard for a single- or two-family dwelling may be reduced if the front yards on nearby developed lots are found to be less than that which is otherwise required in the underlying zoning district. Said front yard may be reduced under the following guidelines:

The front yard setbacks for other single- and two-family dwellings shall be determined on all other lots located on the same block, facing the same street, within a Residential zoning district, and which lie within two-hundred (200) linear feet from either side of the lot line from the lot in question. The average of these existing front setbacks shall be computed (measurements from at least two (2) separate structures containing dwelling units shall be required to make this computation). The required front yard setback on the lot in question may be reduced to said average with a maximum reduction of ten (10) feet being allowed. Refer to Figure 9.11-1 below for an example of how this is to be interpreted.



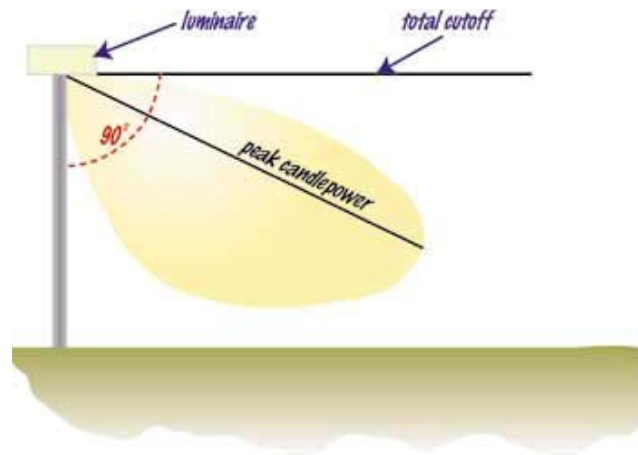
SECTION 9.12 USE OF MANUFACTURED HOMES

- A. Manufactured homes may be used only as a place of residence (i.e., as a dwelling unit). Use of a manufactured home for other uses including, but not limited to, sales offices, school buildings, beauty shops, banks, retail stores, accessory structures, etc. shall be prohibited.
- B. A manufactured home, once constructed, shall always be classified as such a use regardless of any external or internal renovations, improvements, additions, or changes made. Notwithstanding, the class of a manufactured home (i.e., class A, B, C, or D) may be changed according to the corresponding modifications being made.

SECTION 9.13 OUTDOOR LIGHTING

This Section provides direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and adjacent pieces of property. This shall not apply to single family dwelling lots, but does apply to single family subdivisions. The following general provisions apply:

- A. GENERAL PROVISIONS
 - 1. Light fixtures (not attached to buildings) must be affixed to a decorative pole, which may be of metal, fiberglass, or concrete. Wooden poles are not permitted.
 - 2. All fixtures must be either semi-cutoff or full-cutoff fixtures only. Full-cutoff light fixtures are shielded or constructed so that no light rays are emitted by the installed fixture at angles above the ninety (90) degree horizontal plane. For semi-cutoff fixtures, no more than five (5) percent of its light rays shall be emitted above the ninety (90) degree horizontal plane.



3. The maximum height of the light source (light bulb), detached from a building, shall be twenty (20) feet.

B. OUTDOOR ILLUMINATION OF BUILDINGS, LANDSCAPING AND SIGNS

The following provisions apply to the outdoor illumination of buildings, landscaping and signs:

1. Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features unless they are an integral architectural element that is designated on the development plan. When approved, exterior lighting should be integrated with the architectural character of the building.
2. The unshielded outdoor illumination of any building or landscaping is prohibited. To avoid light spillage, only semi-cutoff or full cutoff fixtures can be used.
3. External lighting fixtures used to illuminate a sign must either be by directed ground lighting sign or mounted on the top of the sign.

C. PROHIBITED LIGHTING AND FIXTURES

The following are prohibited:

1. The operation of searchlights for advertising purposes.
2. Illuminated, highly reflective spotlights that hamper the vision of motorists or bicyclists.
3. Flashing or blinking lights located in the right-of-way.

**SECTION 9.14 SPECIAL GRADING TREATMENT ABUTTING
RESIDENTIAL DISTRICTS**

- A. Special grading treatment is required where a nonresidential use abuts a residential use or zone and differences in elevations of two (2) feet or greater are proposed within twenty (20) feet of common property lines for the purpose of development. The elevation must be graded to a maximum two to one (2:1) slope and the installation of grass, plantings, landscaping, etc., as necessary to prevent erosion.
- B. Review and inspection of retaining walls and graded slopes are required as follows:
 - 1. Retaining walls five (5) feet in height or greater herein required shall be designed and the plans signed and sealed by a professional engineer or a registered architect licensed to practice in North Carolina.
 - 2. Retaining walls and slopes herein required shall be installed in accordance with all approved plans and whose installation must be approved by the design engineer.
- C. All retaining walls and graded slopes required by this section shall be shown on a site plan for review as required by Section 5.2. Plan and section details of proposed grading treatment shall be submitted as part of the site plan review application.

**SECTION 9.15 GENERAL PROVISIONS FOR ALL COMMUNICATION
TOWERS**

- A. In recognition of the Telecommunications Act of 1996, it is the intent of the Town to allow communication providers the opportunity to locate telecommunications towers and related facilities within the Town in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of its citizens. Wireless towers may be considered undesirable with other types of uses, most notably residential uses, therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.
- B. Accordingly, the Town finds that regulations related to telecommunications towers are warranted and necessary to:
 - 1. To direct the location of communication towers within the jurisdiction of this Ordinance;

2. To protect residential areas and land uses from potential adverse impacts of telecommunications towers;
 3. To minimize visual impacts of telecommunications towers through careful design, siting, landscape screening, and innovative camouflaging techniques;
 4. To accommodate the need for telecommunication towers serving residents and businesses of the Town;
 5. To promote the shared use / co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
 6. To consider the public health and safety aspect relating to telecommunication towers; and avoid potential damage to adjacent properties from tower failure and other occurrences through structural standards and setbacks, engineering and careful siting of telecommunication towers.
- C. Refer to Table 7.1-1 for the zoning districts where Telecommunications Towers and Facilities are allowed, provided that the supplemental regulations contained in Chapter 8 and other applicable provisions set forth elsewhere in Ordinance are met, and a special use permit, if necessary, has been issued in accordance with Section 5.11.
- D. Freestanding monopole towers, with a maximum height of one-hundred ninety-nine and nine-tenths (199.9) feet are allowed by right in C-3, I-1, I-2, and I-3 zoning districts provided all other applicable provisions set forth herein and elsewhere in this Ordinance are met. Towers with a height of two-hundred (200) feet or greater and all lattice towers in these zoning districts shall be subject to the issuance of a special use permit.
- E. Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. In accordance with the Telecommunications Act of 1996, the Town must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.
- F. Telecommunication towers may be considered either principal or accessory uses in any zoning district where a tower is allowed to be located. A different existing use or an existing structure on the same lot and/or parcel shall not alone preclude the installation of antennae or tower on said lot or parcel.
- G. The replacement of an existing tower of the same tower type, provided the

original tower height is not increased, shall be permitted by right in any zoning district. The replacement tower shall be located in the same footprint or within one hundred (100) feet of the original tower (and on the same lot as the original tower). If the replacement tower is not located on the same footprint, then the replacement tower shall meet the underlying zoning district setbacks and applicable screening requirements. The dismantling and/or removal of the original tower and its associated equipment shall be removed and cleared from the site prior to a certificate of compliance being issued from the Town for the replacement tower.

Co-location requirements as specified in Section 8.4.22, shall apply to any replacement tower.

SECTION 9.16 OUTDOOR STORAGE AND DISPLAY OF GOODS, MATERIALS, WASTES AND EQUIPMENT

- A. There shall be no overnight outdoor storage or display of goods, materials, wastes or equipment in association with nonresidential uses in any residential zoning districts, any Office zoning districts or the TMU zoning district. This prohibition shall not include outdoor storage or display in connection with an Essential Service, construction activity for which there exists a valid building permit or contract from the appropriate public entity; outdoor in-service vending machines; fresh produce; Christmas trees and other live plants; bagged ice in sales freezers; firewood in sales bins; propane tanks in exchange racks; or shopping carts intended for customer use. Newspaper racks shall be allowed in all zoning districts.
- B. The outdoor display, during normal business hours only, of other goods for sale is permitted in any zoning district with the following limitations:
 - 1. Outdoor display area shall be limited to ten (10) percent of the ground floor sales area of the principal building.
 - 2. Outdoor storage area shall not be located more than twenty (20) linear feet from an external wall of the principal building.
 - 3. Outdoor storage area shall not be located in any required landscaping, screening or parking area.
 - 4. No tractor-trailer trucks, trailers, or other mobile storage containers, shall be used in conjunction with the outdoor sales area. Tractor trailers may only be located near the loading dock area and shall be screened by a decorative fence from on-site parking lot(s).

SECTION 9.17 AUTOMOBILE REPAIR IN RESIDENTIAL ZONING DISTRICTS OR ON LOTS USED PRIMARILY FOR RESIDENTIAL PURPOSES

- A. Automobile repair conducted outdoors (i.e., outside of a garage) on residentially zoned lots is limited to those vehicles registered to the occupant of the dwelling and shall be limited to “routine maintenance”. “Routine maintenance” includes work such as: oil changes, tune-ups, transmission fluid changes, brake repair, coolant service, changing a battery, and tire rotation; minor body, trim, and mechanical repairs shall also be considered routine maintenance. Typically, routine maintenance and minor repair is work that can be completed by the resident within a twenty-four (24) hour time period. Under no circumstances shall outdoor automobile repair extend over a continuous period of forty-eight (48) hours. In addition, no auto parts or work equipment such as jacks, ramps, or hoists shall be left outdoors for a period more than forty-eight (48) hours. Other onsite automobile repair or maintenance is strictly prohibited except as provided in Subsection B below. Any onsite automobile maintenance done for a fee is strictly prohibited on such residentially zoned or used lots.
- B. Notwithstanding the above, on residentially zoned or used lots that are two (2) acres or greater in area, the occupant may perform outdoor automobile repair in the rear yard, outside of any required setbacks, without adhering to the time limitations contained herein.
- C. On any residentially zoned lot, major engine / transmission repair and major bodywork may only be done within an enclosed garage.

SECTION 9.18 SIDEWALKS / GREENSTRIPS / CURB AND GUTTER

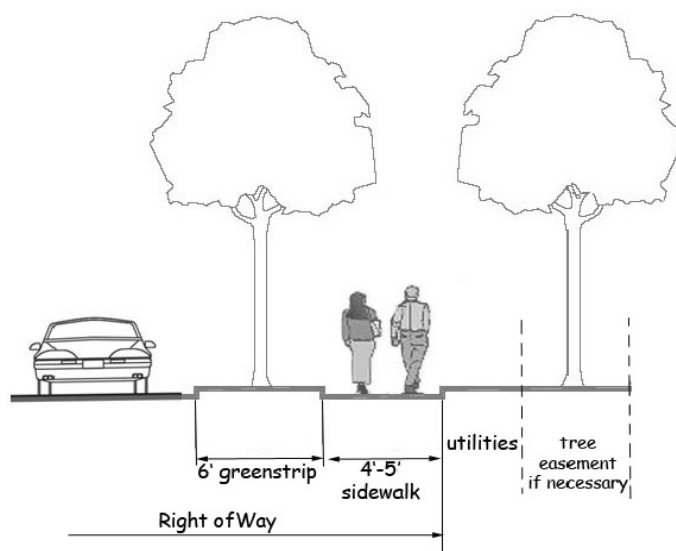
Sidewalks and green strips shall be required only for subdivisions and developments located in the USO Urban Standards Overlay District (unless specifically mandated for a particular type of development, irrespective of whether it lies in the USO district or not.) Sidewalk, Greenstrip and Curb and Gutter standards shall be as follows:

9.18.1 SIDEWALKS

- A. Sidewalks shall be a minimum of five (5) feet in width along principal and minor arterials and four (4) feet in width along other streets.



Sidewalks shall be constructed substantially parallel to the adjoining public street and shall be placed within said streets right of way. When placement of the sidewalk in said right of way is not feasible, as determined by the Town, the sidewalk shall be placed on the adjoining private property. When such sidewalk is constructed and deemed by the Town to meet all appropriate standards, ownership and maintenance of such sidewalk may be transferred to the Town via an easement agreement between the property owner(s) and the Town. Notwithstanding, in no case shall a sidewalk be required along a publicly maintained alley. Sidewalks shall otherwise be placed and constructed in accordance with specifications on file with the Administrator.

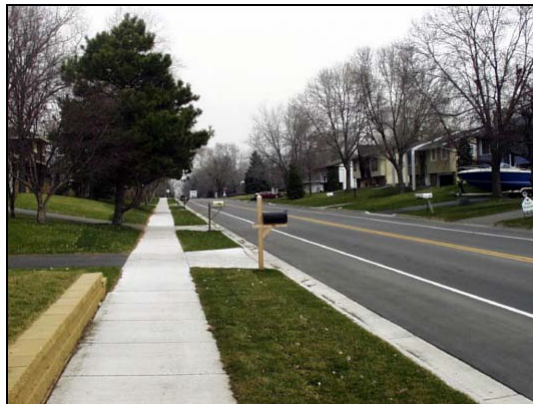


- B. Residential Subdivisions (except as otherwise required in TNDs, PRDs PUDs, and Infill Residential developments):

1. Sidewalks shall be constructed on one (1) side of existing principal or minor arterial streets and both sides of extensions thereof.



2. Sidewalks shall be constructed on one (1) side of the principal or minor arterial where the street will not function, at the time the subdivision is approved, as an arterial street because of its lack of continuity.



3. Except along cul-de-sacs, sidewalks shall be placed on both sides of all local subdivision streets. As used herein, the term “local subdivision street” shall mean any subdivision street other than a collector street or arterial. Where a subdivision abuts an existing street (other than an arterial), a sidewalk shall be provided where the subdivision abuts said street.



Sidewalks shall not be required along cul-de-sac streets that are less than two-hundred fifty (250) feet in length. For cul-de-sac streets that are greater than two hundred fifty (250) feet in length, sidewalks along the “bulb” of the cul-de-sac may be waived by the plat approval body (without necessitating the issuance of a plat variation) upon determination that such waiver would increase the aesthetics of the subdivision and that there are practical difficulties and unnecessary hardships in placing the sidewalks along the bulb.

4. All sidewalks in subdivisions shall be included within the road guarantee provisions.
5. Crosswalks including the necessary improvements, may be required at or near the center of any block which is more than one thousand (1,000) feet long, or at the end of cul-de-sac streets where deemed necessary for pedestrian circulation or for access to schools and commercial areas.

C. Infill Residential Developments

Sidewalks shall not be mandated along internal streets within the infill residential developments. Sidewalks shall only be required on internal streets if such street has a pavement width of less than twenty-four (24) feet or a right-of-way width of less than forty (40) feet (refer to Section 8.1.12(A)(13). Along the abutting side of principal or minor arterial streets.

D. Traditional Neighborhood Developments

Sidewalks shall be required on all streets within a TND, whether or not the TND lies within the USO district. Given that TNDs have unique design elements and building relationships, the Administrator or approval body shall have the authority to otherwise modify the sidewalk requirements in order to achieve a better layout and design and to support pedestrian activity and access throughout the TND. Additional development standards for TNDs are found in Section 8.1.13.

E. Planned Residential Development

Sidewalks shall be required in all PRDs, whether or not the PRD lies within the USO district. Sidewalk requirements within a PRD shall be the same as any other subdivision.

F. Multi-family Developments

The following sidewalk requirements shall apply to all multi-family developments, irrespective of whether they lie in the USO district:

1. A sidewalk shall be required to connect the front entryway of any apartment, townhome or condominium building to an adjoining parking lot.
2. If the multi-family development fronts on a public road with sidewalks, then the development shall connect internal sidewalks to the public road.
3. For condominium or townhome developments that contain fifty (50) or greater units, there shall be a sidewalk on at least one (1) side of all internal streets [greater than two hundred-fifty (250) feet in length], irrespective of whether they are public or privately maintained.

G. Planned Unit Developments

Sidewalks shall be required in a PUD irrespective of whether the PUD lies in the USO district. Sidewalks within the various residential and non-residential components of the PUD shall be provided in accordance with the standards contained herein for residential subdivisions, multi-tenant developments and other developments.

H. Planned Multi-tenant Developments



1. Commercial Planned Multi-tenant Developments

Within Planned Multi-tenant Developments that are primarily commercial in nature, including but not limited to: office parks and commercial centers, a five (5) foot wide sidewalk shall be constructed on one (1) side of major stem streets and circumferential and radial connectors as needed to safely move pedestrians throughout the side and to connect pedestrians to adjoining public streets. The provisions for internal sidewalks shall apply to both public and private streets and are in addition to the requirements for sidewalks along adjacent public streets.

2. Industrial Planned Multi-tenant Developments

Within any zoning district (including those located in the USO district) which primarily serve industrial type uses (e.g. warehousing, distribution centers, contractors' operations centers, welding shops, or machine shops, etc.), which generate little or no pedestrian traffic, may be exempt from the internal sidewalk requirements of this section.

I. Other Developments

1. Sidewalk construction required by this section shall be installed

adjacent to uses and developments, under the following circumstances:

- a. When the property is subject to site plan approval per Section 5.2; and,
 - b. Where curbing exists or is being installed on the applicable side of said adjacent street, and
 - c. Where adequate right-of-way is available to construct a sidewalk in accordance with all applicable standards and specifications.
2. Except as exempted in Subsection 3 below, sidewalks shall be placed in the following locations:
- a. Along the abutting side of principal or minor arterial streets.
 - b. Along one (1) side of new and existing collector and local streets. When determining if a sidewalk is required on a particular side of the street, the Administrator shall review such criteria as the pattern of existing sidewalks, the location of existing right-of-way, and expected pedestrian patterns. Sidewalks may be required on both sides of a collector or local street if one (1) or more of the following conditions exists:
 - (i) The current or projected average daily traffic volume is greater than eight-thousand (8,000) vehicles per day.
 - (ii) The posted speed limit is greater than thirty-five (35) miles per hour.
 - (iii) The street is a strategic pedestrian route to an existing or planned pedestrian destination, such as a school, park, recreational or cultural facility, greenway trail (or similar amenity), retail commercial site, restaurant, or a multi-family development of ten (10) or more units, located within a one-quarter (1/4) mile, as measured along the street centerline.
 - (iv) Other pedestrian safety, access, or circulation needs are identified.
 - c. Sidewalks required by this section shall be constructed along

the street for the full extent of each side of a parcel upon which such street abuts.

3. The following locations shall be exempt from the placement of sidewalks:
 - a. Sidewalks may be required for industrial uses in urban settings.
 - b. Sidewalks shall not be required along new and existing local and collector streets where, upon determination of the Administrator, the following conditions are found to exist:
 - (i) The character and size of the proposed development will not result in substantial additional pedestrian facility needs; and
 - (ii) The proposed development is not within one-quarter (1/4) mile of a transit stop (as measured along the street centerline), and
 - (iii) The proposed development is not within one-quarter (1/4) mile of an existing or planned pedestrian destination, such as a school, park, recreational or cultural facility, greenway trail (or similar amenity), retail commercial site, restaurant, or a multi-family development of ten (10) or more units (as measured along the street centerline); and
 - (iv) There are no new pedestrian facilities planned that would provide a pedestrian connection to the proposed development.
 - c. In no instance shall sidewalks be required along a local or collector street for a use that is likely to generate little or no pedestrian traffic.
 - d. Further, the Administrator may reduce or waive sidewalk construction required herein provided that specific circumstances unique to the subject property would make meeting the requirements impractical or impossible and that granting such reduction or waiver would not impair the public safety.

9.18.2 GREENSTRIPS

- A. A minimum six (6) foot greenstrip shall be required to be placed inward between the edge of the curb and the sidewalk. Greenstrips shall be constructed substantially parallel to the adjoining public street and shall be placed within said streets right of way. When placement of the greenstrip in said right of way is not feasible, as determined by the Town, the greenstrip shall be placed on the adjoining private property. When such greenstrip is constructed and deemed by the Town to meet all appropriate standards, ownership and maintenance of such greenstrip may be transferred to the Town via an easement agreement between the property owner(s) and the Town. A greenstrip shall not be required if the abutting street does not contain either a curb or sidewalk. In no case shall a greenstrip be required to be placed along and parallel to a publicly maintained alley. (See Section 9.18.1A for an illustration for this requirement.)
- B. Greenstrips shall be provided along streets with curbs and sidewalks in any planned unit development (PUD) or traditional neighborhood development (TND), irrespective of whether the PUD is or is not within the USO district.
- C. The Administrator, or plat approval body, shall have the authority to waive or modify the greenstrip requirements herein stated on a case-by-case basis where he determines that the placement of a greenstrip would serve no public purpose and/or the greenstrip would not be in keeping with adjacent developed areas along the same street. Examples where such requirements may be found include:
 - 1. The site is on a street where other adjacent or nearby developed lots that do not contain greenstrips;
 - 2. The street is within an infill residential development or TND and the lack of a greenstrip would achieve a better layout and design and would support pedestrian activity and access;
 - 3. There are unique topographic and physical characteristics associated with the site that would severely restrict placement and / or long-term maintenance of the greenstrip; or,
 - 4. The presence of public utilities (either above or below ground) would affect the long-term maintenance and upkeep of the greenstrip.

9.18.3 CURB / GUTTER

- A. Standard curb and gutter shall be required on principal and minor arterials.
- B. Standard curb and gutter shall be required within all non-residential developments (except industrial uses outside the I-U district) where sidewalks are required. The administrator may reduce or waive the curb and gutter requirement herein provided that specific circumstances unique to the subject property would make meeting the requirements impractical or impossible and that granting such reduction or waiver would not impair the public safety.
- C. Residential developments shall at a minimum provide valley curb and gutter along all interior streets.

SECTION 9.19 DENSITY CREDITS

9.19.1 INTRODUCTION

Per G.S. 136-66.10, dedication of right-of-way in conformance with the locally adopted transportation plan shall be required for subdivisions of land which embrace areas where thoroughfare improvements are proposed. Should such a dedication be required in association with a plat approval, density credits may be used, in a manner as provided herein, on the remaining portions of the tract(s) in question. The granting of such density credits shall be made by the Planning Board. The application of density credits shall not affect whether a use, is allowed or not on that lot. Such use shall remain governed by the list of permitted (and, if applicable, special) uses for that particular zoning district as listed elsewhere in this Ordinance.

9.19.2 DEFINITIONS

The following terms are to be used in computing and applying density credits:

TERM	DEFINITION
A1	Entire area of land to be dedicated for thoroughfare right-of-way purposes per the thoroughfare plan, if access to such thoroughfare is not permitted (e.g., a limited access highway).
A2	If direct access to the thoroughfare is allowed, the difference between the area of land dedicated for right-of-way purposes (per the thoroughfare plan) and that which normally would be required per the Subdivision Regulations.

B	Area of tract prior to right-of-way dedication.
C	B- (A1 or A2) (i.e., land in tract remaining after dedication is made).
D	Minimum lot size requirement prior to application of density credit bonus.
E	Minimum lot size after application of density credit bonus ("A1 or A2/B" × "D").
F	Maximum multifamily units per acre without density credit bonus.

9.19.3 RIGHT-OF-WAY DEDICATION

Per G.S. 136-66.10, the Board may grant density credits whenever right-of-way dedication, in accordance with the thoroughfare plan, is required for a tract of land located within the planning jurisdiction of the town, and such tract is proposed for subdivision or use of land pursuant to a zoning permit.

Right-of-way dedication may be so required by the Board where a subdivision, as herein defined, occurs or in situations where land subdivision is not involved, when the Board determines that:

1. Said dedication does not result in the deprivation of all reasonable use of the original tract; and,
2. The dedication is reasonably related to the traffic generated by the proposed use of land, or the impact of dedication is mitigated by other measures including the use of density credits, as herein prescribed, on contiguous land owned by the subdivider.

If the full width of the thoroughfare for which land is to be dedicated is completely contained within the tract of land to be used or developed, up to one hundred (100) percent of the right-of-way needed to construct or enlarge the thoroughfare on that tract shall be provided. If a portion of such thoroughfare is located on the property proposed to be subdivided or developed, the corresponding proportion of land on that tract may be required to be developed.

Dedication of land, as provided herein, shall be offered to the public. Proof, in the form of an instrument having been recorded in the Register of Deeds office, of such dedication having been made shall be furnished to the Administrator prior to the issuance of any zoning permit that incorporates the use of density credits.

Any land so dedicated shall substantially be that as needed for the thoroughfare right-of-way in question as shown on the thoroughfare plan.

9.19.4 DENSITY CREDIT FORMULA

The following formula shall be used in applying density credit bonuses:

A. SINGLE-FAMILY (INCLUDING LOTS CONTAINING INDIVIDUAL MANUFACTURED HOMES) AND TWO-FAMILY LOTS

The density credit bonus is derived by dividing the area dedicated for thoroughfare purposes (A1) or (A2) by the area of the entire tract and then multiplied by 100 (i.e., $(A1 \text{ or } A2/B) \times 100$). The resulting figure may be used on a percentage-by-percentage basis to reduce minimum lot sizes up to a maximum of twenty-five (25) percent.

For example, if the tract in question was fifty (50) acres in area and five (5) acres was to be used for right-of-way dedication purposes, and upon which direct access were not involved (i.e., Garden Parkway), the minimum lot size in the subdivision could be reduced by ten (10) percent $[(5/50) \times 100 = 10]$. Thus, if the tract were located in a zoning district with a minimum lot size of ten thousand (10,000) square feet, lots in the subdivision could be reduced to as low as nine thousand (9,000) square feet.

B. MULTI-FAMILY DEVELOPMENTS AND ALL OTHER DEVELOPMENTS WHERE DENSITY IS MEASURED ON A UNIT-PER-ACRE BASIS

The density credit bonus (A1 or A2/B) shall be multiplied by the maximum density level (F) in the underlying zoning district. The resulting figure is then added to (F) and then multiplied by (C), the remaining developable land in the tract once the right-of-way dedication has been made. In no case may the subsequent density level be raised by more than twenty-five (25) percent over that level which is normally allowed in the underlying zoning district. Irrespective of the use of density credits, all yard, height, parking, and setback requirements as stated in this ordinance are to be observed.

For example, on a tract of land that was fifty (50) acres in area and if five (5) acres of land were to be dedicated for right-of-way purposes, the density bonus would amount to ten (10) percent (5/50). If the normal maximum density level in this district were eight (8) units per acre, the density bonus would allow the maximum density level to increase to eight and eight-tenths (8.8) units per acre $[(8 \times .10) + 8 = 8.8]$.

C. OTHER NONRESIDENTIAL DEVELOPMENTS

The area to be computed for the density credit shall be determined (A1 or A2) and shall be divided by three hundred-thirty (330) square feet. The resulting figure shall represent the maximum reduction in the number of required off-street parking spaces to be provided. In no case may this reduction constitute greater than ten (10) percent of the required number of off-street parking spaces.

SECTION 9.20 HOURS OF OPERATION

Hours of operations for all office/commercial services / retail uses located in a residential zoning district shall be from 8:00 a.m. to 8:00 p.m., Eastern Standard Time, unless otherwise specifically listed elsewhere in this Ordinance. If a use seeks to operate outside of these hours of operations, a special use permit shall first need to be granted by the Board of Adjustment in accordance with Section 5.12.

SECTION 9.21 USES WITH OUTDOOR SPEAKERS

All uses with outdoor speakers shall locate the speaker and associated drive through window and stacking lane, if applicable, seventy-five (75) feet or more feet from the edge of a lot located in a Residential zoning district.

SECTION 9.22 ODOR

- A. Every use of land shall be operated in such a way that regularly recurring odors are not disturbing and do not cause injury, detriment or nuisance to any person of ordinary sensitivities.
- B. Every nonresidential use in an Office, Commercial or Industrial District which adjoins a Residential District must be operated in such a way that any odor which may be detected by the human senses at the district boundary line is similar in character to odors which could be expected to be generated in those Residential Districts.

SECTION 9.23 NOISE

Every use of land shall be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every nonresidential use in an Office, Commercial, or Industrial District which adjoins a Residential District must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those Residential Districts.

SECTION 9.24 ACCESS MANAGEMENT

A. Maximum Number of Curb Cuts

Lots with one hundred-fifty (150) feet of road frontage or less are allowed one (1) curb cut per street front. Lots with greater than one hundred-fifty (150) feet of road frontage are allowed two (2) curb cuts per street front.

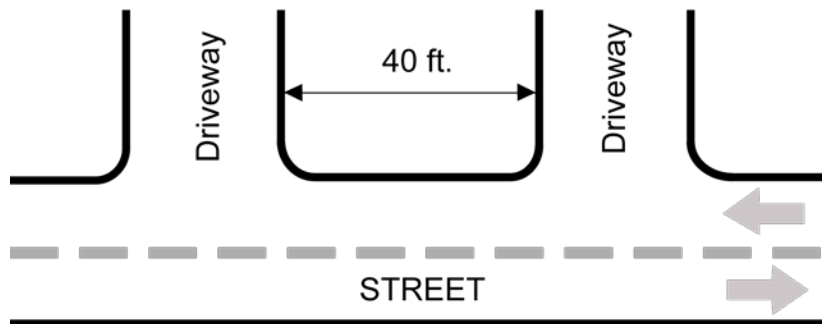
Pre-existing ingress/egress points that have been approved by the NCDOT or other appropriate governing body are exempt from the provisions of this section.

The Administrator, or appropriate approval body in the case of a special use permit or conditional zoning request, may approve additional curb cuts along a particular road in accordance with Section 9.24 (E) provided the lot in question also has at least three-hundred (300) feet of road frontage.

B. Minimum Distance between Curb Cuts

The minimum separation between curb cuts on the same lot shall be forty (40) feet. The distance between curb cuts shall be measured from a point on each driveway outside of the driveway radius. Refer to Figure 9.24-1 below. For driveway widths requirements refer to Section 10.13.

Figure 9.24-1

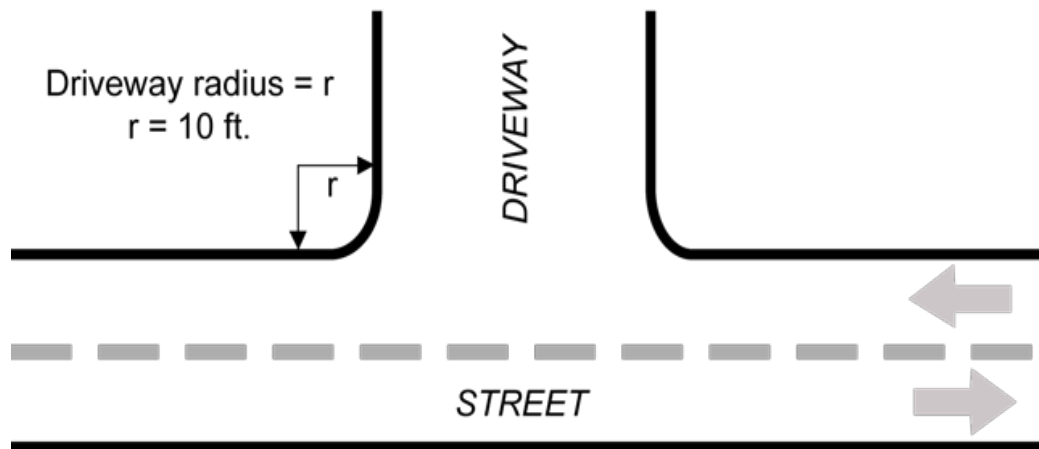


- C. The minimum distance between a curb cut and a street intersection for lots created after the effective date of this UDO shall be as shown in Table 9.24-1:

TABLE 9.24-1 Minimum Distance Separation Between Curb Cut and Street Intersection	
Principal Arterial	125 feet
Minor Arterial	100 feet
All Other Roads	75 feet

- D. The minimum driveway radius shall be ten (10) feet.
Refer to Figure 9.24-2. This requirement shall not apply to single- and two-family residential uses, including manufactured homes on individual lots.

Figure 9.24-2



- E. Modification of Requirements

The Administrator, or appropriate approval body in the case of a Special Use Permit (SUP) or Conditional Zoning (CZ) request, may modify any requirement of this Section upon making a determination that such modification will serve to promote the safety of pedestrians, bicyclists, and/or motorists accessing the lot(s) in question and nearby lots. Factors to be used in making this determination shall include, but not be limited to: (i) the nature of the proposed development; (ii) the location of the proposed curb cut on the lot; (iii) road classification; (iv) adjacent land uses; and, (v) crash data on the

road that the lot accesses.

SECTION 9.25 SOLID WASTE DUMPSTER REQUIREMENTS

- A. All solid waste dumpsters shall be screened by a wall or fence, so as to not be visible from a public street and from the view of adjacent properties. Screening of the dumpster shall consist of a solid opaque device that is at least six (6) feet in height, or at least one (1) foot higher than the height of the dumpster, whichever is greater, and have latching gates to provide access.
- B. Dumpsters shall not be located in the front yard and must be placed entirely on a concrete slab.

CHAPTER 10
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SECTION 10.1 GENERAL PROVISIONS

Off-street parking areas shall be designed to create a safe and comfortable environment for both motorists and pedestrians. Permanent off-street parking spaces shall be provided as specified herein for all uses occupying land or facilities (or portions thereof). In certain instances, on-street parking may be counted towards meeting the required number of off-street parking spaces. Such parking spaces may also be provided, in part or in whole, in a parking garage. The requirements of this section shall be met:

- A. At the time a Certificate of Occupancy is issued for a building or structure in which an approved use takes place;
- B. At the time any principal or accessory use or building is enlarged or increased in capacity, such as by adding dwelling units, guest rooms, seats, floor area, or other units of measurement [except as herein provided in Section 10.1 (D)] follows; or
- C. Before conversion from one (1) type of use or occupancy to another, or any change in the manner in which the use is constructed that would result in additional parking requirements [except as provided in Section 10.1(D)].

- D. Standards for providing off-street parking spaces, and exceptions thereto, are as follows:
1. Every new use, or an enlargement, expansion or alteration of an existing use except as herein indicated, shall require off-street parking in compliance with this Chapter.
 2. Except as provided herein, the number of required off-street parking spaces shall be increased when a change of use of either a structure or of land requires additional parking spaces in compliance with this Chapter. The number of Parking spaces may be decreased when a change of use requires fewer spaces than was originally provided.
 3. The number of parking spaces shown in Table 10.5-1 for each use represents the required number of off-street parking spaces for such use. The number of off-street spaces provided on-site or off-site, may be reduced by up to ten (10) percent, upon approval by the Administrator on a case-by-case basis. Allowance for such reduction, or portion thereof, shall be made based on:
 - a. The nature of the use;
 - b. The number of trips anticipated to be generated by the use;
 - c. The times of day when the use would likely generate the most number of trips;
 - d. The extent to which other establishments are located on the same property and which may reduce the number of vehicle trips required between different establishments; and,
 - e. The availability of nearby on-street or public parking facilities.
 4. A reduction by greater than ten (10) percent may only be granted by the Board of Adjustment as a special exception in accordance with Section 5.12.1(D).
 5. Uses are strongly encouraged to provide off-street parking in keeping with the requirements of Table 10.5-1. The provision of off-street parking spaces greater than what is required shall be allowed. Notwithstanding, if a use seeks to provide off-street parking in excess of one hundred-fifty (150) percent of what is required in Table 10.5-1, a special exception must be granted by the Board of Adjustment in accordance with Section 5.12.1E.
 6. If a use is subject to the issuance of a special use permit or conditional zoning request, the granting of the additional off-street parking spaces (or reduction of off-street parking) may be included as

part of the request for such use.

- E. A principal use that is not deficient in the number of off-street parking spaces provided may expand or be changed to a different use without having to provide additional off-street parking spaces under certain circumstances. Such circumstances are:
 - 1. When, after the expansion or use change, the number of off-street parking spaces provided still meets or exceeds the required minimum.
 - 2. If the expansion or use change results in the need to create no greater than ten (10) off-street parking spaces in order to meet the minimum number of required spaces or results in an increase of off-street parking spaces by no greater than ten (10) percent, whichever is less, these additional spaces may be waived by the Administrator on a one-time basis. In shopping centers, office parks and similar planned, phased or multi-use or multi-tenant developments, such waiver may only be applied once within the development.
- F. A certificate of compliance shall not be issued for any use until all off-street parking requirements in accordance with this chapter have been met and are in place and ready for use.
- G. The off-street parking and loading requirements contained in this Chapter shall not be applicable to any use located in the CBD zoning district, the TND center portion of a TND, except for multi-family uses, hotels, churches and motels located in such areas.
- H. All off-street parking areas shall be located no closer than ten (10) feet from the edge of any public street right-of-way. Said ten (10) foot area (with the exception of those located in the CBD district, or within the TND center component of a TND, and all driveways, sidewalks, and other means of pedestrian or vehicular access) shall be grassed or planted with natural vegetation.

SECTION 10.2 OFF-STREET PARKING LOT DESIGN STANDARDS

- A. In the Urban Standards Overlay District, off-street parking in the front yard of the lot shall be limited to no greater than two (2) rows of parking. This requirement shall not apply to: single- and two-family dwellings; individual manufactured homes not located within a manufactured home park; and industrial uses. Refer to Section 7.6.3 (I) for specific requirements.
- B. Off-street parking lots shall be designed to allow pedestrians to safely move from their vehicles to on-site buildings. Lots containing more than one-hundred (100) off-street parking spaces on any one (1) side of the building shall be designed to have at least one (1) designated and readily identifiable

corridor that channels pedestrians from their vehicles in that parking area to a nearby on-site building.

- C. Parking lots for commercial or office uses that: (i) lie in a Commercial, Office, or TMU zoning district; (ii) also lie within the Urban Standards (USO) Overlay District; and (iii) contain more than fifty (50) spaces shall be designed to inter-connect with adjoining lots under certain conditions. Refer to Section 7.6.3 (A) for specific requirements.
- D. Off-street parking lots shall be designed to facilitate safe and efficient movement and access by sanitation, emergency and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.
- E. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend into public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure. Any off-street parking area shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a sidewalk or public street right-of-way. This requirement does not apply to parking areas consisting of driveways serving lots that contain one- or two-family dwelling units and individual manufactured homes.
- F. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- G. No off-street parking or loading area shall be located over an active or auxiliary septic tank field.
- H. The temporary parking or storage (for more than thirty (30) days) of manufactured homes shall be prohibited in any zoning district (excluding manufactured homes located in manufactured home sales lots).
- I. Off-street parking areas shall be located no closer than ten (10) feet from the edge of any public street right-of-way. Appropriate measures shall be taken to prohibit vehicles from driving onto designated walk areas.
- J. Off-street parking is subject to the landscaping requirements in Section 11.5.

SECTION 10.3 OFF-STREET PARKING LOT SPACE AND AISLE DIMENSIONS

- A. Each parking space in surface parking lots (other than parallel parking spaces and those designed for the handicapped persons) shall contain a rectangular area at least nineteen (19) feet in length and nine (9) feet in

width. Notwithstanding, however, in uses or developments that are required to provide in excess of one-hundred (100) spaces, up to twenty (20) percent of the total parking spaces (excluding those spaces designated for “handicapped persons”) may be designated as spaces for “compact cars only” and shall be a minimum of eight (8) feet in width and sixteen (16) feet in length. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area herein required.

- B. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet in length by nine (9) feet in width.
- C. In the CBD and TMU districts an alternate design for each parking space of eighteen (18) feet in length and nine (9) feet in width may be approved by the Administrator.
- D. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

TABLE 10.3-1				
ANGLE OF PARKING (degrees)				
AISLE TYPE	0°	45°	60°	90°
One-way traffic	13'	13'	18'	24'
Two-way traffic	24'	24'	24'	24'

- E. Notwithstanding the above, if a use is subject to the issuance of a special use permit or is part of a conditional zoning request, the granting of alternative parking lot space and aisle dimensions may be included as part of the special use permit for such use.

SECTION 10.4 OFF-STREET PARKING SURFACE REQUIREMENTS

- A. Except as herein provided, all off-street parking areas shall be paved. Pavement surfaces shall consist of asphalt, concrete, bituminous surface treatment, brick or other paving material that will provide equivalent protection against potholes, erosion, and dust. Pervious paving surfaces (e.g., "turfstone") that aid in reducing runoff are encouraged.
- B. In lieu of pavement, gravel surfaced parking lots shall be permitted in the following situations, provided appropriate measures are taken to mark spaces:
 - 1. Except in the USO overlay any nonresidential development involving a total of five (5) or fewer parking spaces.

2. Any industrial district (outside the USO district) where no retail sales are involved.
 3. Any overflow parking lot serving a public assembly facility (e.g. school, church, athletic fields, stadium, etc.) provided said parking lot is located in the side or rear yard and is at least two-hundred (200) feet from any principal residential structure on another lot. Grassed or gravel "overflow" may be provided at recreational facilities. Overflow parking facilities are parking areas that are typically not used more than ten (10) times per year.
 4. Parking for one- or two- family residential uses.
- C. All handicapped accessible parking facilities shall be paved.
- D. Parking spaces and drives shall be appropriately marked with pavement paint or with other acceptable methods of alternate materials. Overflow parking facilities need not be marked.
- E. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and pavement markings shall be kept clearly visible and distinct.
- F. Whenever any parking area abuts a paved street, the driveway leading from such street to such area shall be paved for a distance of fifteen (15) feet inward from the edge of the public street.

SECTION 10.5 OFF-STREET PARKING SPACE REQUIREMENTS

The following standards shall apply when computing the required number of off-street parking spaces:

A. CALCULATIONS

When measurements of the number of required spaces result in fractions, the space requirements shall be rounded up to the next whole number.

B. DIFFERENT USE AREAS

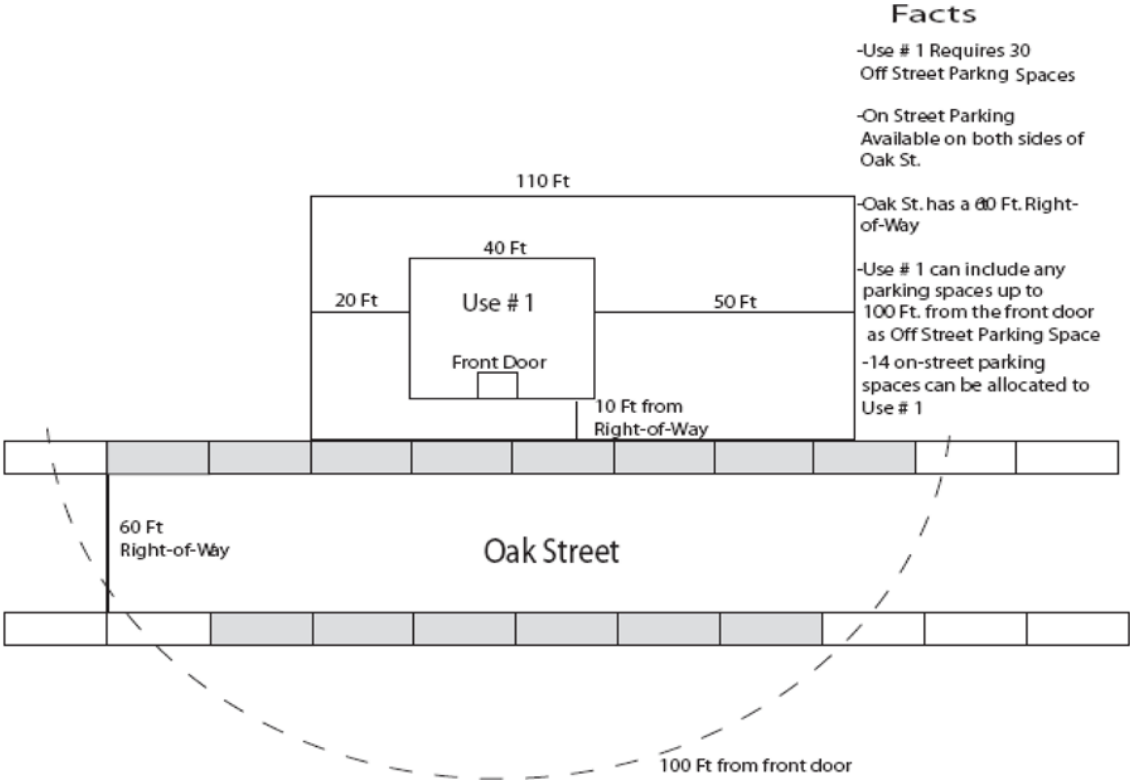
Except as herein provided, the required number of off-street parking spaces shall be calculated separately for each different use area in a building or on a site.

C. ON-STREET PARKING

On-street parking may be used to satisfy some of the off-street parking that

otherwise is required for a particular use. Those on-street parking spaces that (i) lie on a public street and (ii) that lie within one hundred (100) feet from the principal pedestrian entrance to such use that abuts such street or an intersecting street, may used to offset the number of on-site off-street parking space otherwise required. Refer to Figure 10.5-1 below for an illustration of this requirement.

Figure 10.5-1



D. ADJUSTMENTS TO REQUIRED NUMBER OF SPACES

The number of spaces shown in Table 10.5-1 shall be considered the minimum allowed for such uses. Variations to these requirements, both for the provision of greater or fewer spaces may be allowed as called for in Section 10.1(C), (D) and (E). In addition, reductions to the required number of spaces may be allowed in the USO and CH districts as indicated in Section 7.6.3 and 7.6.7, respectively.

E. PARKING BASED ON SEATING OR NUMBER OF CUSTOMERS

When requirements use seating or number of customers as a unit of measurement, all calculations shall be based on the design capacity of the area(s) used for seating or accommodating customers, or, where applicable, the maximum building code occupancy capacity.

F. PARKING BASED ON FLOOR AREA

Except as herein provided, when requirements use amount of square footage in buildings as a unit of measurement, all calculations shall be based on gross floor area.

G. PARKING BASED ON STUDENTS, EMPLOYEES, AND OCCUPANTS

Except as herein provided, when requirements use number of students, staff, or occupants as a unit of measurement, all calculations shall be based on the following:

1. Students- Maximum enrollment capacity
2. Employees- Largest number of persons working on any single shift
3. Customers, Patrons or Attendees- Maximum building code capacity

H. REQUIRED NUMBER OF OFF-STREET PARKING SPACES

1. Except as indicated in Subsection 2 below, the number of required off-street parking spaces for all uses is shown in Table 10.5-1.
2. Some uses have unique parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use shown below, the Administrator shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall

include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Administrator and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. These uses have 1.52 as the parking regulation number.

I. HANDICAPPED PARKING SPACES

All spaces designed for the handicapped and disabled that are mandated (in number) per the State Building Code shall count towards meeting the off-street requirements contained in Section 10.5.

Table 10.5-1 PARKING CALCULATION REQUIREMENTS	
REQUIREMENT NUMBER	PARKING CALCULATION FORMULA
1.0	None
1.1	Two (2) spaces
1.2	Two (2) spaces per dwelling unit
1.3	Two (2) spaces (except additional parking shall be provided based on the non-residential used portion of the structure)
1.4	Two (2) spaces plus one per roomer bedroom
1.5	0.25 per resident plus one (1) per staff person
1.6	One (1) space per 300 square feet
1.7	Two (2) spaces plus one (1) per guestroom
1.8	One (1) space per sleeping room plus one (1) per 800 square feet of meeting space or one (1) per three (3) seats in the public restaurant area, whichever is greatest
1.9	One (1) space per 250 square feet retail area plus four (4) per service bay (plus staging spaces per Section 10.6)
1.10	One (1) space per 500 square feet GFA plus one (1) per employee
1.11	One (1) space per 300 square feet plus one (1) per 5,000 square feet of indoor or outdoor display area
1.12	Two (2) spaces per bay (plus staging spaces per Section 10.6)
1.13	One (1) space per employee plus one (1) per vehicle used in the operation plus two (2) per vehicle designed to be accommodated in the service area
1.14	One (1) space per three (3) customers that can be accommodated plus one (1) per each employee during the shift of greatest employment (plus staging spaces per Section 10.6 for restaurants with drive-in windows)
1.15	One (1) space per employee plus one (1) per vehicle used in the operation plus two (2) for visitors

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REQUIREMENT	PARKING CALCULATION FORMULA
NUMBER	
1.16	One (1) space per three (3) customers
1.17	One (1) space per campsite plus one (1) per employee
1.18	One (1) space per three (3) persons that outdoor facilities are intended to accommodate at maximum capacity plus one (1) per 300 square feet of indoor space accessible to patrons and guests
1.19	One (1) space per three (3) seats plus one (1) per employee
1.20	One (1) space per three (3) persons plus one (1) per vehicle used in the operation
1.21	One (1) space per 500 square feet
1.22	Two (2) spaces per machine (plus staging spaces per Section 10.6)
1.23	One (1) space per employee plus one (1) space per four (4) patron seats in the waiting
1.24	Two (2) spaces per employee
1.25	One (1) space per three (3) viewing seats
1.26	Seven (7) spaces per classroom plus one (1) per employee
1.27	One (1) space per 250 square feet (except one (1) space per 800 square feet for furniture stores) and one (1) per 500 square feet for building materials and lumber sales
1.28	One (1) space per 150 square feet GFA
1.29	One (1) space per 300 square feet of sales area
1.30	One (1) space per 300 square feet of enclosed floor area plus one (1) per 5,000 square feet of outdoor display area
1.31	One (1) space per 400 square feet of indoor or outdoor display area plus one (1) per employee
1.32	One (1) space per employee plus one (1) per twenty (20) employees for visitors with a maximum of ten (10) visitor spaces required. For crematoriums with a viewing room, refer to the requirements for funeral homes.
1.33	One (1) space for facilities with 1 to 25 storage units; otherwise, one (1) per 25 storage units with a maximum of five (5) required spaces for facilities greater than 25 storage units
1.34	One (1) space per employee plus one (1) for each company owned vehicle plus ten (10) spaces for visitors
1.35	One (1) per guest bedroom plus one (1) per employee
1.36	One (1) space per employee plus ten (10) spaces for visitors
1.37	One (1) space per three (3) persons
1.38	One (1) space per 300 square feet plus five (5) visitors
1.39	One (1) space per three (3) persons plus one (1) per employee
1.40	One (1) space for each three (3) persons in the assembly area or sanctuary
1.41	Seven (7) spaces per classroom plus one (1) per three beds in each dormitory plus one (1) for each 300 square feet of office area. Spaces for stadiums shall be calculated separately.
1.42	One (1) space per bed, not including bassinets, plus one (1) per resident doctor plus one (1) per other employee
1.43	One (1) space per employee plus one (1) per vehicle used in the operation plus one (1) per three (3) patron seats or per three (3) auditorium or similar public assembly spectator seats, whichever is greater

REQUIREMENT	PARKING CALCULATION FORMULA
<u>NUMBER</u>	
1.44	One (1) space per employee plus one (1) per vehicle used in the operation plus one (1) per 300 square feet of viewing area or one (1) per three (3) auditorium seats or similar spectator seats, whichever is greater
1.45	One (1) space per employee plus one (1) per vehicle used in the operation plus one (1) per 200 square feet of customer waiting area
1.46	One (1) space per employee during the shift of greatest employment plus one (1) per vehicle used in the operation plus three (3) for visitors
1.47	Seven (7) spaces per classroom plus one (1) per 300 square feet of office area
1.48	Two and twenty-five hundredths (2.25) spaces per classroom or one (1) per three (3) seats in the assembly hall, whichever is greater
1.49	Five (5) spaces per classroom or one (1) per three (3) seats in the assembly hall or outdoor assembly area, whichever is greater
1.50	One (1) space per employee plus five (5) spaces per visitor
1.51	One (1) space per employee plus one (1) space for each vehicle used in the operation
1.52	To be determined by the Administrator by individual review based on section 10.5H.
1.53	One (1) space per three (3) boat slips.
1.54	One (1) space per employee of greatest shift plus three (3) spaces for the first twenty-five (25) occupant capacity and one (1) space per each additional twenty-five (25) occupant capacity.
1.55	Three (3) spaces per grooming chair.
1.56	One (1) space per two hundred (200) square feet GFA plus two (2) spaces for each fuel station.
1.57	One (1) space per employee of greatest shift plus one (1) space per three (3) boat slips. Additional parking shall be required as provided in this section for auxiliary services such as restaurants, motels, gift shops, etc.

SECTION 10.6 OFF-STREET STAGING SPACE REQUIREMENTS

In addition to providing the required number of off-street parking spaces as shown in Section 10.5 and Table 10.5-1, uses that have drive-in windows and day care centers shall provide the following number of staging (i.e., stacking) spaces:

TABLE 10.6-1 STAGING SPACE REQUIREMENTS	
<u>PRINCIPAL USE</u>	<u>STAGING SPACE REQUIREMENTS</u>
Day Care Centers (With 12+ Clients)	Five (5) spaces within a two-lane, one-way drive
Financial Institution	Four (4) spaces for the first drive-in service window; except if only one (1) drive-in window is provided, a minimum of six (6) spaces

Restaurant	Twelve (12) spaces per drive-in window for drive-through restaurants
Car Wash, Automatic Class II (principal use)	Six (6) staging spaces and six (6) drying spaces
Car Wash, Self-service and Car Wash, Automatic Class I (principal use)	Two (2) staging spaces and one (1) drying space per wash bay
Convenience Store	Three (3) spaces per drive-in window
Beverage Store	Three (3) spaces per drive-in window
Dry Cleaner Service Outlet	Three (3) spaces per drive-in window
Entry Gates for Gated Subdivisions	Three (3) spaces per entry gate
Mini-warehouses (that have locked and keyed entrances)	Two (2) spaces outside of the street right-of-way
Other Uses With Drive-in windows	Three (3) spaces per drive-in window

NOTE 1: The Administrator shall have the authority to require additional staging spaces where, in his opinion, such staging spaces are needed to ensure that there is adequate vehicular storage capacity so that automobiles do not protrude into the adjacent road right-of-way.

NOTE 2: Each staging space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.

SECTION 10.7 SATELLITE PARKING

- A. Off-street parking spaces generally shall be provided on: (i) the same lot as the principal use; (ii) on a lot adjoining the principal use; or (iii) on a lot separated by a street or street intersection from the principal use. In instances where such parking for a principal nonresidential use cannot be reasonably provided on the same lot, it may be provided on a separate lot. At least one-half ($\frac{1}{2}$) of the required parking shall be provided on the lot containing the principal use, or an adjoining lot or a lot separated by a street or street intersection from the principal use. The remaining parking may be provided on a satellite lot, provided all parking spaces on such satellite lot lie within a five-hundred (500) foot pedestrian accessible walking distance of the lot containing the principal use. If a distance of greater than five hundred (500) feet is required, a special exception must be issued by the Board of Adjustment in accordance with Section 5.12.2E. Such satellite parking lots located in a Residential zoning district may only be for uses

(either permitted or special) that are allowed in the underlying Residential zoning district.

- B. An ingress / egress / shared parking agreement, acceptable to the Town Attorney, shall be required to be submitted to the Town when the satellite parking site is under different ownership than the use for which parking is provided. This agreement shall contain a provision that the Administrator shall be forthwith notified if the agreement is changed or annulled in the future.
- C. The land comprising the satellite parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and such shall bind heirs, successors, and assigns.
- D. The loss of the satellite parking area shall result in the voiding of the Zoning Certificate of Compliance, unless adequate parking is provided by other means.

SECTION 10.8 SHARED PARKING

- A. Cooperative provisions for off-street parking may be made by contract between two (2) or more adjacent property owners. The end result shall be that the sum of the parking spaces for the uses computed cooperatively shall be the same or more than if the uses were computed separately. Any such cooperative parking mechanism first must be submitted to the Administrator for his review and approval prior to the issuance of a certificate of occupancy. The agreement shall contain a provision that the Administrator will be immediately notified if the agreement is changed or annulled in the future. If the location of the cooperative parking area (which satisfies the needs of the off-street parking requirements shown in Section 10.5) lies greater than five-hundred (500) feet (measured in walking distance), a special exception must be issued by the Board of Adjustment in accordance with Section 5.12.2E of this Ordinance.
- B. A cooperative parking lot located in a Residential zoning district may only be for a use (either permitted or special) that is allowed in that underlying Residential district. Similarly, one (1) parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one (1) use may not be credited to any other use.
- C. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be

- credited to both uses. For example, if a parking lot is used in connection with an office building from Monday to Friday, but is generally ninety (90) percent vacant on weekends, another development that operates only on weekends could be credited with ninety (90) percent of the spaces on that lot. Or, if a church parking lot is generally occupied only fifty (50) percent of capacity on days other than Sunday, another development could make use of fifty (50) percent of the church's spaces on those other days.
- D. An ingress / egress / shared parking agreement, acceptable to the Town Attorney, shall be required to be submitted to the Town. This agreement shall contain a provision that the Administrator shall be immediately notified if the agreement is changed or annulled in the future.
 - E. The land comprising the shared parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and such shall bind heirs, successors, and assigns.
 - F. The loss of the shared parking area shall result in the voiding of the Zoning Certificate of Compliance, unless adequate parking is provided by other means.

SECTION 10.9 PARKING DECK STANDARDS

Parking decks may be used to satisfy off-street parking needs in all districts other than Residential districts. This section sets forth development standards to address parking decks as a principal or accessory use within such zoning districts. There are three (3) different parking deck standards shown. Parking decks located in any Office, Commercial (except CBD), or Industrial District, or the TND Center portion of a TND, shall conform to any of the three (3) options. Parking decks in the CBD district or the TND Center portion of a TND shall conform to Parking Deck Option C below.

10.9.1 PARKING DECK OPTION A

Parking decks may be constructed to the following minimum standards indicated below:

- A. Parking decks shall observe a minimum thirty (30) foot setback from the public right-of-way and must meet any more restrictive setback or other yard requirements for the underlying zoning district.

- B. A minimum nine (9) foot clearance shall be maintained on the first level of the deck and any additional level that provides disabled parking spaces, and a minimum seven (7) foot clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;
- C. A minimum twenty-five (25) foot planting strip shall be provided between the face of the parking deck and the adjoining sidewalk. The planting strip shall be planted as follows:
 - 1. Canopy trees shall be planted at a rate of one (1) tree per thirty (30) linear feet of street frontage;
 - 2. Understory trees shall be planted at a rate of one (1) tree per thirty (30) linear feet of street frontage; and
 - 3. Evergreen shrubs shall be planted along the face of the parking deck with a maximum spacing of five (5) feet on center.
- D. A minimum five (5) foot wide sidewalk shall be provided with a minimum six (6) foot wide planting strip between the sidewalk and the adjoining street. Said planting strip shall be maintained with natural ground covers.
- E. If the parking deck has a gated entrance, at least three (3) staging spaces designed for automobiles waiting for admission shall be provided.

10.9.2 PARKING DECK OPTION B

Parking decks may be constructed to the following standards, provided that the parking deck is architecturally treated in a manner that avoids a monolithic appearance. Treating the facade of the deck as a street wall and articulating it through a variety of building materials shall accomplish this to give the deck a more pedestrian-friendly character. Development standards are as follows:

- A. Parking decks shall be set back a minimum of twenty (20) feet from the street right-of-way and otherwise meet all yard requirements for the underlying zoning district.
- B. A minimum nine (9) foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum seven (7) foot clearance throughout the remainder of the parking deck to ensure the safe movement of automobiles and emergency vehicles.
- C. The street wall of the parking deck shall be treated in such a manner as to partially screen street level parking as well as to provide visual interest to

- the pedestrian. This can be accomplished through the use of articulated pre-cast concrete panels, ornamental grillwork, or other means such as utilizing a variety of building materials such as brick or stone.
- D. If more than two (2) floors of parking are provided above street level, the third floor above street level and higher floors must be recessed at least twenty (20) feet from the setback of the first and second floors.
 - E. A minimum twelve (12) foot wide planting strip shall be provided between the sidewalk and the face of the deck. The planting strip shall be planted as follows:
 - 1. Canopy trees at a rate of one (1) tree per thirty (30) linear feet of street frontage; or
 - 2. Understory trees at the rate of one (1) tree per twenty (20) linear feet of street frontage; and
 - F. A minimum five (5) foot wide sidewalk shall be provided with a minimum six (6) foot wide planting strip between the sidewalk and the adjoining street. Said planting strip shall contain natural ground covers.
 - G. If the parking deck has a gated entrance, a staging area designed to accommodate at least three (3) automobiles waiting for admission shall be provided.

10.9.3 PARKING DECK OPTION C

This Option shall be the only parking deck option that is available in the CBD district and the TND Center portion of a TND. It may also be used in any other district in which parking decks are allowed. Development standards are as follows:

- A. At least fifty (50) percent of the street frontage of the first floor shall be used for retail or office use. The first floor of the parking deck shall be designed to complement pedestrian-scale activity. The deck shall be designed so that the only openings at the street level are those that accommodate vehicle entrances and pedestrian access to the structure. The remainder of the street level frontage must either be retail or office space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.
- B. The parking deck shall be set back at least twenty (20) feet from the street

right-of-way where no retail or office uses are present.

- C. A minimum nine (9) foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces, and a minimum seven (7) foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles.
- D. No more than the first two (2) floors of parking are allowed above the street level use at the setback line. All additional floors shall be recessed a minimum of twenty (20) feet.
- E. A minimum twelve (12) foot wide planting strip shall be provided between the sidewalk and the face of the deck where no retail or office uses are present. The planting strip shall be planted as follows:
 - 1. With canopy trees at a rate of one (1) tree per thirty (30) linear feet of street frontage; or
 - 2. Understory trees at a rate of one (1) tree per twenty (20) linear feet of street frontage.
- F. If the parking deck has a gated entrance, at least three (3) staging spaces to accommodate automobiles waiting for admission shall be provided.

SECTION 10.10 OFF-STREET LOADING

REQUIREMENTS SECTION 10.10.1 PURPOSE

In order to assure a proper and uniform development of off-street loading areas and to relieve traffic congestion in the streets, the off-street loading requirements set forth in this section will apply to all non-residential uses in all zoning districts. In the CBD Central Business District and the TND Center portion of a TND, off-street loading provisions shall apply to hotels and motels only. A Zoning Certificate of Compliance shall not be issued for any use until all off-street loading requirements in accordance with this section have been met.

SECTION 10.10.2 MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS

The following minimum loading space requirements shall apply for the appropriate use:

TABLE 10.10-1 OFF-STREET LOADING REQUIREMENTS		
TYPE OF USE	GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
Restaurant, Hotel or Motel	5,000--49,999	One (1)
	50,000--99,999	Two (2)
	100,000+	Two (2) plus one (1) for each one hundred thousand (100,000) sq ft of GFA in excess of the first one hundred thousand (100,000) sq ft (Restaurants are to be calculated separately.)
Office, Commercial and Industrial; Shopping Centers	0-4,999	None
	5,000-19,999	One (1)
	20,000--49,999	Two (2)
	50,000--79,999	Three (3)
	80,000--99,999	Four (4)
	100,000--149,999	Five (5)
	150,000+	Five (5) plus one (1) per fifty thousand (50,000) sq ft of GFA in excess of the first one hundred-fifty thousand (150,000) sq ft.

SECTION 10.10.3 DESIGN OF LOADING SPACES

- A. A certificate of compliance shall not be issued for any use until all off-street loading spaces are designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as to not interfere with the normal movement of vehicles and pedestrians on public rights-of-way. Where feasible, off-street loading shall be located in the rear yard or screened from street view. Notwithstanding, in certain zoning districts, off-street loading areas shall be required in the rear yard. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking (except as noted), nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

- B. Each loading space shall have a paved surface and be a minimum of twelve (12) feet in width and thirty-five (35) feet in length. Each such space shall also have a minimum vertical clearance of fourteen (14) feet. For any use which is required to furnish three (3) or more loading spaces, at least one (1) of every three (3) spaces shall have a minimum width of twelve (12) feet, minimum length of one-hundred (100) feet and a minimum vertical clearance of fourteen (14) feet.

SECTION 10.10.4 WAIVER OR MODIFICATION

As part of the review and approval of a site plan and issuance of a zoning permit, the Administrator shall have the authority to waive or modify the requirements of this Section upon finding that the use does not require the requisite number and / or size of loading spaces as herein called for, given the peculiar operational characteristics of the use and its need or lack thereof for the delivery or shipment of goods to and from the site.

SECTION 10.11 PARKING OF PASSENGER AND COMMERCIAL VEHICLES

- A. The parking of passenger and commercial vehicles on Residential zoned lots shall be limited as follows:

TABLE 10.11-1 PARKING OF RESIDENTIAL AND COMMERCIAL VEHICLE IN RESIDENTIAL ZONING DISTRICTS			
TYPE OF VEHICLE	ZONING DISTRICT	LOT SIZE	LIMITATIONS
Passenger Type Van or Pickup Truck (including towed trailers):	Any Residential zoning district	Any lot size	No limitations
Tractor Trailers, Cargo Trucks, and Similar Vehicles Having Two (2) or More Axles:	Any Residential Districts	Less than one (1) acre	Not allowed
	Any Residential Districts	One (1) Acre or greater	Allowed one (1) vehicle only per parcel; Overnight running of auxiliary equipment and engine allowed if vehicle is located at least two-hundred (200) feet from any property line

- B. Irrespective of the above, a lot containing a principal residential use located in a Residential zoning district may not be used as the base of operations for a freight hauling truck.
- C. The owner of the commercial vehicle must also be the occupant of the property on which the vehicle is parked and shall have a single family dwelling on the subject property.

**SECTION 10.12 PARKING AND STORAGE OF BOATS AND OF
RECREATIONAL VEHICLES**

- A. A recreational vehicle shall not be deemed a dwelling unit. A recreational vehicle, except in a camping and recreational vehicle park or on an approved space within a Manufactured Home Park shall not be used for living, sleeping or housekeeping purposes.

- B. The following provisions apply to all lots in a residential zoning district, except for lots over five (5) acres in size located in a R-1, R-2 and R-3 zoning district:
 - 1. No more than one (1) recreational vehicle (i.e., RV motor home, travel trailer) over eight (8) feet in height and no more than one (1) boat or trailer combination over eight (8) feet in height may be parked on a lot containing a principal single-family dwelling.

 - 2. Such recreational vehicle shall be parked behind the rear building line of the principal building and shall be located no closer than five (5) feet from any property. Recreational vehicles that do not belong to the property owner but to visiting guests may be parked beyond the front building line of the principal structure for a period not to exceed fourteen (14) consecutive days. No greater than three (3) such parking events may be allowed per calendar year on any lot. In no case shall the vehicle be parked in a manner that impairs motorists' vision. Otherwise, such vehicles shall be parked in an enclosed garage.

- C. For multifamily developments that have designated areas for the parking of boats or recreational vehicles, such areas shall be located outside of any required setback, buffer, or landscaped area.

SECTION 10.13 DRIVEWAY WIDTHS

- A. The minimum width of a driveway shall be as shown in Table 10.13-1 below. Notwithstanding, a driveway with a width of no less than ten (10) feet for two-way traffic shall be allowed when: (i) the driveway is not longer than fifty (50) feet in length, (ii) provides access to not more than six (6) spaces and (iii) has sufficient turning space so that vehicles within the parking lot needs not be required to back into a public street.

TABLE 10.13-1 MINIMUM DRIVEWAY WIDTHS		
	ONE-WAY TRAFFIC	TWO-WAY TRAFFIC
Principal Arterial	14/16* feet	20/24** feet
Minor Arterial	14/16* feet	20/24** feet
All Other Roads	14/16* feet	20/24** feet
* A minimum of sixteen (16) feet is required to accommodate cars entering a lot; a minimum of fourteen (14) feet is required for cars leaving a lot. ** A minimum of twenty (20) feet is required outside the USO District; a minimum of twenty-four (24) feet is required within the USO District.		

- B. The maximum width of a curb cut shall be thirty-six (36) feet, except as otherwise authorized by NCDOT.

SECTION 10.14 VALET PARKING

The Town Council (as a SUP, or CD rezoning) or Board of Adjustment (as a variance) may approve valet parking as a means of satisfying otherwise applicable off-street parking requirements where all of the following standards have been met:

- A. Adequate assurance of the continued operation of the valet parking, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services shall be provided;
- B. An equivalent number of valet spaces shall be available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.

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SECTION 11.1 GENERAL PROVISIONS

11.1.1 PURPOSE

The purposes of these screening and landscaping regulations are to:

- A. Reduce soil erosion and stormwater runoff by increasing infiltration in permeable land areas;
- B. Mitigate air, dust, noise, heat and chemical pollution;
- C. Reduce the “heat island” effect of impervious surfaces such as parking lots, by cooling and shading the paved surface areas and breaking up large expanses of pavement;
- D. Establish a landscape theme including street trees and streetscape designs;
- E. Preserve native vegetation as an integral part of wildlife habitats;
- F. Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping while encouraging water and energy conservation;
- G. Promote planting techniques that ensure long term health of plant materials;
- H. Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering uncomplimentary uses; and,
- I. Maintain and protect property values by requiring an appropriate amount of

landscaping that is properly designed and installed.

11.1.2 GENERAL STANDARDS

A. RETENTION OF EXISTING VEGETATION

To the greatest degree feasible and practical, existing trees, shrubs and ground cover shall be retained and incorporated into a landscape plan that meets or exceeds the standards contained herein.

B. LANDSCAPE PLANS

Landscape materials shall be planned and installed in conformity with an approved landscaped plan. Such landscape plan shall accompany any application for site plan approval (refer to Section 5.2). Approval of a site plan shall indicate that the requirements of this Chapter, as well as other applicable provisions of this Ordinance among others, have been met. If a specific use or development plan requires review and approval by the governing board, Board of Adjustment or another approval body, the landscaping plan shall be submitted as part of such plan or application. The landscaping plan shall be drawn at such scale to enable the Administrator (or other approval body) to clearly determine whether or not the proposed buffers or landscaped areas shown are in compliance with this Chapter.

C. PERFORMANCE GUARANTEE

Except as herein provided, neither a certificate of compliance nor a certificate of occupancy may be issued for a particular piece of property unless all applicable requirements of this Chapter have been met. A temporary Certificate of Compliance, as allowed in Section 5.5, may be issued by the Administrator in instances where the installation of required planted materials prior to use or occupancy of the lot in question would not be practical or would serve no useful purpose.

D. VIOLATIONS

Failure to provide or maintain landscaping or buffering in accordance with an approved landscaping plan shall constitute a violation of this Ordinance and shall subject the violating party(ies) to any and all of the remedies as called for in Chapter 16.

E. INSTALLATION AND MAINTENANCE

The plantings that constitute required buffering and landscaping shall be properly installed and maintained in order to fulfill the purpose of which it is established. Plant species shall be recommended for healthy growth

under local climate conditions, not be of a type highly prone to disease, and be of a type expected to grow in a manner that will satisfy the spirit and intent of this Chapter. Plant materials shall be planted in accordance with the recommended practices of the American Standard for Nursery Stock of the American Nursery and Landscape Association. The owner of the property and any tenant on the property where buffering and landscaping are required shall be jointly and severally responsible for the maintenance of all required landscaped materials. Such maintenance shall include all actions necessary: to keep the buffered and landscaped areas free of litter and debris; to keep plantings healthy; to keep growth from interfering with safe vehicular or pedestrian travel, or use of parking areas, or from creating any nuisances to adjoining properties; and, to keep walls, fences and berms in good repair and neat appearance. Any vegetation that constitutes a required screen or landscaped area shall be replaced in the event that it dies. All buffering and landscaping material shall be protected from damage.

F. RELIEF

1. The Administrator may modify or waive certain portions of this Chapter when he determines that unusual topography or elevation of a development site, the location, shape or size of the parcel to be developed would make either: (i) strict adherence to the requirements of this Chapter serve no meaningful purpose; (ii) not achieve one (1) or more of the goals of this Chapter; or (iii) would make it physically impossible to install or maintain the required screening or landscaping materials as otherwise called for.
2. Such modification or waiver may occur only at the request of the developer, who shall submit as part of his landscape plan the existing site features that would screen the proposed use and any additional buffer materials that are to be planted or installed that would serve as the proposed screened or landscaped area. The Administrator shall have no authority to provide said modification or waiver unless the developer demonstrates that existing or proposed buffering material will screen the proposed use as effectively as the required buffer. This section shall not be construed to negate the necessity for establishing buffers for uses that lie adjacent to vacant properties.
3. Additional relief opportunities may apply to required screening around telecommunication facilities per Section 8.4.22H of this Ordinance.

G. EASEMENTS AND RIGHTS-OF-WAY

Any planting that is proposed to be placed in a general drainage and utility easement or in a street right-of-way to conform to the provisions of this Chapter must first be approved by the Town and / or NCDOT in conjunction with site plan approval. In all such instances, the location of the affected rights-of-way must be shown on the site plan.

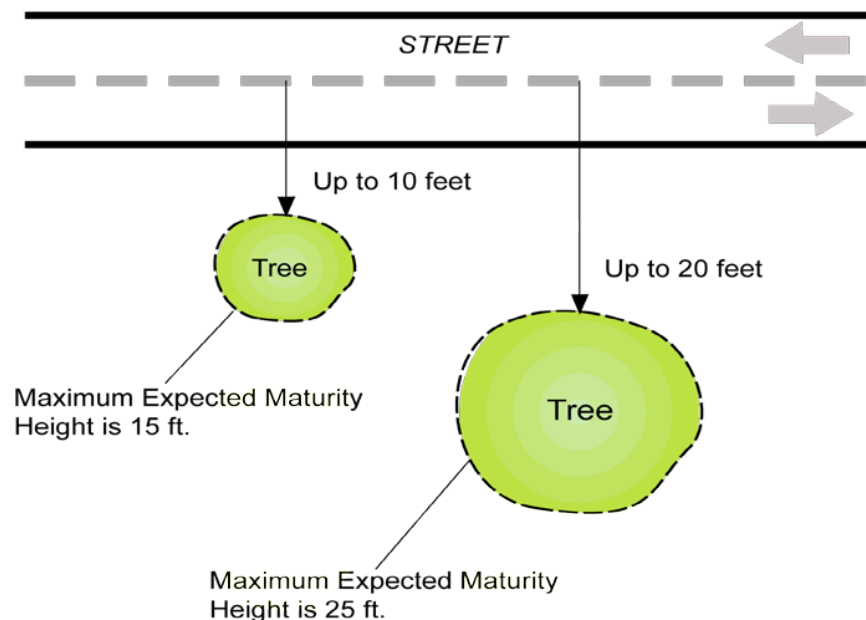
H. DISTANCE FROM ROADS AND SIDEWALKS

All trees shall be placed in the most feasible manner so as not to interfere with roadways, sidewalks, or streetlights and shall not be planted closer than eight (8) feet or in accordance with the North Carolina Fire Code (which ever is greater) to a fire hydrant.

I. DISTANCE FROM UTILITIES

1. Any tree required by this Chapter to be placed within twenty (20) feet lateral distance from the centerline of an above ground electric utility line shall be an understory tree. Refer to Figure 11.1.2-1. Furthermore, maximum expected maturity heights of these trees shall be as follows:
 - a. Zero (0) to ten (10) feet lateral distance of centerline: Fifteen (15) feet maximum expected maturity height; and,
 - b. Greater than ten (10) and up to twenty (20) feet lateral distance of centerline: Twenty-five (25) feet maximum expected maturity height.

Figure 11.1.2-1



2. Outside said twenty (20) foot lateral distance, trees shall be placed to avoid future conflict with above ground electric utilities and violations of the National Electric Safety Code, and to avoid conflict with any below ground utilities and drainage facilities.

J. **LIST OF ACCEPTABLE TREE AND SHRUB SPECIES**

Appendix B contains an approved list of tree and shrub species that are satisfactory for planting in accordance with the guidelines of this subsection. The Administrator may approve the use of a species different from said recommended list, provided the maximum maturity height is in accordance with the standards of this subsection and is recommended for the Town of McAdenville's climate.

K. **PLANTING YARDS IN SITE TRIANGLES**

Buffers and landscaping shall be subject to site triangle requirements contained in Section 9.7.

SECTION 11.2 PLANTING YARDS

11.2.1 PURPOSE

Planting yards are intended to aesthetically enhance and separate certain land uses and zoning districts from each other, as well as to beautify individual sites. Planting yards shall include the following:

- A. Buffer Yards
- B. Street Yards
- C. Parking Lot Yards

11.2.2 APPLICABILITY

- A. Planting yards shall be required for all principal uses except (unless required elsewhere in this Ordinance):
 1. Single-family detached homes (except that street yards shall be

required in residential subdivisions located in the USO Overlay District).

2. Manufactured homes (all classes)
 3. Rooming House
 4. Bed and Breakfast Inn
 5. Family care homes
 6. Two-family dwelling
 7. Agricultural Uses
 8. Day Care Center, Class A
 9. Developments within the CBD district (except that the parking lot landscaping requirements of Section 11.5 shall apply)
 10. Developments within a PRD, TND, infill residential, or multi-family development, except as specifically provided for those developments
 11. Essential Services, Class 1
 12. Essential Services, Class 2 (provided that no building or facility exceeds two hundred-fifty (250) square feet in area)
 13. Parks without any active recreational facilities (except that the street yard requirements of Section 11.4 and the parking lot landscaping requirements of Section 11.5 shall apply)
 14. Botanical Gardens
 15. Lots separated by a public street-right-way greater than thirty (30) feet in width are exempt from the Buffer Yard requirements only except where otherwise required.
- B. Screening of outdoor storage areas and solid waste dumpsters shall apply as called for in Sections 11.6 and 9.25, respectively.
- C. For purposes of this Chapter, building setbacks shall supersede planting yard requirements. Landscaping required within a planting yard shall only be counted for that planting yard requirement and shall not be used for calculating the minimum quantity for any other planting yard.

11.2.3 EXPANSION OF EXISTING USES

The physical expansion of an existing structure or parking lot that results in a ten (10) percent or more increase of gross floor area shall be required to comply with this Chapter. In addition, a change of use of an existing use, structure or parking lot shall be required to comply with this Chapter.

SECTION 11.3 BUFFER YARDS

11.3.1 PURPOSE

Buffer yards are natural areas of specified widths that serve as a visual screen between different zoning districts. Buffer yards shall be of different types, based upon the relationship between the two (2) land uses where the buffer yard is to be located and may include natural plantings, a wall, fence or berm. The width of the buffer yard and the density of plantings shall increase as the difference in intensity between adjacent zoning districts increases. Minimum buffer yard dimensions shall be measured horizontally; minimum buffer yard widths shall be measured from the respective property line. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

11.3.2 BUFFER YARD REQUIREMENTS

Screening and buffering shall be required under the following situations:

- A. When a lot is:
 - 1. In an Industrial District abuts a lot in a Residential District, screening must be provided on the Industrial lot in the form of a Type E Screen/Buffer; or
 - 2. In a Commercial District abuts a lot in a Residential District, screening must be provided on the Commercial lot in the form of a Type D Screen/Buffer; or
 - 3. In an Office District abuts a lot in a Residential District, screening must be provided on the Office lot in the form of a Type C Screen/Buffer; or

4. In a Residential District abuts another lot which contains a multifamily development, screening must be provided on the lot containing said multifamily development in the form of a Type C Screen/Buffer; or
 5. Containing a use subject to the issuance of a SUP or CZ in an Industrial District that abuts a lot in an Office or Commercial District, the approval body may stipulate a version of Type A, B or C Screen/Buffer be provided on the Industrial lot.
- B. When the front yard of a lot developed in an Industrial District is located directly across a public street from a Residential District; screening, at a minimum, must be provided on the Industrial lot at a minimum in the form of a Type B Screen/Buffer. In lieu of said screen, all principal and accessory structures and off-street parking facilities must be set back in the front yard at least one hundred (100) feet from the edge of the road right-of-way.
- C. For open-air storage, or an unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment associated with business or industrial uses located in any zoning district within one hundred (100) feet of the street right-of-way, screening must be provided so as to materially screen said storage or storage in the form of a berm, wall or fence or an appropriate amount of natural plantings so as to provide the necessary amount of screening.
- D. Except as provided in Section 11.3.2A4 screening shall not be required between any two (2) lots which contain principal residential uses.
- E. Screening and buffering shall be provided as otherwise called for in this Ordinance.
- F. A minimum of Type A buffer shall be required for any non-residential use abutting a Residential District unless otherwise indicated in this Ordinance.

11.3.3 BUFFER YARD COMPOSITION STANDARDS

Buffer yard widths and landscaping shall meet or exceed the following standards:

TABLES 11.3.3-1 – 11.3.3-5 BUFFER YARD REQUIREMENTS TABLES*

*Refer to Section 11.3.5(J) for standards on shrubs

TABLE 11.3.3-1 TYPE A BUFFER					
OPTION	WIDTH (FT)	FENCE OR BERM REQUIRE	MINIMUM # CANOPY TREES PER	MINIMUM # UNDERSTOR Y TREES	MINIMUM # SHRUBS PER 100
1	10	No	2	2	15
2	8	No	3	3	20
3	5	Yes	2	2	15

Figure 11.3.3-1

Type A Buffer Yard

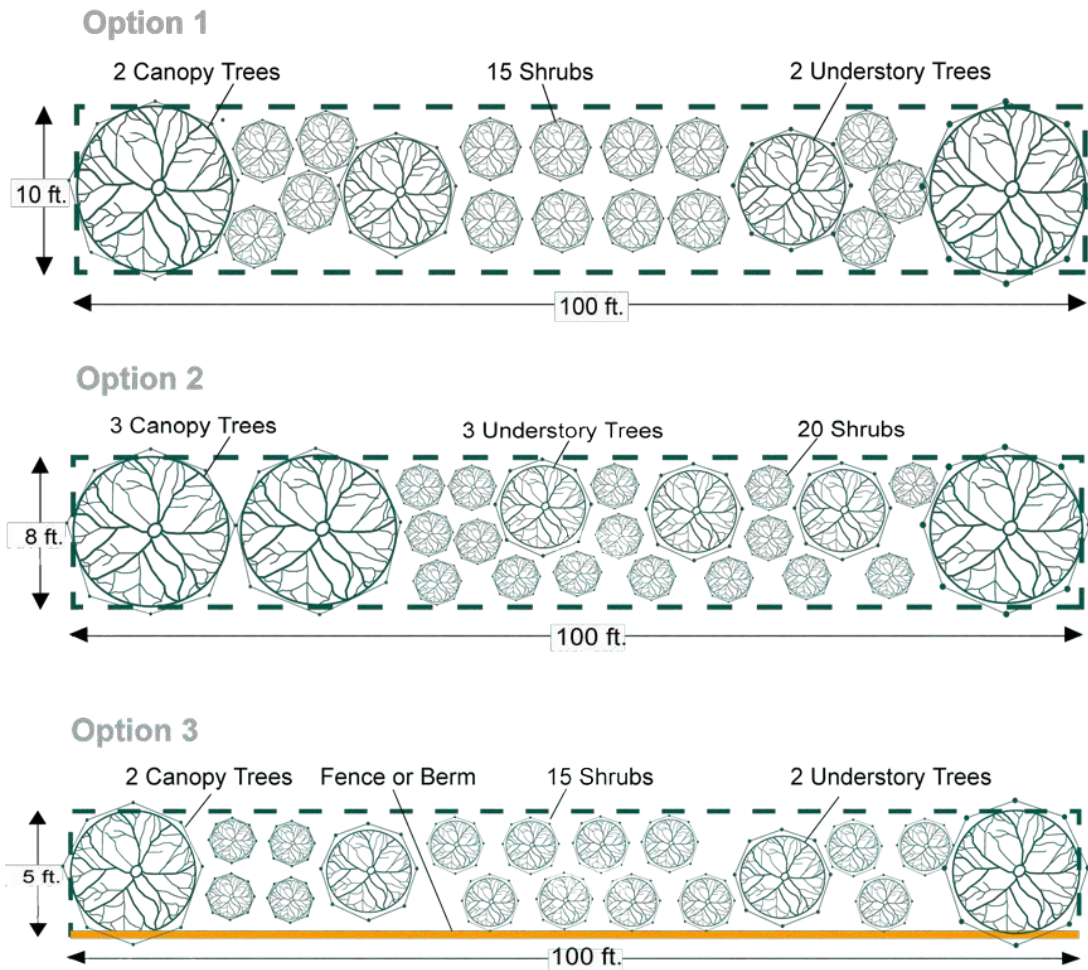


TABLE 11.3.3-2 TYPE B BUFFER					
OPTION	WIDTH	FENCE OR BERM REQUIRE	MINIMUM # CANOPY TREES PER	MINIMUM # UNDERSTOR Y TREES	MINIMUM # SHRUBS PER 100
1	20	No	3	3	25
2	10	No	4	4	35
3	5	Yes	3	3	25

Figure 11.3.3-2

Type B Buffer Yard

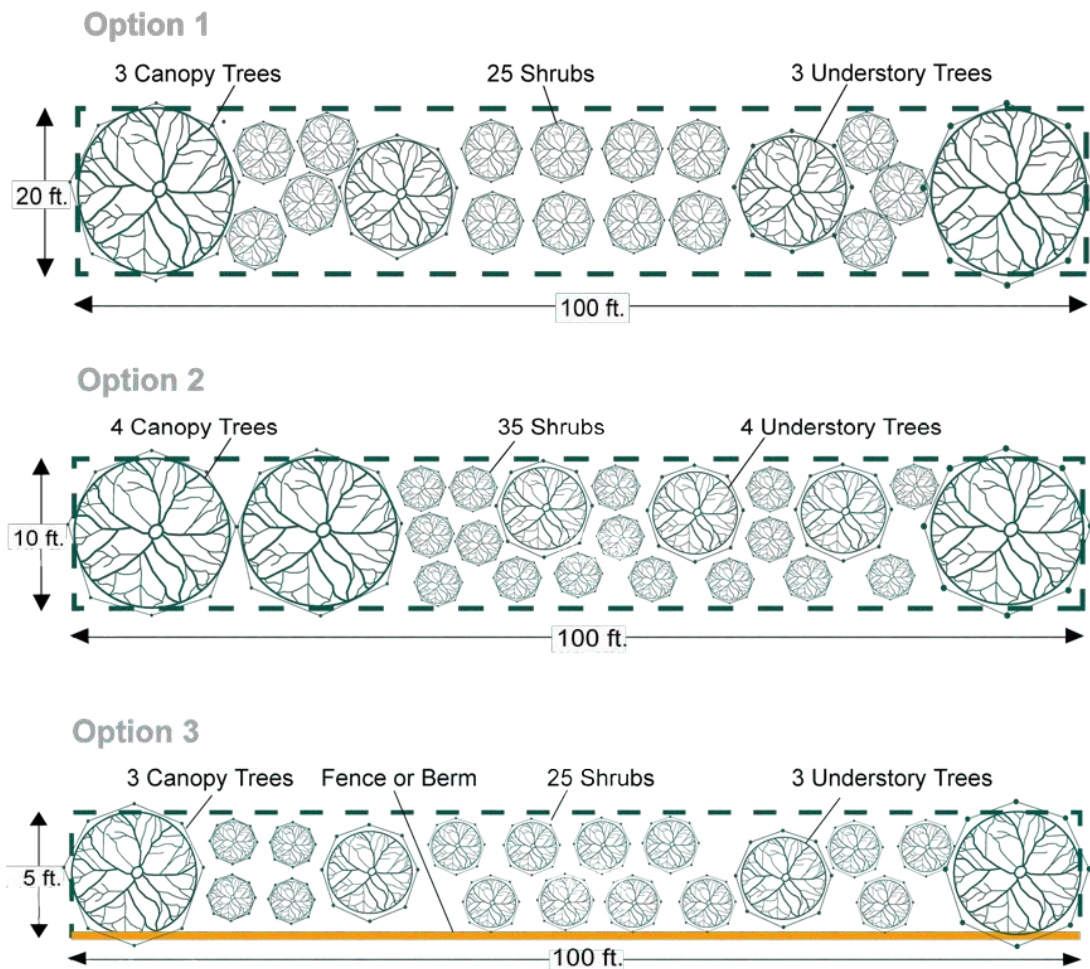


TABLE 11.3.3-3 TYPE C BUFFER					
Option	WIDTH	FENCE OR BERM REQUIRE	MINIMUM # CANOPY TREES PER	MINIMUM # UNDERSTORY TREES	MINIMUM # SHRUBS PER 100
1	25	No	4	3	35
2	15	Yes	5	4	30
3	10	Yes	4	3	30

Figure 11.3.3-3

Type C Buffer Yard

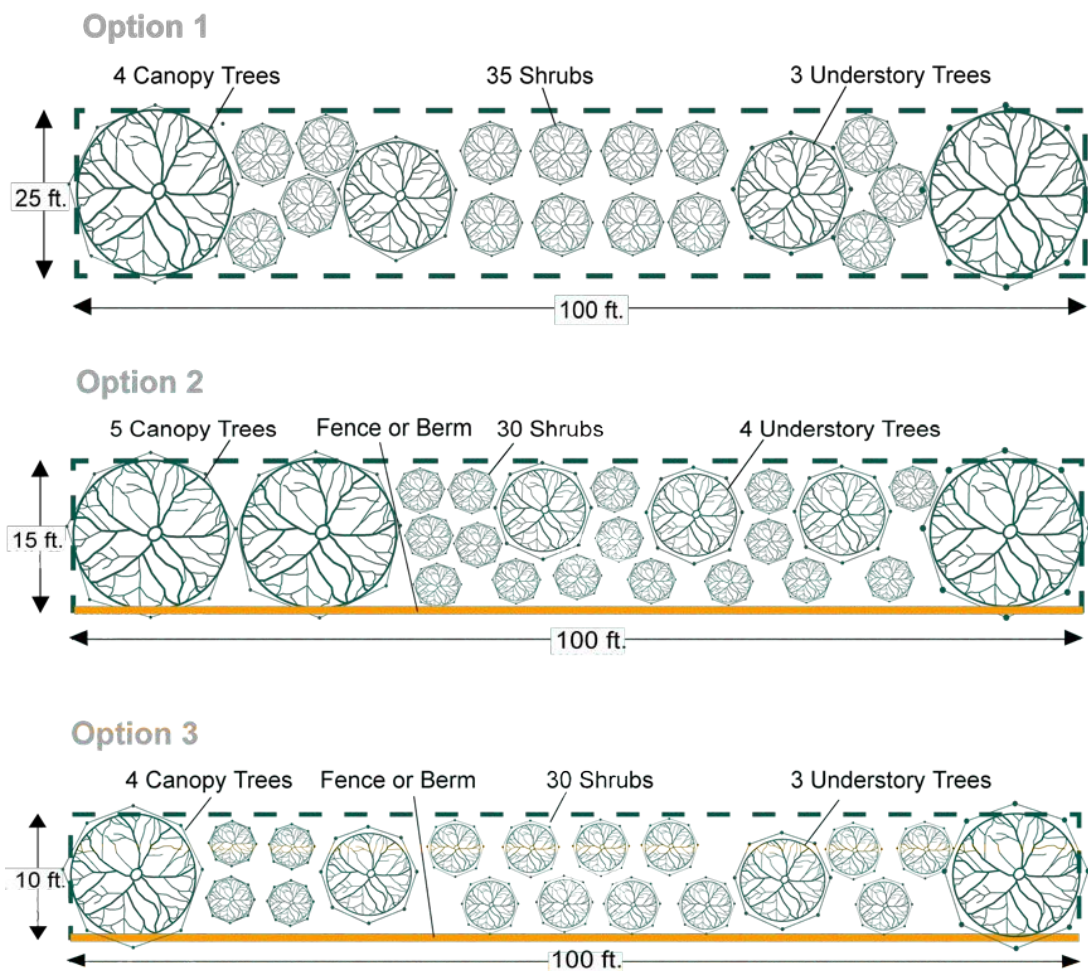


TABLE 11.3.3-4 TYPE D BUFFER					
OPTION	WIDTH	FENCE OR BERM REQUIRE	MINIMUM # CANOPY TREES PER	MINIMUM # UNDERSTORY TREES	MINIMUM # SHRUBS PER 100
1	30	No	5	4	45
2	20	Yes	6	5	40
3	15	Yes	5	4	40

Figure 11.3.3-4

Type D Buffer Yard

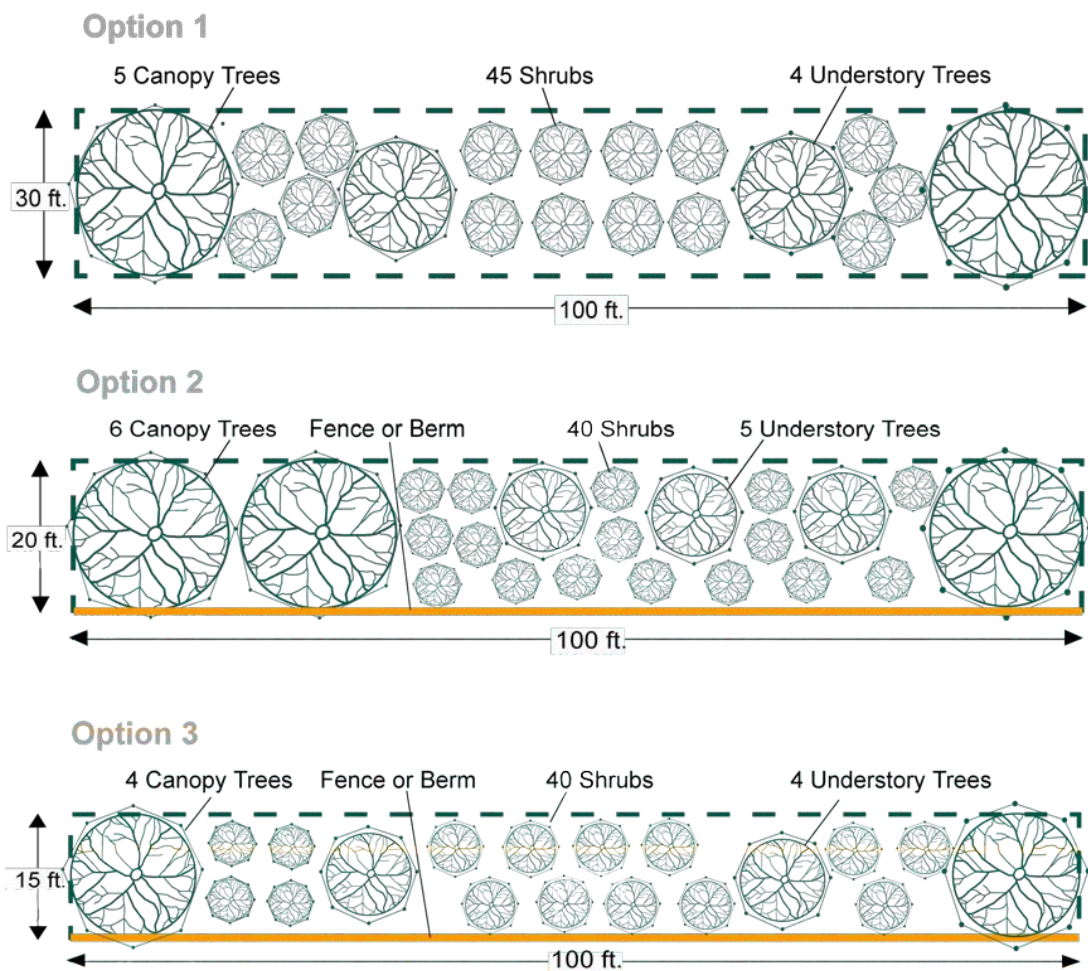
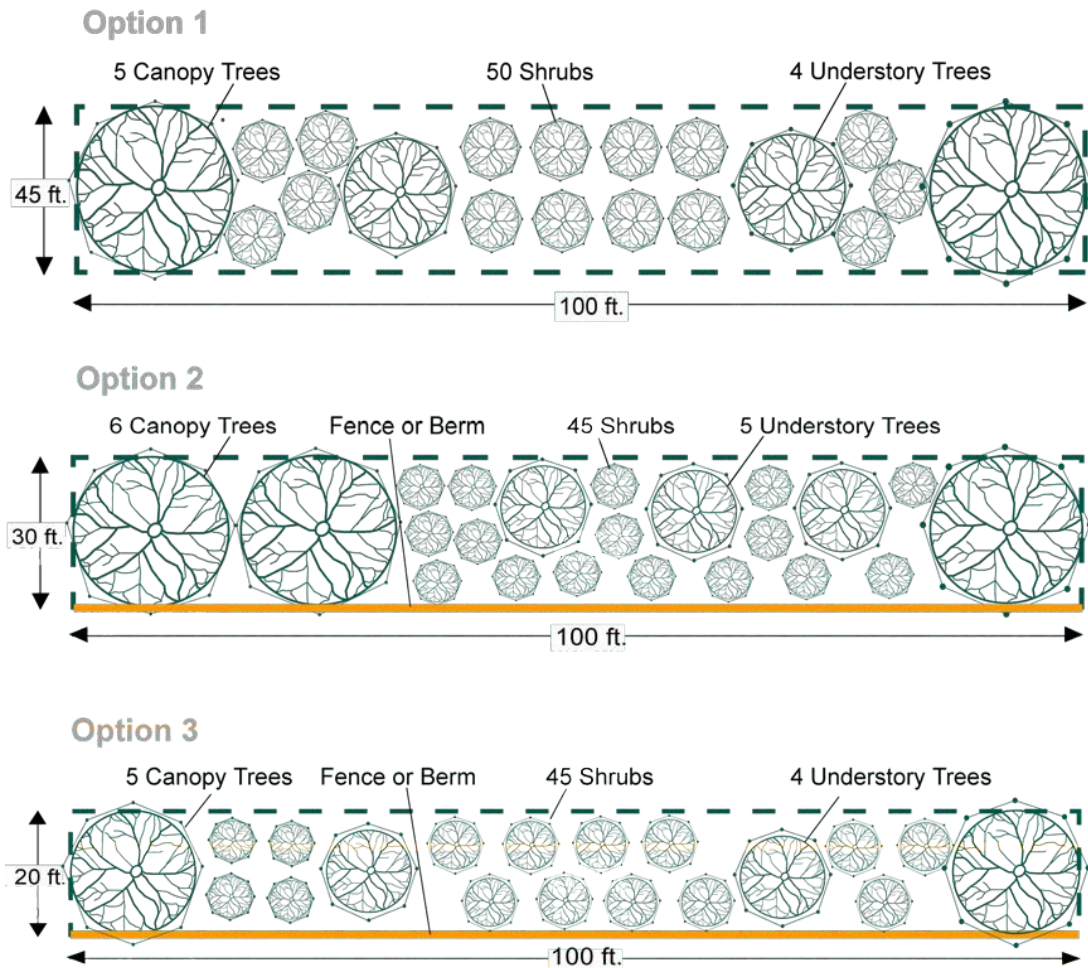


TABLE 11.3.3-5 TYPE E BUFFER					
OPTION	WIDTH	FENCE OR BERM REQUIRE	MINIMUM # CANOPY TREES PER	MINIMUM # UNDERSTOR Y TREES	MINIMUM # SHRUBS PER 100
1	45	No	5	4	50
2	30	Yes	6	5	45
3	20	Yes	5	4	45

Figure 11.3.3-5

Type E Buffer Yard



11.3.4 RESERVED

11.3.5 OTHER BUFFER YARD STANDARDS

A. PROHIBITED USES

The construction of any building or the placement of any mechanical equipment within a buffer yard shall not be permitted except for equipment necessary for the provision of utilities. Active recreational uses, such as ballfields, swimming pools and tennis courts, or other active structured recreational uses, or circulation drives or parking lots shall not be allowed within the buffer yard area.

B. PERMITTED USES

The following other uses may be permitted in a buffer yard area provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Chapter are met:

1. Sculpture, outdoor furniture.
2. Open space areas (provided that none of the uses listed in Subsection A above are located within the buffer yard area).
3. Walls, fences and driveways connecting to an adjoining property.

C. EXISTING VEGETATION

Existing healthy vegetation may be counted toward the required buffer yard. The landscape plan submitted for approval shall indicate the number, type, size and location of such plant materials. Existing vegetation that the Administrator deems “unhealthy” and not likely to materially serve as a screening agent for the foreseeable future, may be disqualified as counting towards the required buffer.

D. RESERVED

E. APPLICATION TOWARD SETBACK REQUIREMENTS

Buffer yard areas shall be counted towards meeting applicable building setback areas.

F. STANDARDS FOR WALLS AND FENCES

Fences used for buffering purposes shall be constructed in a durable fashion with weather resistant wood and be of a consistent pattern. All materials used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the Administrator may approve a buffer fence constructed of other materials provided the materials and finish used will provide generally the same degree of opacity, durability, and aesthetic compatibility with adjoining residential areas as weather resistant wood. A finished side of all walls or fences shall face the common property line boundary. No wall or fence used as part of a buffer shall be less than six (6) feet or more than eight (8) feet in height above grade unless approved by the Administrator in accordance with Section 11.1.2F.

G. STANDARDS FOR BERMS

All berms shall be planted with both shrubs and ground covers so as to leave no bare earth. All shrubs shall be a species that can be expected to materially buffer the development site within five (5) years of planting. The slope of a berm shall be of a grade so that it is suitable for maintenance and soil stability while taking into consideration the type of plantings and ground cover that will be utilized but in no case shall a berm be less than three (3) feet in height. The use of *Pueraria lobata* (kudzu) for berm ground cover is not permitted nor is any other nuisance vining plants that have a tendency to spread to other properties.

H. LOCATION OF BUFFER YARD

With the exception of buffering required for open storage (refer to Section 11.6), any buffer yard required by this section shall be located along the side and/or rear property lines of the lot(s) containing the use subject to buffering. If buffering is required along the right-of-way, it shall be located behind such right-of-way.

I. EVERGREEN SHRUBS

For all buffer yards, at least fifty (50) percent of the required shrubs must be of an evergreen species.

Section 11.4 STREET YARD TREES

A. PURPOSE

In order to absorb carbon dioxide and provide oxygen necessary for human life; purify air through transpiration; provide cooling through shade; reduce the impact of wind; retard the rate of water runoff; reduce glare and noise; to conserve property values; and to contribute to the natural beauty and aesthetics of the community, street trees, as herein provided, are required. Additional landscape planting strip standards associated with parking decks are found in Sections 10.9.1, 10.9.2 and 10.9.3. The required street trees may be planted within said landscaped area or elsewhere on the lot as herein called for in Subsection D. Greenstrips may also be required as provided for in Section 9.18.2.

Street trees and landscaping, as herein called for, shall only be required within the USO and CH Overlay districts only, except where specific reference is made for street tree placement outside of these zoning districts.

B. WHERE REQUIRED

1. Street yard and landscaping requirements shall be met along and parallel to any public road for all new developments (except those listed in Section 11.2.2), new developments along road frontage not developed, or substantial redevelopment of an existing site to another use (except for those listed in Section 11.2.2) within the Urban Standards (USO) Overlay and CH Corridor Highway Overlay Districts. In addition, street yard and landscaping requirements shall be met on any internal road two-hundred fifty (250) linear feet or greater in length that is used as an entryway into a parking lot for a commercial development within said districts. Street trees shall also be required on lots located within a planned residential development (PRD), traditional neighborhood development (TND), and planned unit development (PUD) whether such developments are located in a USO or CH overlay district.
2. Irrespective of the underlying zoning district, street trees and front yard landscaping shall not be required on any portion of a lot where the building line is within four (4) feet of the adjoining street right-of-way.

C. NUMBER OF STREET TREES REQUIRED

Canopy and understory trees shall be planted, where required, as follows:

1. One (1) canopy tree for each forty (40) linear feet of frontage; or,
2. One (1) understory tree for each thirty (30) feet of frontage; or,
3. A combination of canopy and understory trees at the rate of one (1) per thirty-five (35) feet of frontage.
4. For interior roads only, any combination of canopy trees so long as the type and spacing of trees placed can be expected to form a substantial canopy within twenty (20) years of initial planting.

D. LOCATION OF TREES

1. The Administrator shall have the authority to approve the placement of street trees in a variety of locations, based on: (i) the nature of the development; (ii) the underlying zoning district; (iii) the presence of other street trees on adjacent or nearby lots; (iv) the presence of overhead utility lines; (v) road maintenance; and (vi) other factors that directly affect the maintenance and long-term viability of the trees.

Accordingly, the Administrator shall have the authority to have the street trees in the following locations, each of which is listed in descending order of preference:

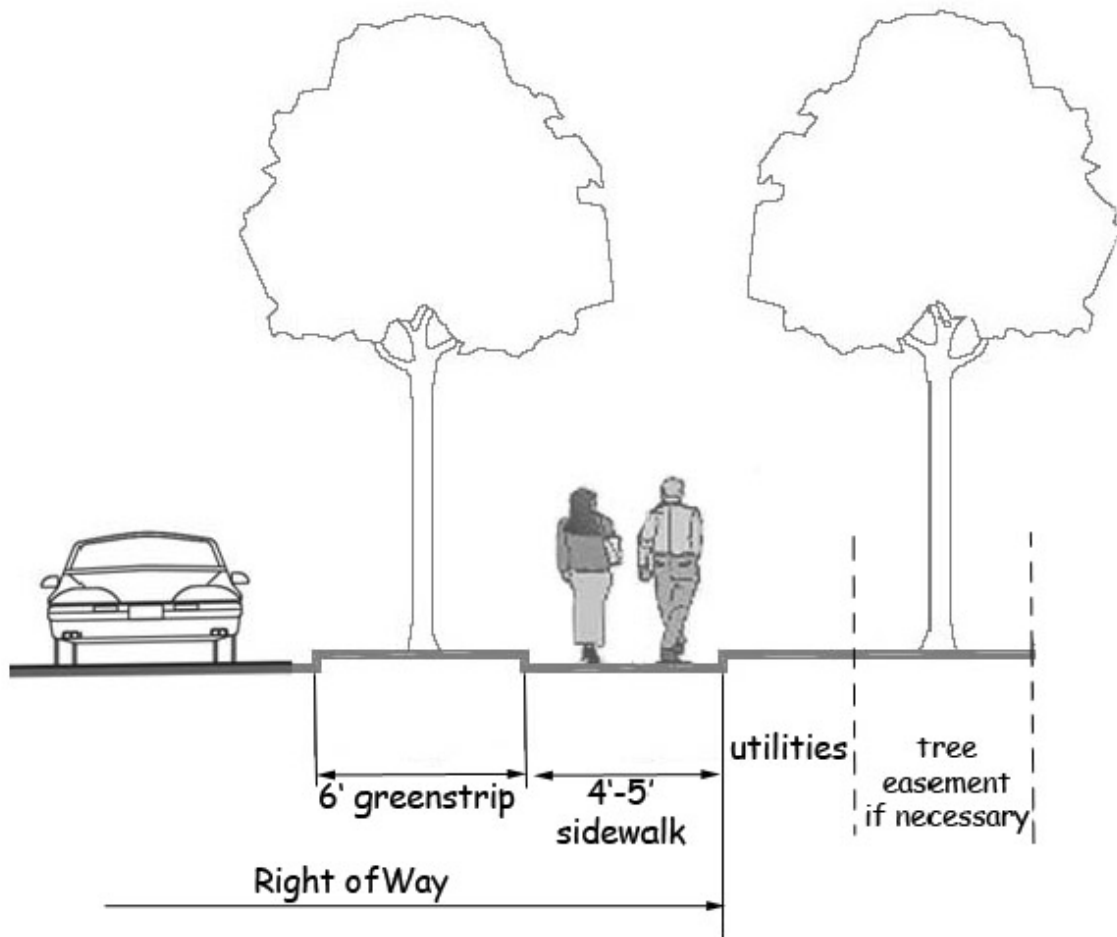
- a. In the greenstrip area provided per Section 9.18.2
- b. Within the landscape easement shown in Figure 11.4-1
- c. Elsewhere in the front or side yard as practical
- d. Within the sidewalk in planters or grates

Where the Administrator deems none of the above locations feasible and practical, he shall have the authority to waive or modify the placement of street trees.

Where the Administrator deems that the placement of the greenstrip would be: (i) impossible to install in the prescribed location; or (ii) impossible or impractical to be maintained; or (iii) would serve no useful public purpose, he shall have the authority to waive or modify the installation or width of the greenstrip.

Refer to Figure 11.4-1 below for a schematic of these possible locations. Such locations shall be as follows:

Figure 11.4-1



2. In no instance shall canopy trees be placed underneath aboveground utility lines.
3. Distribution shall be generally proportionate along the road frontage; however, this shall not be construed to require equal intervals between trees. The intent is to allow flexibility in design while discouraging long intervals without trees.

E. PENINSULA LOTS

Properties with street frontage (not including Interstate 85 or the limited access portion of US 321) on three (3) or more sides may reduce the number of required street trees by one-half (1/2) for each street not listed as an “arterial” on the most recently adopted version of the local thoroughfare plan.

**F. EXISTING
TREES**

Existing trees with a caliper of at least ten (10) inches Diameter at Breast Height (DBH) may be counted as two (2) trees.

**G. FRONT LANDSCAPED
AREAS**

Street trees that are required to be planted per this Section may be placed in the required front landscaped area. Such landscaped area shall be kept in a natural state with grass, plantings, mulch, or other such combination of planted materials. In no instance shall outdoor storage of any kind be allowed in any required landscaped area.

SECTION 11.5 OFF-STREET PARKING LOT LANDSCAPING

The provision of off-street landscaping shall only be applicable to nonresidential developments and multi-family developments. Furthermore, all uses shown in Section 11.2.2 shall be exempt from these requirements. The provision of off-street landscaping shall only be applicable to nonresidential developments that are located on a site that contains (or proposed to contain) more than twenty-five (25) parking spaces including staging spaces for any drive-up or drive-through windows. The following guidelines also shall be used in determining whether parking lot landscaping provisions shall apply:

A. INITIAL DEVELOPMENTS

For any initial development (i.e., the construction of one (1) or more new buildings on a lot) parking lot landscaping regulations shall apply if the lot contains more than twenty-five (25) required off-street parking and / or staging spaces are needed as a result of the development.

B. REDEVELOPMENTS

For any building that is redeveloped (i.e., reconfigured or otherwise internally altered for a new use), the parking lot landscaping regulations shall apply only if the redevelopment increases the number of off-street parking spaces to more than twenty-five (25). If this threshold is met, all parking spaces associated with the use shall come into compliance with the parking lot landscaping regulations.

C. BUILDING EXPANSIONS

For any development that is expanded, the parking lot landscaping regulations shall apply if the expansion increases the number of off-street parking spaces to more than twenty-five (25) and / or the expanded building coverage area removes more than twenty-five (25) parking spaces. If either threshold is met, the number of parking spaces associated with the expansion shall come into compliance with the parking lot landscaping regulations. On multi-tenant developments where parking spaces between uses are generally shared, these regulations shall generally apply to those spaces in closest proximity to the use being expanded.

D. QUANTITIES

Landscaping, as called for in this Section, for parking lots for any single use or any planned multi-tenant development with more than twenty-five (25) parking spaces, including any staging spaces, (except for automobile sales lots which are treated in a separate manner as herein described), shall be provided in the following manner:

1. Canopy trees—One (1) per fifteen (15) spaces; and
2. Understory trees—One (1) per ten (10) spaces; and
3. Shrubs--One (1) per four (4) spaces.

E. RESERVED

F. EXISTING TREES

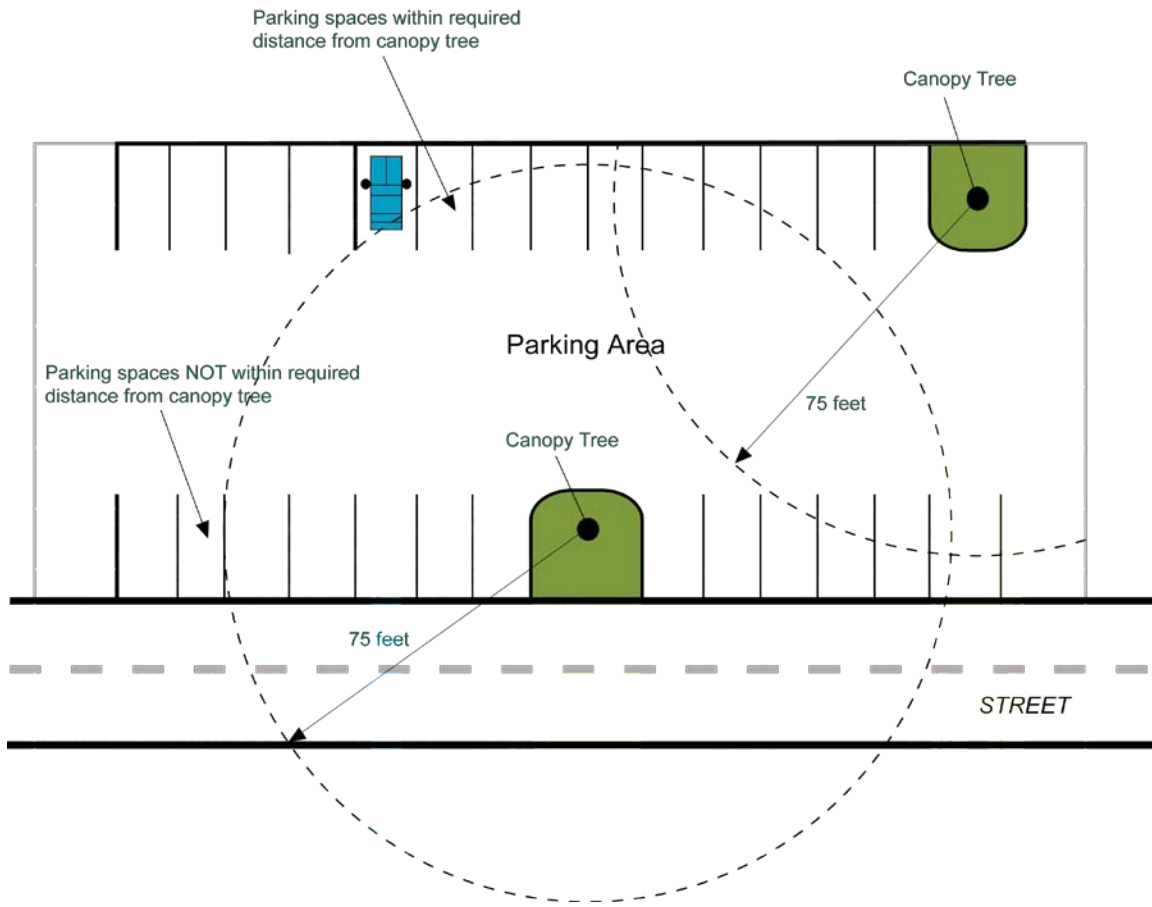
Existing canopy and / or understory trees located within thirty (30) linear feet of a parking area or driveway surface, including a shopping center or similar planned multi-tenant development, may count towards meeting the parking lot landscape requirements, as noted on the landscape plan. All distances are to be measured from the nearest face of the tree trunk. Existing canopy trees with a caliper of ten (10) inches or greater DBH, may count as two (2) trees.

G. DISTRIBUTION

Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators or between rows or parking spaces in a manner such that no parking space is located greater than seventy-five (75) linear feet from a canopy or understory tree

on the subject property. Such trees may be existing trees, or a tree installed pursuant to this Section. Refer to Figure 11.5-1 below for an example of how these requirements are applied.

Figure 11.5-1



H. PLANTING AREA DIMENSIONAL REQUIREMENTS

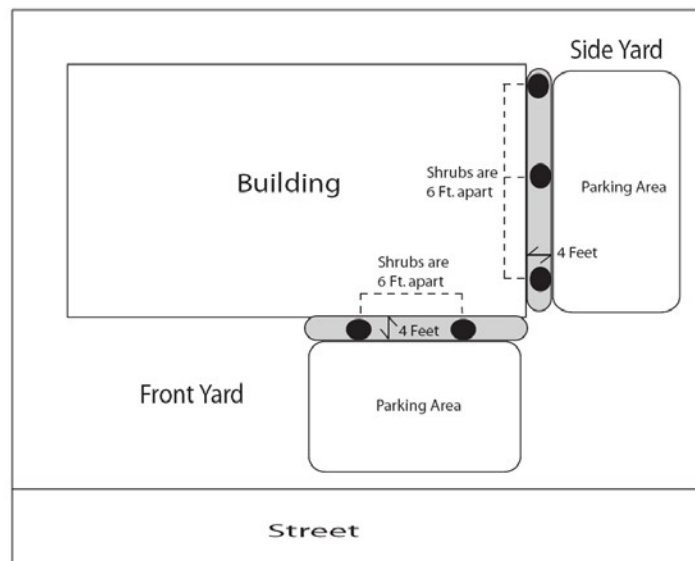
Planting areas and islands shall be not less than eight (8) feet in width and shall include a minimum of one-hundred forty (140) square feet of open planting area for understory trees and two hundred eighty (280) square feet for canopy trees. Shrubs or ground cover may be planted within the required open planting area for trees without necessitating an increase in the required planted area. All landscaped areas called for in this section shall be protected from vehicular encroachment by concrete curb and gutter or similar material. Landscaped areas shall be covered with mulch, ground cover or grass in between shrub and tree plantings.

I. RESERVED

J. BUILDING LANDSCAPED AREAS

Parking areas located in the front or side yards shall be separated from the exterior wall of a structure by a landscaped area of at least four (4) feet in width. Shrubs shall be required within said area at a minimum of one (1) per six (6) linear feet. Refer to Figure 11.5-2 below for an illustration of this requirement.

Figure 11.5-2



K. AUTOMOBILE SALES LOTS

Properties intended for the sale of automobiles shall not be required to provide one (1) canopy or understory tree within seventy-five (75) linear feet (per Subsection G) of the parking spaces used for the storage of cars displayed for sale. In lieu of the required landscaping for this use may be placed on the outer perimeter of the lot, in addition to the requisite number of street trees, unless the width of the lot exceeds four-hundred (400) feet. In such cases, the storage areas shall be broken by a landscape strip running the depth of the storage area. Said landscape strip shall be at least twenty-five (25) feet in width and shall contain a minimum of fifteen (15) percent of the required landscaping of the storage area (if it were actually a required parking lot). Areas designed for employee and customer parking must still observe the seventy (75) foot radius standard called for in Subsection G.

SECTION 11.6 OPEN-AIR STORAGE BUFFERING

- A. Within all zones, except for residential uses in Residential zones, buffering shall be required for the open storage of any goods, materials, products, wastes or equipment that is visible from any adjacent Residential zone and/or any public street. Excluded from such requirement are the following displays of items for sale: outdoor in-service vending machines; fresh produce; Christmas trees; live plants; bagged ice in freezers; firewood in sales bins, tanks of propane in exchange racks; other retail goods left outside during business hours only; vehicle sales lots, trailers and other equipment capable of being towed on a roadway sales lots, manufactured or modular home sales lots; and storage buildings prefabricated to building codes. Retail goods that are left outside overnight and that can be readily carried without the assistance of a moving device [i.e., be less than fifty (50) pounds in weight] shall also be excluded from the buffering requirement.
- B. In addition to the above, all uses that store heavy equipment outdoors on a regular basis (e.g., bobcats, graders, and other such heavy equipment) shall provide such buffering.
- C. Buffering for storage areas one (1) acre or less in size shall consist of any one (1) or more of the following: (i) a wall or opaque fence meeting the requirements of Section 11.3.5(F); or (ii) a Type C Buffer or greater.
- D. If the storage area is greater than one (1) acre in size, screening shall consist of Type D Buffer or greater in addition to the fence or wall. Such planted strip shall be on the exterior of the wall or fence.

SECTION 11.7 OPEN SPACE REQUIREMENTS

- A. The provisions of this Section shall apply to all subdivisions of land. Notwithstanding, specific provisions pertaining to traditional neighborhood developments, planned residential developments, planned unit developments, infill residential developments and multi-family developments are found in Section 11.7.6.
- B. When a subdivision is located on a tract of land where a future greenway or greenway connection has been specifically identified on a locally adopted recreation plan, or greenway master plan, open space for such designated greenway shall be dedicated and the fee-in-lieu option shall not be used for such lands.

- C. Any open space dedicated in association with a subdivision shall be owned and maintained by one (1) or more of the following entities or organizations:
1. A duly created Home Owners Association that, among other things, is responsible for maintaining common areas within the subdivision; or
 2. A Conservation Organization / private person for same conservation intent; or
 3. The State of North Carolina, The Town of McAdenville; or
 4. Any other organization approved by the Planning Board.
- D. Any Open Space dedicated herein shall be irrevocably dedicated to public recreational and / or conservational use, regardless of the owner of the Open Space, (unless a higher and better use is approved by the Town Council), and such restriction shall be set forth in the deed.
- E. The Home Owners Association shall be the owner of the Open Space unless the Town or a separate Conservation Organization accepts the Open Space.

11.7.1 AMOUNT OF LAND TO BE DEDICATED

At least one thirty-fifth (1/35) of an acre (equaling 1,244.57 square feet) shall be dedicated for each dwelling unit planned or proposed in the subdivision plat or development. The minimum amount of land which shall be dedicated for a public park, recreation, or open space site shall be no less than two (2) acres in size. When the calculated area for open space cannot meet the two (2) acre requirement, the subdivider shall be required to make payment in lieu of the dedication to be used for the acquisition or development of recreation, park, or open space sites which would serve the needs of the residents of the subdivision.

The proximity of existing publicly dedicated and publicly accessible open space (e.g., park, greenway) to the subdivision shall reduce the amount of open space required in the subdivision. If such open space is located no greater than one-quarter (¼) mile walking distance (such distance measured from the pedestrian access point of the existing open space to a perimeter public street or sidewalk within the development), the amount of required open space shall be reduced by up to twenty-five (25) percent. If the existing public open space is located directly adjacent (either immediately abutting or directly across a public street) from the subdivision, the amount of required open space for the subdivision shall be reduced by up to fifty (50) percent. The reduction in required open space for the

subdivision shall be calculated based on the acreage contained in the existing public park.

Examples of how much open space is to be dedicated are as follows:

- A. Tract Area = 100 acres
Number of Lots to be created = 75
Open Space within $\frac{1}{4}$ mile? = no

The amount of open space to be dedicated shall be a minimum of 2.14 acres (i.e. $75/35$). There is no nearby (i.e. within $\frac{1}{4}$ mile) of publicly accessible open space.

- B. Tract Area = 100 acres
Number of Lots to be created = 75
Open Space within $\frac{1}{4}$ mile? = yes, within $\frac{1}{8}$ mile.

The amount of open space to be dedicated is initially computed as 2.14 acres (i.e. $75/35$). Since publicly accessible open space is located less than $\frac{1}{4}$ mile from the tract, the amount of required open space is reduced by .25 to equal 1.60 acres. As this is LESS than the 2.0 acre minimum threshold, a fee in lieu, per section 11.7.3, will be paid.

- C. Tract Area = 10 acres
Number of Lots to be created = 14
Open Space within $\frac{1}{4}$ mile? = no

The amount of open space to be dedicated is initially computed as 0.40 acres (i.e. $14/35$). This is below the 2.0 acre minimum threshold, thus a fee in lieu, per section 11.7.3, will be paid.

(NOTE: Different amounts of open space are found in Section 11.7.6 of this Ordinance for planned residential developments, planned unit developments, traditional neighborhood developments, and infill residential developments. In such instances the amount of required open space to be dedicated shall be as shown for that particular use.)

11.7.2 NATURE OF LAND TO BE DEDICATED

Except as otherwise required by the Planning Board at the time of preliminary plat approval, all dedications of land shall meet the following criteria:

A. UNITY

The dedicated land shall form a single parcel of land, except where the Planning Board determines that two (2) or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Planning Board, in approving the preliminary or final plat, may require that such parcels be connected by a dedicated strip of land at least thirty (30) feet in width. Where practical, the strip shall be placed in the subdivision to enable persons to walk between the two (2) open space areas.

B. USABILITY

Two-thirds (2/3) of the dedicated land shall be useable for active recreation. Furthermore, public lakes and other public bodies of water may not be included in computing any of the dedicated land area, except for wet detention ponds as provided for in Section 11.7.6B3.

C. SHAPE

The shape of the portion of dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields and tennis courts, when a sufficient amount of land is dedicated to accommodate such facilities. Land dedicated only for greenways need not follow the requirements of this sub-section.

D. LOCATION

The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the subdivision.

E. ACCESS

Access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated public easement, at least thirty (30) feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications only shall be at least twenty (20) feet wide.

F. TOPOGRAPHY

The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire subdivision to be developed. In no case shall a slope on the usable portion of dedicated land exceed fifteen (15) percent.

G. LANDSCAPING

Dedicated parks, recreation, and open space areas shall have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.

11.7.3 PAYMENTS OF FEES IN LIEU OF LAND DEDICATION

A. GENERAL

The payment of fees, in lieu of the dedication of land as required above, may occur at the request of the subdivider or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, shall be made by the Planning Board after having received a recommendation from the TRC and having evaluated the proposed dedication and the relationship such dedication would have with the Town's overall recreational needs. Payments of fees in lieu shall not be allowed for traditional neighborhood developments (TNDs), planned residential developments (PRDs) and planned unit developments (PUDs).

B. TIME OF PAYMENT

The fees in lieu of dedication shall be paid to the Town by the subdivider prior to final plat approval.

C. AMOUNT OF PAYMENT

The amount of the payment shall be determined based on:

1. The number of acres to be dedicated, as required above;
2. The assessed value for property tax purposes of the land to be dedicated as listed in the Gaston County Tax Office at the time the calculation is made.
3. Procedures for determining the amount is as follows:

The Administrator shall calculate the required payment amount using the following procedures:

- a. The Administrator shall calculate the average per-acre value of land for the entire tract by dividing the assessed value of the entire unimproved tract of land by the total number of acres in the tract;
- b. The Administrator shall then calculate the value of required open space at the date of most recent revaluation, which is the product of one thirty-fifth ($1/35$) of the average per-acre value of land and the number of proposed residential lots in the subdivision.

**D. APPLICATION OF
PAYMENTS**

The monies obtained in lieu of land dedication shall be used by the Town to acquire recreational land or to improve existing parks. While it is not required for the Town to establish open space or build a park adjacent to the subdivision which provided the Town monies in lieu of land dedication, all efforts will be made for the Town to apply such funds towards projects located near subdivisions which provided payments as described herein. The Town shall keep a detailed accounting on how the monies are used.

11.7.4 PROCEDURES

- A. At the time of filing a preliminary plat, the subdivider shall designate thereon the area or areas to be dedicated. If the subdivider desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the preliminary plat. The Planning Board reserves the right to refuse to accept dedication of parcels for Public Park, recreation, or open space and to require a fee in lieu thereof.
- B. Where a dedication of land is required, such dedication shall be shown on the final plat when submitted. Where a payment in lieu of dedication is approved by the Planning Board, such payment will be made before the final plat is signed and recorded.

11.7.5 GREENWAYS

Greenways may be credited against the requirements of this section provided that such greenways are part of the Town's greenway plan and dedicated to public use.

11.7.6 OPEN SPACE IN TRADITIONAL NEIGHBORHOOD DEVELOPMENTS (TNDS), PLANNED RESIDENTIAL DEVELOPMENTS (PRDS), PLANNED UNIT DEVELOPMENTS (PUDS), INFILL RESIDENTIAL DEVELOPMENTS AND MULTI-FAMILY DEVELOPMENTS

A. AMOUNT OF LAND TO BE DEDICATED (as a minimum)

1. Traditional Neighborhood Development - Twenty (20) percent of gross acreage.
2. Planned Residential Development - Twenty (20) percent of gross acreage.
3. Planned Unit Development - Ten (10) percent of gross acreage.

NOTE: The payment of fees, in lieu of the dedication of land shall not be allowed for the development types listed above.

B. NATURE OF LAND TO BE DEDICATED

1. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: walks and greenways, statues, utilities, irrigation fields, wet detention ponds, open fields, athletic fields, playground equipment, ponds and lakes (that are located entirely within the development). Certain open space areas (e.g., plazas) may also be paved.
2. Open space shall be planned and improved so as to be accessible to users of the development.
3. Wet detention ponds may be counted towards meeting the open space requirement if: (i) the facility is designed to hold water throughout the year, and (ii) if the facility is surrounded by a path or walkway and contains benches or similar improvements for enjoyment by residents or users of the development.
4. Required landscaped and screening areas (per Chapter 11) shall not count towards this requirement.

C. SHAPE AND SIZE

1. The shape of the portion of dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields and tennis courts, when a sufficient amount of land is dedicated to accommodate such facilities.

2. Two-thirds (2/3) of the dedicated land shall be useable for active recreation. Furthermore, lakes and other bodies of water may not be included in computing any of the dedicated land area.
3. A reduction in the required open space may be allowed up to fifty (50) percent if the common open space is within one-half (½) mile of a public open space.
4. If any of the types of open space areas listed below are counted towards the development's total open space requirement, then the following minimum area size and improvement requirements shall be met:

OPEN SPACE AREA	MINIMUM AREA SIZE	REQUIRED IMPROVEMENTS
Playground	One-thousand (1,000) square feet	Playground equipment; benches; paths and walkways.
Close	Five-hundred (500) square feet	Grassed area (benches optional)
Square	Two-hundred fifty (250) square feet (infill residential); One-thousand (1,000) square feet (elsewhere).	Grassed area; trees, (benches optional)
Plaza	Two-hundred fifty (250) square feet (infill residential); One-thousand (1,000) square feet (elsewhere).	Paved; Benches and other street furniture.
Park	One (1) acre	Playground equipment; benches; athletic fields; paths and walkways.

CHAPTER 12 TABLE OF CONTENTS

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SECTION 12.1 GENERAL PROVISIONS

12.1.1 PURPOSE

The purposes of these sign regulations are:

- A. To encourage the effective use of signs as a means of communication.
- B. To maintain and enhance the pleasing look of the Town.
- C. To preserve the Town as an attractive place to do business.
- D. To improve motorist, bicyclist and pedestrian safety.
- E. To minimize the possible adverse effects of signs on nearby public and private property.
- F. To ensure that signs placed in the Town are compatible with the high-quality image that the Town seeks.

12.1.2 APPLICABILITY

A. APPLICABILITY

A sign may be erected, placed, established, painted, created or maintained in the Town only in conformance with the standards, procedures, exemptions and other requirements of this Chapter and Ordinance.

B. EFFECT

The effects of these regulations as herein set forth are:

1. To establish a system to allow a variety of types of signs in the various zoning districts, subject to the standards and permit requirements herein contained.
2. To allow certain signs that are small, unobtrusive and incidental to the principal use of the lot upon which they are located, and without having to seek a permit.
3. To provide for temporary signs of a limited nature.
4. To prohibit all signs that are not expressly permitted by this Chapter.
5. To provide for the enforcement of the provisions of this Chapter.

12.1.3 SIGN AREA AND HEIGHT MEASUREMENTS

A. SIGN AREA COMPUTATIONS

The Administrator shall employ the following principles when determining the area of sign:

1. The area of a sign face shall be computed by using up to three (3) of the smallest basic geometric shapes (i.e. square, circle, triangle) 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. Such measurement shall not include any supporting framework, bracing or decorative fence or wall when

such fence or wall is clearly incidental to the display itself and does not contain any sign copy. For pole signs, poles covered with corporate logos or with more than one (1) corporate color will be considered part of the sign area.

2. For a single wall (i.e., the entire wall that shares the same architectural elevation as shown on the approved sign permit) all pieces of information or other graphic representations on the wall that are logically related shall be measured as part of one (1) sign. If multiple signs on a single wall share a frame or other material of color forming an integral part of the display or used to differentiate the signs from the background against which they are placed, such area will be measured as part of one (1) sign.
3. Regardless of whether a single wall has wall sections that project, recess or otherwise vary from the predominate wall plane, the sign area measurement shall include the area of all sign faces that can be viewed from a single vantage point. Signs may be placed back-to-back, side-by-side, or in V-type construction.
 - a. Side-by-side signs must be structurally tied together and considered as one (1) sign.
 - b. V-type and back-to-back signs must be considered as two (2) signs if the angle between the faces is forty-five (45) degrees or more.
 - c. In all other cases, the areas of each face of a multi-faced sign shall be added together to compute the sign area. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one (1) time or from one (1) vantage point should be considered when measuring the area of such sign.

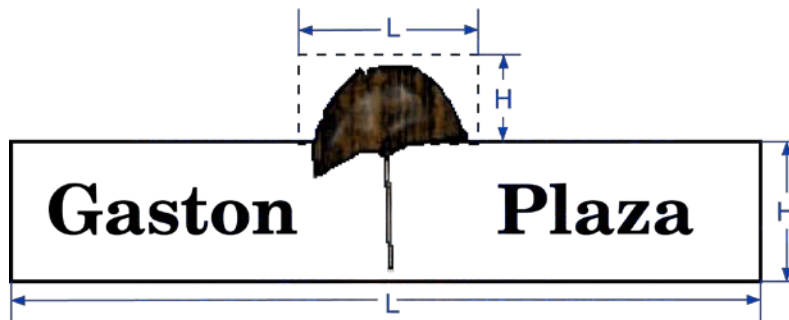
Examples Of How Sign Area Is To Be Computed Are Indicated Below:



Wall Sign - Separate Letters
Calculated & Permitted as One Sign



Sign with Embellishments
Area Measured as the Sum of the Rectangles

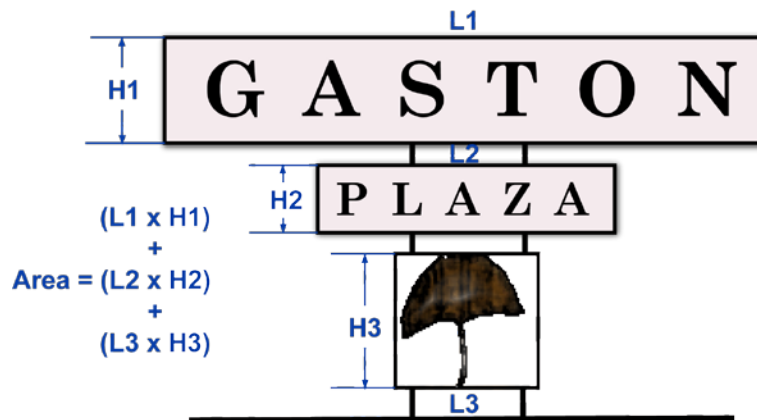


Sign - Area Measured as a Circle

$$\text{Area} = \pi \times r^2$$

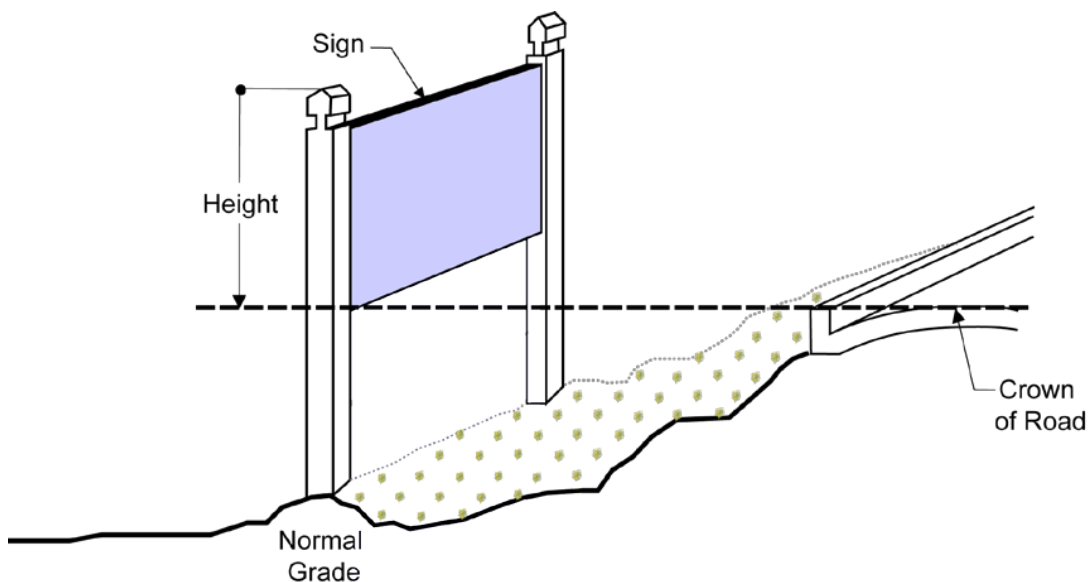


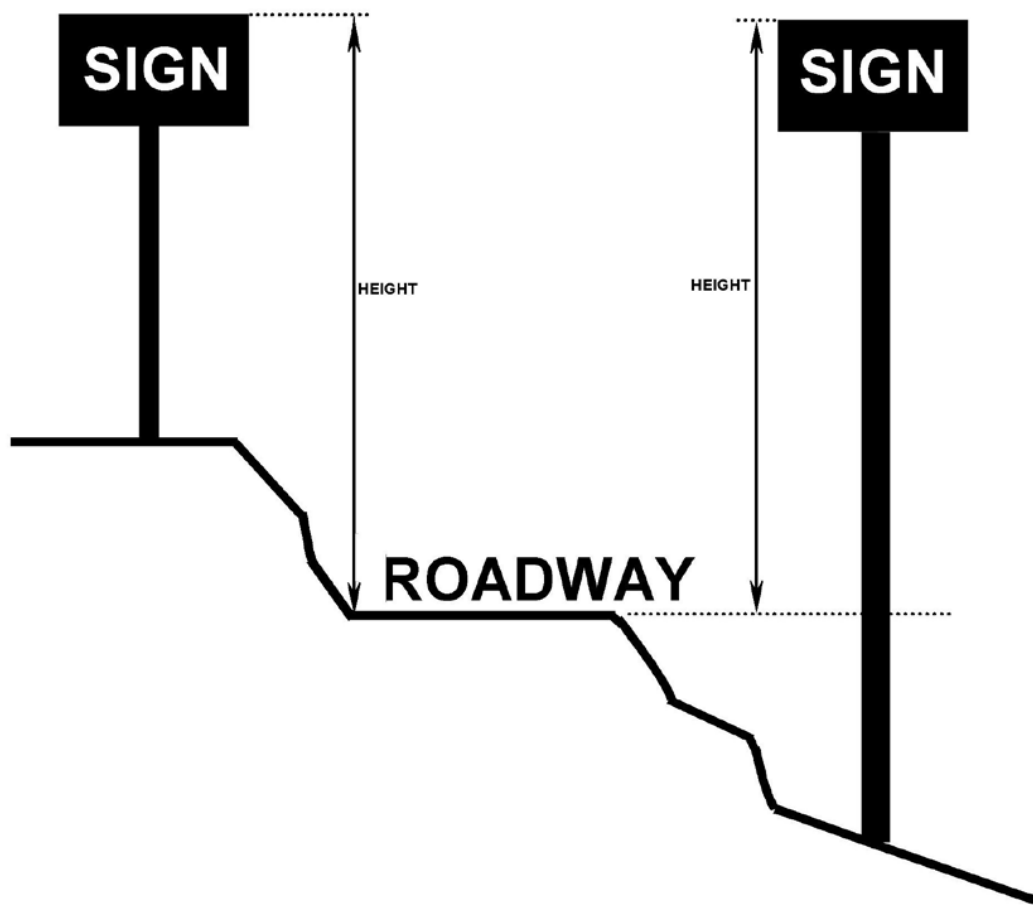
Sign Area Calculation of a Multi - Faced Sign



B. SIGN HEIGHT COMPUTATION

The height of a sign shall be computed to be the distance from the base of a sign at “normal grade” to the top of the highest attached component of the sign. “Normal grade” shall be construed to mean the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade is below the grade at street level, the height of a sign shall be computed from the crown of the public or private street closest to the sign. Examples of how sign height is computed are included below:





SECTION 12.2 SIGNS NOT REQUIRING A PERMIT

The following signs shall be exempt from the regulations contained in this chapter and shall not be required to have had a permit issued from the administrator for their placement. Unless otherwise specified (e.g., signs specifically allowed to be located off-premises or placed in a street right-of-way), such signs shall not fall into any of the "prohibited sign" categories contained in Section 12.3. See Section 5.7 for procedures for obtaining a sign permit. Notwithstanding, any sign shown herein, except as where noted shall be placed outside of a street right-of-way or required sight distance triangle, unless specific authorization for such placement is granted by the Town or NCDOT.

- A. Any official or public notice or warning sign required by a valid or applicable federal, state, or local law; by a public utility company; or by a court of competent jurisdiction.
- B. Building marker signs that include the building name, date of construction, or historical data, if such sign is cut or etched into the building masonry, bronze or similar material.
- C. *On-premises decorative, seasonal, or corporate logo flags.* Decorational, seasonal flags, or corporate logo flags (that may include the company name, insignia or symbol) may be up to 24-square feet.
- D. Governmental signs.
- E. *On-premises public interest signs.* Signs indicating vehicular entrances and exits, parking areas, one-way traffic, "no trespassing", "no loitering", etc. Such signs may be illuminated, shall not exceed four square feet in area and shall not be located at the driveway entrance or where other instruction is required.
- F. Memorial signs, plaques or grave markers that are noncommercial in nature.
- G. Flags, pennants, insignia, or religious symbols of any government, nonprofit or not-for-profit organization when not displayed as an advertising device for commercial purposes.
- H. On-premises (ground or wall) identification signs for residential uses that show the name and may also include the street address, with a maximum aggregate area of six square feet.
- I. *Incidental signs.* Such on-premise signs shall be displayed for the convenience of the general public and includes such signs as signs for public rest rooms; automobile inspection; hours of operation; credit cards accepted, etc. Such signs may be illuminated and contain no

other sign copy other than service information, trade names, and logos. Such signs shall be a maximum of six square feet apiece.

J. 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, special event signs for public, quasi-public or not-for-profit organizations, noncommercial copy signs and meeting announcements. Such signs are also subject to NCGS 136-32(b).

Such signs shall be allowed if the following conditions are met:

1. Political Signs

- a. Such signs shall not be put up more than thirty (30) days before the event being advertised and shall be removed within 7 (seven) days following the event.
- b. Sign area shall not exceed sixteen (16) square feet in residential (R) districts and thirty-two (32) square feet in all other districts. Temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.
- c. Sign height shall not exceed six (6) feet.
- d. Such signs shall be non-illuminated and may not be of a sign variety that is "prohibited" as shown in Section 12.3.
- e. No such sign shall obstruct the safe vision of motorists.
- f. Such signs shall not be placed on right-of-way except on election day where a polling place and political signs can be placed in accordance with the rules of the Gaston County Board of Elections.

2. Temporary real estate signs advertising a specific property for sale, lease, rent or development, or "open houses" shall be located as follows:

- a. Only one sign per street front of the advertised property shall be erected. If the property lies on a corner lot or through lot, then a second sign may be permitted along the second street so long as

the two signs are at least 200 linear feet apart as measured by the shortest straight line.

- b. Sign area shall not exceed six (6) square feet in residential (R) districts and thirty-two (32) square feet in all other districts. Temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.
 - c. Any real estate sign located in the public right-of-way shall be deemed a violation of this ordinance and may be removed by the administrator and destroyed without notice.
 - d. Such signs shall be non-illuminated and may not be of a sign variety that is "prohibited" as shown in Section 12.3.
 - e. No more than three (4) temporary directional signs per dwelling for sale, development or open house. Each such sign shall be no greater than three (3) square feet in area.
3. Temporary special event signs or banners for religious, charitable, civic, fraternal or similar organizations provided that:
- a. Signs shall be erected no sooner than fourteen (14) days before the event and removed no later than seven (7) days after the event.
 - b. No more than one sign per street front shall be permitted per event.
 - c. Such signs shall have a maximum area of thirty-two 32 square feet.
 - d. Such signs shall not be placed on right-of-way
4. Temporary sales and advertising signs or banners for commercial properties provided that:
- a. Signs shall be erected no sooner than fourteen (14) days before the event and removed no later than seven (7) days after the event.
 - b. No more than one sign per street front shall be permitted per event.
 - c. Such signs shall have a maximum area of thirty-two 32 square feet.
 - d. Such signs shall not be placed on right-of-way.

- K. *Signs providing agricultural products for sale shall be allowed provided that:*
1. On properties where agricultural products for sale are grown, one such ground sign shall be allowed on roads upon which the property has frontage.
 2. On other private properties, with the permission of the property owner, provided that:
 - a. No more than two such signs shall be allowed on any such piece of property.
 - b. No person, entity, or family shall be allowed more than eight such signs for any sale location.
 - c. Such signs may be erected and in place only during the season where agricultural products are actually being sold.
 - d. Such signs shall not exceed four square feet in area apiece. Such signs shall not be illuminated.
- L. Noncommercial copy signs provided that such signs are ground signs and are no greater than sixteen 16 square feet in area apiece and provided that such signs do not fit under any of the categories of "prohibited signs" as set forth in Section 12.3.
- M. Off-premises directional signs for public, quasi-public and not-for-profit uses provided that:
1. Such signs shall be permanent ground signs. Portable signs shall not be allowed.
 2. No greater than two directional sign supports shall be allowed at any street corner.
 3. No greater than two directional signs per use shall be allowed.
 4. No two directional signs (on separate supports) shall be located within five (5) linear feet of each other.

5. All directional signs shall be constructed of durable wood or non-reflective metal or plastic materials.
 6. Directional signs shall not be illuminated.
 7. More than one sign may be placed on the same sign support. The maximum area of any one sign shall be six (6) square feet. However, the maximum aggregate area of all signs on any sign structure shall be eight (8) square feet.
- N. Commercial signs placed in an athletic field and other enclosed outdoor space where such signs are intended to be visible by persons attending such events at such facilities.
- O. Holiday decorations, with no commercial messages. Such decorations may be placed in a street right-of-way and may be displayed between November 15 and January 15.
- P. Yard Sale Signs
1. Such signs may not be illuminated and may be placed within 24 hours prior to the yard sale and removed within 24 hours after the yard sales event.
 2. Each such sign may have a maximum area of six square feet. Such signs may be placed on or off-premises, the latter with the permission of the property owner.
 3. A maximum of three off-premises signs and one on-premises sign is allowed per yard sale.
- Q. Internal window signs, irrespective of whether the sign face can be seen by pedestrians or motorists from an adjoining street. The aggregate area of all window signs is limited to 25% of the window area
- R. Other internal building signs, such that if a sign is inside a building and cannot be seen by a person of ordinary eyesight who is outside the building.
- S. Breezeway or entryway signs, such that if a sign is located inside a breezeway or entranceway, under the roof and within the foundation line of the building but outside the actual entrance door and such sign cannot be seen by a person of ordinary eyesight who is not under the roof of the building or is outside the building.

T. Construction/improvement signs (including financing signs and future development signs) are allowed under the following conditions:

1. Signs in conjunction with any residential use shall not exceed four square feet each.
2. Signs in conjunction with all other uses shall have a maximum area of 32 square feet each.
3. One sign per premises shall be allowed.
4. Such signs shall not be illuminated.
5. Such signs shall appear only at the construction site.
6. Such sign shall be allowed only after the building permit for such construction has been issued and is in effect. Such sign shall be removed within seven days after a certificate of occupancy for any portion of the project has been issued.

U. Subdivision/multi-family development/planned residential development identification signs shall be allowed under the following conditions:

1. Such signs may be placed at each principal entrance to the development.
2. Such signs shall not exceed 32 square feet in area apiece.
3. Such signs shall not exceed four feet in height, unless integrated into a wall or column in which the sign is encased.
4. Such signs shall contain no commercial messages.
5. Such signs may be placed in a street median (i.e., in a street right-of-way), if specific permission for such is first given by the NCDOT and meets the requirements of Section 12.7.

V. *Mailbox signs.* Signage on mailboxes shall be limited to that allowable under U.S. Postal Service Provisions, and shall also be limited to

individual name(s) and the address of the property served by the mailbox. Commercial messages and directional information shall be prohibited.

- X. *Bulletin boards.* External bulletin boards for any government, nonprofit or not-for-profit organization, provided that the bulletin board does not exceed 16 square feet in area and is located on-site to be readily accessible to the public.
- Y. *Sidewalk cafe/umbrella.* Sidewalk cafes, restaurants and other outdoor eating and social venues shall be allowed to have tables, chairs, umbrellas and similar objects normally associated with commercial signage.

SECTION 12.3 PROHIBITED SIGNS

All signs not expressly addressed under this Chapter (or elsewhere in this Ordinance) are prohibited. Any permitted or non-permitted sign shall not violate this Section. Such signs include, but are not limited to:

- A. Any sign that obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- B. Signs, other than traffic regulatory signs, which contain lights, rotating disks, words and other devices not erected by a public authority that may be erroneously construed as government signs or emergency-warning signs shall be prohibited. An example of this is a sign that contains a picture of a traffic sign plus the word "Stop," "Yield", etc. Any sign located outdoors that interferes with free passage from or physically obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air shall be prohibited. **(NOTE:** Signs painted onto windows shall not be prohibited, nor shall neon and similar signs attached to windows.)
- C. Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, (with the exception of certain projecting / suspended signs and sandwich board signs per Sections 12.5.7 and 12.5.8 of this Ordinance and/or other signs specifically listed as being allowed for placement within a street right-of-way) unless otherwise authorized by the NCDOT shall be prohibited. Signs placed in a required sight distance triangle without having first received approval for such placement from the Town or NCDOT shall also be prohibited. **(NOTE:** The Administrator shall have the authority to remove and may discard without notice any such prohibited sign illegally placed within a street right-of-way or sight triangle and, at local discretion, may immediately destroy such sign.)

- D. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign shall be prohibited.
- E. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with scrolled messages (except light emitting diode (LED) signs with electronically scrolled messages, government traffic signs and signs which give time and temperature information) shall be prohibited.
- F. Portable signs, excluding temporary signs otherwise permitted as set forth in Section 12.2. A sign originally constructed as a portable sign may not be converted into a permanent sign by chaining or bolting it to the ground, or by other means or alterations.
- G. Vehicular signs.
- H. Rotating signs.
- I. Electric signs which are not installed and/or wired in accordance with the National Electric Code.
- J. Signs not installed in accordance with the North Carolina Building Code.
- K. Roof signs that extend above the highest point of a pitched roof, mansard roof, or parapet. No new roof signs will be permitted.
- L. Signs that contain language and/or pictures deemed obscene per NCGS 14-190.1.
- M. Signs that advertise an activity or business no longer conducted on the property upon which the sign is located.
- N. Off-premise advertising signs except for Outdoor Advertising Signs in Section 12.10.
- O. Inflatable objects, including balloons with a diameter of two (2) feet or greater.
- P. Any other sign not expressly permitted by this Chapter shall be prohibited.
- Q. All existing signs that violate this section may be granted an extension by the Administrator of six (6) months from the date of the adoption of these regulations (April 22nd, 2021). If granted by the Administrator, the extension will grant time to bring the sign into compliance with the requirements of these regulations or removed entirely.

SECTION 12.4 PERMITTED SIGNS: LOCATION, SIZE, NUMBER

Signs requiring the issuance of a sign permit by the Administrator shall be permitted in accordance with Table 12.4-1 to 12.4-6 and shall also be subject to any conditions placed on a particular development through the issuance of a SUP or CZ District. Any allowed sign shall also be subject to the design and construction standards for such type of sign as set forth in Section 12.5.

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TABLE 12.4-1 TABLE OF SIGNS REQUIRING A SIGN PERMIT								
SIGN TYPE	Residential Districts	TMU District	Office Districts	CBD District	UMU District	Commercial Districts (except CBD)	Industrial Districts	Conditions
FREESTANDING SIGNS								
- Directory	X	X	X	X	X	X	X	12.5.2
- Menu Board		X	X	X	X	X	X	12.5.3
- Ground / Pole	X (ground only)	X (ground only)	X (ground only)	X (ground only)	X (ground only)	X (ground/pole)	X (ground/pole, except ground only in I-U))	12.5.4
BUILDING SIGNS								
- Canopy/Awning	X	X	X	X	X	X	X	12.5.1
- Menu Board		X	X	X	X	X	X	12.5.3
- Projecting / Suspended		X	X	X	X	X	X	12.5.7
- Temporary Use / Grand	X	X	X	X	X	X	X	12.5.6
- Wall	X	X	X	X	X	X	X	12.5.5
OTHER SIGNS								
- Permanent On premise						X		12.5.9
- Sandwich Board		X	X	X	X	X	X	12.5.8
- Outdoor Advertising Signs							X	12.10

NOTE: An “X” indicates that the sign will be permitted with an approved sign permit, as outlined in Section 5.7.

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TABLE 12.4-2
DIMENSIONAL AND LOCATIONAL STANDARDS FOR SIGNS REQUIRING A PERMIT
USES IN THE R-1, R-2, R-3, RLD, RS-20, RS-12, RS-8 AND RMF ZONING DISTRICTS

SIGN TYPE	SUPPLEMENTAL REGULATIONS	NUMBER OF SIGNS	MAXIMUM SIGN	MAXIMUM SIGN	SIGN LOCATION***
<u>Ground Signs*</u> Multi-family dwelling; Maternity Home; Nursing home; Continuing care facility; Assisted living center. (NOTE: A WALL SIGN MAY SUBSTITUTE FOR PART OR ALL OF THE ALLOWED SIGNAGE)	12.5.4	One (1) per street front*	Twenty-four (24) sq. ft.	Four (4) feet	Outside of street right-of-way and required sight triangle*
<u>Ground or Wall Signs*</u> Single-family dwellings; Two-family dwellings; Individual manufactured homes; Private Residential Quarters; Rooming Houses; Day Care Center, Class A; Family Care Home; Group Home; Mixed-Use Dwelling; Bed and Breakfast Inn	Refer to Section 12.2 (H)	One (1) per street front*	Six (6) sq. ft.	Four (4) feet	Outside of street right-of-way and required sight triangle*
<u>Wall Signs*</u> Customary home occupation	Refer to Sections 8.1.14 or 8.1.15	One (1)	Four (4) sq. ft.		On wall of home
<u>Ground Signs* / **</u> All Other Allowed Uses (NOTE: A WALL SIGN MAY SUBSTITUTE FOR PART OR ALL OF THE ALLOWED SIGNAGE)	12.5.4	One (1) per street front*	For uses with 0-9,999 square feet total gfa- sixteen (16) sq. ft. per sign For uses with 10,000+ sq. ft. total gfa- thirty-two (32) sq. ft. per sign	4 feet	Outside of street right-of-way and required sight triangle*

* Refer to supplemental regulations for additional specifications

** Refer to Section 12.5.10 regarding “Master Sign Plans”, approvals of which may allow for deviations from the standards shown herein

*** Refer to Section 12.5.4 (F) for sign setback requirements

TABLE 12.4-3
DIMENSIONAL AND LOCATIONAL STANDARDS FOR SIGNS REQUIRING A
PERMIT IN THE TMU AND UMU ZONING DISTRICTS

SIGN TYPE	SUPPL. REG.	NUMBER OF SIGNS ALLOWED*	MAXIMUM SIGN AREA (sq. ft.)**	MAXIMUM SIGN HEIGHT**	SIGN LOCATION ***
<u>Ground Signs*</u> Individual Business	12.5.4	One (1) per street front*	Local Street (2-3 lanes): twenty-four (24) sq. ft. Other Street (4+ lanes): forty-eight (48) sq. ft	Six (6) feet	12.5.4G
<u>Ground Signs*</u> Multi-Tenant Development Identification	12.5.4	One (1) per street front*	A. For developments with a gfa of 0-19,999 sq. ft: Local Street (2-3 lanes): twenty-four (24) sq. ft. Other Street (4+ lanes): forty-eight (48) sq. ft B. For developments with a gfa of 20,000+: Forty-eight (48) sq. ft.	Six (6) feet	12.5.4G
<u>Wall Signs*</u> Individual Business and Multi-tenant Developments	12.5.5	Three (3) per building wall.	Ten (10) percent of individual wall area up to an aggregate of fifty (50) sq. ft per building wall*	No higher than the wall upon which the sign is mounted	N/A
<u>Canopy / Awning Signs*</u> Individual Business and Multi-tenant Developments	12.5.1	One (1) per exterior customer entrance	Fifty (50) percent of canopy/awning area, up to a maximum of twenty-four (24) sq. ft	N/A	N/A
<u>Projecting / Suspended Signs *</u> Individual Business and Multi-tenant Developments	12.5.7	One (1) per exterior customer entrance	One (1) sq. ft per linear foot of public street frontage, up to a maximum of sixteen (16) sq. ft	N/A	N/A

* Refer to supplemental regulations for additional specifications

** Refer to Section 12.5.10 regarding “Master Sign Plans”, approvals of which may allow for deviations from the standards shown herein

*** Refer to Section 12.5.4 (F) for sign setback requirements

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TABLE 12.4-4
DIMENSIONAL AND LOCATIONAL STANDARDS FOR SIGNS REQUIRING A
PERMIT IN THE OLC, O-1, and O-M ZONING DISTRICTS

SIGN TYPE	SUPPL. REG.	NUMBER OF SIGNS ALLOWED	MAXIMUM SIGN AREA (sq.ft.)**	MAXIMUM SIGN HEIGHT	SIGN LOCATION***
<u>Ground *</u> Individual Business	12.5.4	One (1) per street front*	Two hundred (200) sq. ft-hospital; otherwise: If structure 0-25,000 sq. ft. gfa= fifty (50) sq. ft If structure over 25,000 sq ft gfa= sixty-four (64) sq. ft	Ten (10) feet, except Twenty-four (24) feet for a hospital	12.5.4 G
<u>Ground *</u> Multi-Tenant Development Identification	12.5.4	One (1) per street front*	Sixty-four (64) sq. ft, plus six (6) sq ft for each tenant within the development up to one hundred (100) sq ft	Ten (10) feet	12.5.4 G
<u>Wall Signs*</u> Individual Business and Multi-tenant Developments	12.5.5	Three (3) per building wall.	Ten (10) percent of individual wall area up to an aggregate of sixty-four (64) sq ft per building wall*	No higher than the wall upon which the sign is mounted	N/A
<u>Canopy/ Awning Signs*</u> Individual Business and Multi-tenant Developments	12.5.1	One (1) per exterior customer entrance	Fifty (50) percent of canopy/awning area, up to a maximum of fifty (50) sq ft	N/A	N/A
<u>Projecting/ Suspended Signs*</u> Individual Business and Multi-tenant Developments	12.5.7	One (1) per exterior customer entrance	One (1) sq ft per linear foot of public street frontage, up to a maximum of sixteen (16) sq ft	N/A	N/A

* Refer to supplemental regulations for additional specifications

** Refer to Section 12.5.10 regarding “Master Sign Plans”, approvals of which may allow for deviations from the standards shown herein

*** Refer to Section 12.5.4 (F) for sign setback requirements

**TABLE 12.4-5
 DIMENSIONAL AND LOCATIONAL STANDARDS FOR SIGNS REQUIRING A
 PERMIT IN CBD ZONING DISTRICT**

SIGN TYPE	SUPPL. REG.	NUMBER OF SIGNS ALLOWED**	MAXIMUM SIGN AREA (sq. ft.)**	MAXIMUM SIGN HEIGHT **	SIGN LOCATION***
<u>Ground/Pole Signs*</u> Individual Business and Multi-Tenant Development Identification	12.5.4	One(1) per street front	Local Street (2-3 lanes): twenty-four (24) sq. ft. Other Street (4+ lanes): forty-eight (48) sq. ft	Six (6) feet	12.5.4G
<u>Wall Signs*</u> Individual Business and Multi-tenant Developments	12.5.5	Two (2) signs per premises for uses located on ground floor; one (1) sign per premises on uses located on upper floors	Ground floor uses- two (2) sq ft per linear foot of public street frontage up to an aggregate of fifty (50) sq ft per building wall. Signs may appear on no greater than two (2) wall faces. Upper story uses- Nine (9) sq ft.	No higher than the wall upon which the sign is mounted	N/A
<u>Canopy/ Awning Signs*</u> Individual Business and Multi-tenant Developments	12.5.1	One (1) per exterior customer entrance	Fifty (50) percent of canopy/awning area up to a maximum of twenty-four (24) sq ft	N/A	N/A
<u>Projecting/ Suspended Signs*</u> Individual Business and Multi-tenant Developments	12.5.7	One (1) per exterior customer entrance One (1) per exterior customer entrance	One (1) sq ft per linear foot of public street frontage up to a maximum of sixteen (16) sq ft	N/A	N/A

* Refer to supplemental regulations for additional specifications

** Refer to Section 12.5.10 regarding “Master Sign Plans”, approvals of which may allow for deviations from the standards shown herein

*** Refer to Section 12.5.4 (F) for sign setback requirements

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TABLE 12.4-6
DIMENSIONAL AND LOCATIONAL STANDARDS FOR SIGNS REQUIRING A PERMIT
NON-RESIDENTIAL USES IN THE GPX, NBS, C-1, C-2, C-3, I-1, I-2, I-3 and I-U ZONING DISTRICTS

SIGN TYPE	SUPPL. REG.	NUMBER OF SIGNS ALLOWED***	MAXIMUM SIGN AREA (sq. ft.)***	MAXIMUM SIGN HEIGHT ***	SIGN LOCATION
<u>Ground / Pole *</u> Individual Business (Pole signs only allowed where fronting roads with 4+ lanes)	12.5.4	One (1) per street front*	A. For all uses except certain industrial uses: Local Street (2-3 lanes): thirty-two (32) sq. ft. Other Street (4+ lanes): sixty-four (64) sq. ft. B. For industrial uses located in an Industrial zoning district, located on a lot adjacent to a 4-lane limited access divided highway = two hundred (200) sq.ft, provided that the sign is intended to be read from such divided highway.	A. For signs with an area of zero to thirty-two (0-32) sq ft = eight (8) ft. For signs with an area of greater than thirty-two (32) sq ft = fifteen (15) ft. on roads with four (4) or fewer lanes; eighteen (18) ft. on 6-lane roads B. Twenty (20) ft for signs advertising an industrial use and intended to be read from a 4-lane divided highway	Outside of street right-of-way and required sight triangle*
<u>Ground / Pole*</u> Multi-Tenant Development Identification	12.5.4	One (1) per street front*	A. For developments with a GFA of 0 - 19,999 sq. ft: Local Street (2-3 lanes): thirty-two (32) sq. ft. Other Street (4+ lanes): sixty-four (64) sq. ft. B. For developments with a GFA of 20,000 - 49,999 sq ft: Local Street (2-3 lanes): sixty-four (64) sq. ft. Other Street (4+ lanes): one hundred (100) sq. ft. C. For developments with a GFA of 50,000-199,999 sq. ft: one hundred (100) sq ft	A. For signs with an area of zero to thirty-two (0-32) sq ft = eight (8) ft. For signs with an area of greater than thirty-two (32) sq ft = fifteen (15) feet. B. Fifteen (15) feet C and D. Twenty-five (25) feet	Outside of street right-of-way and required sight triangle*
<u>Wall Signs*</u> Individual Business and Multi-tenant Developments	12.5.5	No limit	Ten (10) percent of individual wall area up to an aggregate of one hundred (100) sq. ft. per building wall*	No higher than the wall upon which the sign is mounted	N/A

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<u>Canopy/ Awning Signs*</u> Individual Business and Multi-tenant Developments	12.5.1	One (1) per exterior customer entrance	Fifty (50) percent of canopy/awning area	N/A	N/A
<u>Projecting/ Suspended Signs**/**</u> Individual Business and Multi-tenant Developments	12.5.7	One (1) per exterior customer entrance	One (1) square foot per one (1) linear foot of public street frontage	N/A	N/A

* Refer to supplemental regulations for additional specifications

** Refer to Section 12.5.9 for special regulations for permanent on-premise banners for automobile, truck, boat, manufactured home and recreational vehicle sales and rental facilities

*** Refer to Section 12.5.10 regarding “Master Sign Plans”, approvals of which may allow for deviations from the standards shown herein

SECTION 12.5 DESIGN AND CONSTRUCTION STANDARDS

Any sign shown herein (except canopy/awning signs per Section 12.5.1, projecting / suspended signs per Section 12.5.7, and sandwich board signs per Section 12.5.8) shall be placed outside of a street right-of-way or required sight distance triangle, unless specific authorization for such placement is granted herein and/or by the Administrator.

12.5.1 CANOPY / AWNING SIGNS

Awning signs shall be allowed provided that:

- A. Awning signs may be used in lieu of or in addition to any other wall sign.
- B. The total of all awning signage area, together with all other canopy or wall signage, shall not exceed the maximum allowable wall signage area for such use.
- C. Awning signs may be illuminated only with direct surface lighting and not with any form of backlighting.
- D. All canopy / awning signs attached to the underside of a canopy / awning shall maintain a clearance of at least eight (8) feet from the ground beneath it.
- E. A canopy or awning sign may not extend into a street right-of-way, except with prior approval from the Administrator.

12.5.2 DIRECTORY SIGNS

Directory signs shall be allowed where a particular site includes more than one (1) principal use and shall not be counted towards meeting the maximum allowable sign area for the site or development, provided that:

- A. Directory signs shall be allowed in multi-tenant developments provided that such signs are: (i) located at least fifty (50) feet from any external public street right-of-way, and (ii) placed at internal street intersections within the development.
- B. Such signs shall each have a maximum area of twenty-four (24) square feet and be no greater than six (6) feet in height.
- C. Such signs may contain business names or logos along with arrows and similar directional information.
- D. Such signs shall not contain any other commercial messages.

- E. In lieu of a ground-mounted directory sign, such sign may be placed on a building wall. If so placed, such sign shall not exceed ten (10) percent of the allowable wall signage for such use.

12.5.3 MENU BOARDS

Menu boards shall be allowed only with a restaurant having a drive-through window provided that:

- A. Such signs shall not exceed thirty-two (32) square feet in area and five (5) feet in height.
- B. Reserved
- C. The color of such sign shall have ties to the main building or other signage for the project.

12.5.4 GROUND / POLE SIGNS

(NOTE: Certain uses may exceed the sign area and height requirements shown herein using the “Master Sign Plan Flexibility Option Shown in Section 12.5.10).

Ground / pole signs shall be allowed provided that:

- A. A pole sign may only be installed if allowed in the underlying zoning district (refer to Table 12.4-1). There shall be no commercial copy or other advertising sign copy on the poles of the sign; if such copy is provided, it will be counted towards part of the allowable sign area. The changeable copy area shall constitute no greater than fifty (50) percent of the sign area face. Refer to Section 12.1.3(A)(1) for additional information on sign area computation. Otherwise, freestanding signs shall be limited to ground signs.
- B. For a single-occupant property, there shall be only one (1) ground mounted or pole sign per street frontage. Signage on a second street shall be allowed so long as there is at least one hundred fifty (150) feet of lot frontage on such street. In no case, however, shall there be any two (2) such signs on the same lot located within two-hundred (200) linear feet of each other.
- C. For a multi-tenant development, there shall be only one (1) ground mounted or pole sign plus one (1) additional ground mounted sign for each street that the development fronts, provided that the frontage on that street is at least one-hundred fifty (150) feet in length and that an actual entrance to the development is permitted on such street. In no case, however, shall any two (2) signs advertising the same development be located within two-hundred (200) linear feet of each other.

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- D. In no instance shall uses located in outparcels in shopping centers or similar multi-tenant developments be allowed to have a ground mounted or pole sign.
- E. On any parcel where two (2) or more ground mounted or pole signs may be placed, the property owner may choose to place only one (1) sign on the parcel. If only one (1) such sign is placed, the sign area for that sign (with the largest permitted area) may exceed that which is normally allowed by a factor of up to twenty-five percent (25%).

For example, if a use on a corner lot were allowed to have two (2) signs, one (1) with an allowable ground mounted sign area of sixty-four (64) square feet and the other, a pole sign of thirty-two (32) square feet, the property owner may elect to place one (1) sign on the property. That one (1) sign, if it were a pole sign, could be up to forty (40) square feet in area; if the one (1) sign were a ground mounted sign, it could be up to eighty (80) square feet in area.

- F. Any ground / pole sign erected shall be located no closer than ten (10) linear feet from any adjacent side lot line, or twenty (20) feet if that side lot line abuts a residentially developed or vacant lot in a Residential zoning district. A ground / pole sign shall be located no closer than thirty (30) feet from a pre-existing ground / pole sign on an adjacent lot.
- G. Any ground / pole sign shall be placed no closer than ten (10) feet from the edge of the adjoining street right-of-way. Notwithstanding the above, the Administrator shall have the authority to modify or waive this setback requirement when, in his opinion, such stringent requirement would serve no meaningful purpose or would not impede visibility for motorists or pedestrians on such street. Furthermore, the Administrator shall also have the authority to require a setback of up to twenty (20) feet from the adjoining street right-of-way line when such sign setback is deemed necessary to yield a reasonable amount of safety for both pedestrians and motorists on the adjoining street.
- H. Irrespective of the regulations shown above, the height of a free-standing pole sign for certain uses in the C-2 and C-3 districts shall be a minimum of fifty (50) feet and a maximum of eighty (80) feet and the area of such pole sign may be increased to two-hundred (200) feet under the following conditions:
 - 1. The lot is located within a one-thousand (1,000) foot linear radius of the centerline of a grade-separated intersection of a four-lane, divided, limited access highway.



2. The use being advertised is a restaurant (all varieties), automobile service station, motel, hotel, convenience store, hospital, urgent medical care facility or medical office.
3. Said sign may exceed the normal height and area requirements that otherwise would be allowed for this use if the sign is oriented so as to be viewed by motorists traveling on the four lane, divided, limited access highway.
4. If such a larger and/or higher pole sign is erected, a maximum of one (1) other on-premise freestanding sign may be erected on-site for the use in question. Said sign may only be a ground sign (as opposed to a pole sign) and shall have a maximum area of thirty-two (32) square feet.

12.5.5 WALL SIGNS

The following regulations shall apply to on-premise wall signs:

- A. Permitted wall signage for a use may be placed on walls that may or may not front a public street.
- B. Wall signs may not extend above the wall upon which the sign is mounted.
- C. Reserved

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- D. A retail store in the C-1, C-2 or C-3 zoning district and exceeding forty-thousand (40,000) square feet gross floor area may add a business name identification sign to its front building wall for any in-store adjunct business located within said retail store. Said adjunct business identification signage shall be allowed in addition to wall signage permitted pursuant to this section but no such adjunct business identification sign shall exceed twenty-five (25) square feet in area and no retail store shall display more than a total of seventy-five (75) square feet of adjunct business signage.

As used in this section, the term "in-store adjunct business" shall mean a small store or service located inside a larger retail store, but not associated by name or patron transaction with the main retail store.

Examples of such businesses include a financial institution, fast food restaurant chain, or "postal store and contract station" located in a separate area within a department store and operating under a different name. Leased specialty departments (e.g., shoes, jewelry) within a retail store, cosmetic counters with or without their own personnel, pharmacies, lunch counter, or eye care departments, either of which operate under the main store's name and/or conduct patron transactions through the main store transaction system are examples of store departments which shall not be deemed an in-store adjunct business.

Any such retail store housing inside said store an automatic teller machine (ATM) operated by a financial institution, but not associated with an adjunct business within the store, may display on the front wall an identification sign for said ATM. The ATM sign shall not exceed eight (8) square feet and shall be counted within the maximum seventy-five (75) square feet for adjunct business signs.

- E. Wall signs on designated historic buildings shall be placed within the sign frieze, or distinct place within which a wall sign was intended to be placed. No wall sign shall extend beyond such space. If there is no such sign frieze, the wall sign shall be placed below the typical second floor window area.
- F. If no on-premise ground mounted or pole signs are used where otherwise a ground mounted or pole sign would be allowed per Table 12.4-1 and Section 12.5.4, the aggregate allowable wall sign area may be increased by a factor of twenty-five (25) percent.
- G. Signs attached to a mansard portion of a roof shall be considered to be a wall sign.

12.5.6 TEMPORARY USE / GRAND OPENING SIGNS

Signs for temporary uses and “grand openings”, permitted under Section 5.4, shall be allowed provided that:

- A. Such signs shall be located only on private property.
- B. Sign permits shall be limited to the duration of the temporary use as stated on the temporary use permit.
- C. Reserved
- D. Except as may be permitted by the temporary use permit, temporary use signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed thirty-two (32) square feet in surface area.
- E. Where a temporary use permit specifically authorizes the use of a temporary ground sign, such sign shall not exceed six (6) feet in height and sixteen (16) square feet in area.
- F. There shall be only one (1) temporary ground sign, plus one (1) additional ground sign for street frontage on a second public street, provided that the frontage on that street is at least one-hundred fifty (150) feet in length and that an actual entrance to the site is permitted on such street. A minimum distance of two-hundred (200) linear feet shall separate such two (2) signs.
- G. Sign permits for new business “grand openings” shall be issued only upon the initial opening of a business for a period that shall end not later than sixty (60) days after issuance of the first business license for that business in that location or from the issuance of a Certificate of Occupancy for that location.

12.5.7 PROJECTING / SUSPENDED SIGNS

- A. A projecting or suspended sign shall not project more than five (5) feet from the wall.
- B. The bottom of the projecting or suspended sign shall be at least eight (8) feet above the ground immediately below it.
- C. In no case may a projecting or suspended sign extend more than three (3) feet into the street right-of-way, unless otherwise approved by the Administrator.
- D. The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects.

12.5.8 SANDWICH BOARD SIGNS

Sandwich board signs shall be allowed provide the following requirements are met:

- A. The total area of the signboard shall not exceed ten (10) square feet per side. Such signs shall not be used in calculating maximum allowed square footage for the use.
- B. The sign shall have a maximum height of five (5) feet and a maximum width of two (2) feet.
- C. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood and similar unfinished surfaces shall not be used for such signs.
- D. Signs may be placed in a sidewalk or within a street right-of-way (but outside a vehicular travel way) but such signs shall not interfere with pedestrian or vehicular movement and circulation.
- E. Signs shall be removed by the end of the business day.

12.5.9 ON-PREMISE BANNERS FOR AUTOMOBILE, BOAT, MANUFACTURED HOME ETC. SALES USES (PERMANENT)

Special sign requirements regarding the provision of permanent on-site banners shall prevail for automobile, truck, boat, motorcycle, manufactured home and recreational vehicle sales and rental facilities. Such banners may be allowed under the following conditions:

- A. The banners may consist of any color, design, copy or logo;
- B. The banners shall be placed in a manner that does not obstruct or impair motorists' vision, particularly at ingress and egress points;
- C. The banners shall be affixed, connected to three (3) or more corners, and shall be no more than sixteen (16) square feet in area;
- D. The banners may consist of cloth, fiberglass, vinyl, or any non-rigid material. Banners shall not consist of any reflective and / or shiny-related material;

- E. The banners may have up to two (2) flags for the first one-hundred (100) feet of street frontage, plus a maximum of one (1) flag for each additional fifty (50) feet of frontage along a thoroughfare, plus up to one (1) flag for every fifteen-thousand (15,000) square feet of outdoor display area;
- F. The banners shall not have an on-site flag within fifty (50) feet of another flag; and,
- G. All banners and flags shall be located outside all rights-of-way.

12.5.10 MASTER SIGN PLAN FLEXIBILITY OPTION

A. PURPOSE

For the purpose of providing flexibility and incentives for coordinated signage design for certain planned multi-tenant developments, recreation uses, and for other uses that, by their nature, draw persons from beyond the greater McAdenville area, provisions are hereby made to allow the Administrator to approve certain flexibility options in the amount and size of signs such uses may ordinarily have.

B. APPLICABILITY

The planned development flexibility option is available to the following uses:

1. Planned unit developments and traditional neighborhood developments;
2. Office parks, shopping centers, and industrial parks and similar multi-tenant developments with two-hundred thousand (200,000) sq. ft. or greater of gross leasable area;
3. Continuing care facilities;
4. Stadiums; amusement parks; amphitheaters; auditoriums, and similar large-scale civic or recreational facilities.
5. Indoor movie theaters.

C. APPROVAL PROCEDURE

1. If the use being proposed requires the issuance of a special use permit or is in association with a conditional rezoning, the

Administrator may recommend to the Board of Adjustment, Planning Board, or Town Council that the sign flexibility option be applied as proposed by the applicant or as otherwise recommended by the Administrator.

2. The Administrator may otherwise administratively approve the signage flexibility option. In making such approval, the Administrator shall have the authority to attach fair and reasonable conditions to the approval, upon making a determination that such conditions: (i) enhance the public safety and welfare; and (ii) are otherwise in keeping with the sign package being proposed.

D. SUBMITTAL AND REVIEW PROCESS

1. A master sign program shall be submitted to the Administrator. This shall include, as a minimum, the following information:
 - a. All information required for issuance of a sign permit per Section 5.7 of this Ordinance;
 - b. Detailed designs of all proposed exterior signs including their size, height, copy, materials, and color;
 - c. Proposed locations and number of signs;
 - d. Sign illumination plans; and
 - e. Landscaping plans to be used in conjunction with the signs.
2. The Administrator shall have a maximum of twenty-one (21) days to review the sign program submitted and by the end of such period shall either: (i) approve the sign package as submitted; (ii) approve the sign package with modifications; (iii) disapprove the sign package, or (iv) make a recommendation to the CUP, PCUP or CD zoning review and approval bodies when the use being proposed requires the issuance of a CUP, PCUP or is subject to CD rezoning.

E. SIGN SPECIFICATIONS

1. All signs must be coordinated in terms of design features.
2. All on-premise freestanding signs in association with the use shall be ground mounted sign, except pole signs shall be allowed if permitted in the underlying zoning district (refer to Table 12.4-1). Up to three (3) such signs per street front shall be allowed. The maximum height of the sign shall be fifteen (15) feet.

3. The maximum area of any sign, or the aggregate amount of sign area, may be increased by up to twenty-five (25) percent above that which normally is allowed in the underlying zoning district.
4. The amount of changeable copy on any sign may not exceed fifty (50) percent of the sign area. All changeable copy shall be static (i.e., LED signs shall not be allowed. Segment technology signs, however, shall be allowed.)
5. All freestanding signs shall be located at least ten (10) feet from the edge of any abutting street right-of-way line or property line.

SECTION 12.6 SIGN LIGHTING STANDARDS

- A. No sign for which a sign permit is required (other than ground mounted signs) located within one-hundred (100) linear feet of a pre-existing residential structure or a Residential zoning district may be illuminated between the hours of 12:00 midnight and 6:00 AM. A residence shall be deemed to be pre-existing for purposes of this subsection if a building permit had been issued for construction prior to the issuance of a sign permit for that sign. Any residential structure constructed prior to the effective date of this subsection shall also be considered to be “pre-existing”.
- B. All externally illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- C. LED signs with electronically scrolled messages shall be allowed under the following conditions:
 1. Each scrolled message shall remain static for a minimum period of eight (8) seconds;
 2. There shall be a transition time period of no greater than two (2.0) seconds between sign messages;
 3. The scrolled message area shall constitute no greater than fifty (50) percent of the sign area face.

SECTION 12.7 SIGNS IN THE PUBLIC RIGHT-OF-WAY

- A. No signs shall be allowed in the public right-of-way, except for the following:

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1. Government signs;
 2. Bus stop signs erected by a public transit company;
 3. Informational signs of a public utility regarding its poles, lines, pipes or other facilities;
 4. Signs appurtenant to a use of public property permitted under a franchise or lease with the Town;
 5. Canopy / Awning signs per Section 12.5.1;
 6. Projecting / suspended signs per Section 12.5.7;
 7. Ground signs with the name of the residential or non-residential subdivision or multi-family development shall comply with Section 12.2(M) and may be located on one (1) or both sides of the principal roadway entrance into the development or the roadway median under the following guidelines:
 - a. The sign shall be a ground sign and not exceed thirty-two (32) square feet in area.
 - b. The sign shall have a maximum height of four (4) feet.
 - c. The sign shall not contain a commercial message.
 - d. If located within the public street right-of-way, specific approval for such location must be granted by the Town and NCDOT.
- B. Unless otherwise specifically allowed per this Chapter, all other signs placed in the street right-of-way shall be prohibited and shall be subject to removal per Section 12.3(C).

SECTION 12.8 NONCONFORMING SIGNS

Refer to Section 3.5.10 for regulations dealing with nonconforming signs.

SECTION 12.9 SIGN MAINTENANCE

All signs and all components thereof, including supports, braces, anchors, etc. shall be kept in a good state of repair, in compliance with all building and electrical codes and in conformance with the requirements of this Ordinance.

SECTION 12.10 OUTDOOR ADVERTISING SIGNS
("Billboards" or " Off-premise Advertising Signs.")

Outdoor advertising signs are allowed in the I-2 and I-3 zoning districts if issued a Special Use Permit and provided the following requirements are met:

- A. Permitted Location: Outdoor Advertising Signs may be located within one hundred fifty (150) feet of the right-of-way of Interstate 85.
- B. Maximum Size: The maximum sign face area shall be three hundred eighty-two (382) square feet. In addition, the total sign area may be increased by fifty (50) square feet for extensions ("cut-outs" or "embellishments") in the display area. The area of extension shall be determined by the actual face area of the extensions. The total of all extensions on any sign shall not exceed fifty (50) square feet. No extensions shall extend into required height limits as set forth in this Ordinance. In no case shall the total area of any Outdoor Advertising Sign exceed four hundred thirty-two (432) square feet.
- C. Maximum Height: The maximum height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of Interstate 85, shall not exceed fifty (50) feet.
- D. Permitted Illumination:
 - 1. Outdoor Advertising Signs may be lighted internally or externally.
 - 2. Outdoor Advertising Signs which contain, include, or are illuminated by any flashing or intermittent lights or moving parts or discs are prohibited.
 - 3. Outdoor Advertising Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the road or on any residential dwellings and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
 - 4. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device or signal.
- E. Permitted Spacing: Permitted spacing of Advertising Signs shall be as follows:
 - 1. No two Outdoor Advertising Signs on the same side of the roadway shall be located less than five hundred (500) feet apart.
 - 2. The distance between signs shall be measured along the nearest edge of pavement of Interstate 85 and between points directly opposite the signs along each side of the highway.

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- F. Two Sides: The maximum size limitation contained in Section 12.10 B shall apply to each side of a sign structure; the signs may be placed back to back, side by side; or in a Vtype construction with not more than two (2) displays to each facing, and such sign structure shall be considered as one Outdoor Advertising Sign.
- G. V Signs. V-type and back-to-back signs shall not be considered as one Outdoor Advertising Sign if located more than fifteen (15) feet apart at their nearest points.
- H. Automatic Changeable Facing Sign Automatic changeable facing signs on Outdoor Advertising Signs shall be permitted subject to the requirements of Section 12.10 of this Ordinance and the following:
 - 1. The Outdoor Advertising Sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising; and
 - 2. The changeable facing remains in a fixed position for at least eight (8) seconds; and
 - 3. If a message is changed electronically, it must be accomplished within an interval of two (2) seconds or less; and
 - 4. The Outdoor Advertising Sign with automatic changeable facing is not placed within one thousand (1,000) feet of another automatic changeable facing outdoor Advertising Sign on the same side of the highway; and
 - 5. The 1000-foot distance shall be measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway; and
 - 6. The Outdoor Advertising Sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
 - 7. The sign application meets all other permitting requirements of Section 12.10 of this Zoning Ordinance.
- I. Other conditions as added by the Special Use process.

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SECTION 13.1 JURISDICTION

- A. The subdivision design and improvement standards of this Chapter apply to all subdivisions of land within the Planning and Zoning jurisdiction of the McAdenville Unified Development Ordinance.

- B. In cases where fifty-one (51) percent or greater of a proposed subdivision lies within McAdenville; where the abutting municipality/Gaston County's subdivision standards meet or exceed the standards set forth in this ordinance; and at the request of the developer, the Planning Board may relinquish the jurisdiction control of the ordinance to the municipal government for the review and approval of the development under the standards of the other municipal or County ordinance.

SECTION 13.2 ACTIVITIES THAT CONSTITUTE A SUBDIVISION

- A. For purposes of this Ordinance, "subdivision" means all division of a tract or parcel of land into two (2) or more lots, building sites, or the divisions when any one (1) or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following activities do not constitute a subdivision and are expressly exempt from the design and improvement standards of this Chapter:
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 of McAdenville as shown in this Ordinance;
 2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 3. The public acquisition by purchase of strips of land for the express purpose of widening or opening of streets;
 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 Town as required by this ordinance.
- B. However, all exempt subdivisions shall be approved via issuance of the following Exemption Certificate by the Administrator prior to the recording of same with Gaston County.

Exemption Certificate

I hereby certify that this subdivision of land is exempt in accordance with Chapter 13.2A(1,2,3,4) of the McAdenville Unified Development Ordinance, and may be recorded with the Gaston County Register of Deeds Office.

Administrator

Date

SECTION 13.3 LIST OF SUBDIVISIONS REQUIRED

A list of all subdivisions approved under this Ordinance shall be kept on file in the Administrator's office.

SECTION 13.4 ACCURACY OF SURVEYS AND MAPS

Standards of accuracy as prescribed in G.S. 47-30, mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina Chapter 89C, as amended and the requirements of the Gaston County Register of Deeds shall apply to all surveys and maps.

SECTION 13.5 APPROVAL OF PLATS REQUIRED

- A. No person, firm or corporation shall transfer or sell any real property located within the planning jurisdiction of the Town by reference to a plat showing a subdivision of such realty until such plat has been approved in accordance with this Ordinance and recorded in the office of the Gaston County Register of Deeds office. No subdivision plat shall be considered or approved unless the procedures prescribed by this Ordinance have been complied with.
- B. However, the provisions of this Ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved or recorded with the Register of Deeds, provided the contract does all of the following:
 - 1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 - 2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five (5) days after the delivery of a copy of the final recorded plat.
 4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.
- C. The provisions of this Ordinance shall not prohibit any owner or their agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved or recorded with the Gaston County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the Gaston County Register of Deeds.
- D. No building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision has been approved in a manner as prescribed by this Ordinance and recorded at the Gaston County Register of Deeds Office.

SECTION 13.6 APPEALS

The applicant may appeal any decision of the Planning Board made in regard to this Chapter to the McAdenville Council in writing within a thirty (30) day period following the date of said decision. If a written appeal is not made within said thirty (30) day period, the matter shall be deemed to be closed and the decision of the Planning Board shall stand.

Any decision of this chapter by the Administrator may be appealed to the Planning Board in accordance with Section 5.13 procedures of this Ordinance.

SECTION 13.7 VARIANCES TO THIS CHAPTER

- A. Notwithstanding other variances of this Ordinance that are specifically allowed elsewhere in this Ordinance, the Planning Board shall have the authority to grant variances to this Chapter as it applies to the subdivision requirements on a case-by case basis after having first held an evidentiary hearing and having found in the affirmative each of the following findings:
1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the subdivider of the reasonable use of his land.
 2. The modification is necessary for the preservation of a substantial property right of the petitioner.
 3. The circumstances giving rise to the need for the modification are peculiar to the subdivision and are not generally characteristic of other subdivisions.
 4. The granting of the modification will not be detrimental to the public's health, safety, and welfare or injurious to other properties in close proximity to the subdivision site.
- B. Said evidentiary hearing shall be held in a quasi-judicial manner. Notice of said evidentiary hearing shall be provided in the following manner:
1. Notice shall be sent by the Town by first class mail to the applicant and to owners of all contiguous pieces of property at least ten (10) days prior to the evidentiary hearing. The notice shall indicate the nature of the evidentiary hearing and the date, time, and place where it is to occur.
 2. Notice shall also be posted by the Town in a conspicuous location at the McAdenville Town Hall Building at least ten (10) days prior to the evidentiary hearing. Said notice shall indicate the nature of the evidentiary hearing and the date, time, case number and place where it is to occur.
 3. A sign shall also be posted by the Town in a conspicuous location on the subject property at least ten (10) days prior to the evidentiary hearing. Said notice shall indicate the date and time, case number and contact phone number.
- C. Notwithstanding the above (Section 13.7A, B), a variance of this Chapter where a different body approves a development that will require a subdivision of land to occur (e.g., TND, PRD, etc.), and that approval body specifically has the authority to waive or modify regulations

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contained herein, such body shall have the authority to make such variance.

SECTION 13.8 APPROVAL PROCEDURES FOR A MINOR SUBDIVISION

Preliminary and final plat approval shall be required for all Minor Subdivisions. A pre-design meeting shall be recommended between the applicant and the Administrator in order that questions may be answered and that the subdivider may gain a better understanding of the requirements of this Ordinance and any other applicable requirements.

- A. No more than one (1) minor subdivision from the same parent tract.
- B. The Administrator or his designee shall have the authority to approve or disapprove minor subdivision final plats in accordance with the provisions of this section.
- C. A summary of subdivision approval procedures is found in Table 13.8-1.

Table 13.8-1 Subdivision Approval Procedures

	Description	Pre-Design Conference	Preliminary Plat	Final Plat
Minor	(1) no new streets (public or private) are proposed; and (2) where no more than five (5) lots will result after the subdivision is completed; and (3) where no extension of any sewer or water system is required.	Recommended	Administrative Review	Administrative Review
Major	(1) new streets (public or private) are proposed; or (2) where more than five (5) lots will result after the subdivision is completed; or (3) where extension of any sewer or water system is required.	Required on subdivisions consisting of more than 50 lots	Planning Board Recommend, McAdenville Council Approval	Administrative Review

13.8.1 PRE-DESIGN CONFERENCE FOR MINOR SUBDIVISIONS

A pre-design conference is highly recommended to assist in the application of the provisions of this Unified Development Ordinance.

13.8.2 PRELIMINARY PLANS FOR MINOR SUBDIVISIONS

- A. The owner or subdivider seeking preliminary plat approval shall submit the application, review fee and required paper copies of the plat to the Administrator. The plat shall contain all information listed in Section 13.11.
- B. The Administrator shall have up to twenty-one (21) working days from the date of its first consideration of the plat to review the plat and make comment concerning conformity with this and other applicable Town of McAdenville ordinances and regulations.
- C. Preliminary plat approval will be valid for two (2) years and shall authorize the start of construction or installation of utilities, and other improvements approved as part of the preliminary plat. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or other improvements, the plat will remain valid and in force.

If no work in furtherance of the plan except grading on the site has commenced within this two-year period, the preliminary plat approval will become null and void and a new application will be required to develop the site.

13.8.3 FINAL PLAT FOR MINOR SUBDIVISIONS

- A. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Gaston County Register of Deeds.
- B. The required number of copies of the final plat shall be submitted to the Administrator with two (2) of these copies being on reproducible mylar. Said copies shall be considered complete if they contain all of the information as indicated in Section 13.11 of this Ordinance.
- C. Submission of the final plat shall be accompanied by the appropriate filing fee. The filing fee and the required number of final plats must be submitted to the Administrator prior to review of the plat taking place.
- D. The Administrator shall endeavor to review the plat in an expeditious manner and will notify the applicant in writing if a decision on the plat

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cannot be rendered within twenty-one (21) working days from the date of submittal.

- E. Reserved
- F. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- G. Reserved
- H. If the final the plat is approved, the subdivider shall furnish the Administrator with a copy of the approved subdivision in a digital manner on media suitable for use by the Town.
- I. The Town shall issue no zoning permits on the lots shown on the preliminary plat until the final plat has been recorded.

SECTION 13.9 REVIEW PROCEDURES FOR MAJOR SUBDIVISIONS

- A. Preliminary and final plat approval shall be required for all Major Subdivisions. A pre-design meeting shall be required between the applicant and the Administrator in order that questions may be answered and that the subdivider may gain a better understanding of the requirements of this Ordinance and any other applicable requirements.

NOTE: No more than one (1) Major subdivision from the same parent tract

- B. Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

13.9.1 PRE-DESIGN CONFERENCE FOR ALL MAJOR SUBDIVISIONS

A pre-design conference is required to assist in the application of the provisions of this Unified Development Ordinance. This must be held a minimum thirty (30) days prior to submittal. Submission of plans cannot be accepted until this requirement is met.

13.9.2 RESERVED

13.9.3 APPROVAL OF PRELIMINARY PLAT FOR MAJOR SUBDIVISION

- A. The owner or subdivider seeking preliminary plat approval shall submit the application and all required paper copies of the plat to the Administrator at least fourteen (14) working days prior to the next regularly scheduled Planning Board meeting. The plat shall contain all information listed in Section 13.11.
- B. The Planning Board shall review the plat and make comment concerning conformity with this and other applicable Town of McAdenville ordinances and regulations at the time of their scheduled meeting.
- C. Upon recommendation from the TRC, the Planning Board shall consider the subdivision plat so long as the TRC decision is rendered no less than ten (10) days prior to the Planning Board meeting at which the plat is to be considered. The Planning Board shall have the authority to: (i) recommend approval of the preliminary plat, or (ii) conditionally recommend approval the preliminary plat with needed changes to bring the preliminary plat into compliance with this Ordinance, or (iii) recommend disapproval of the preliminary plat. After receiving a recommendation from the Planning Board the Town Council shall have the authority to: (i) approve the preliminary plat, or (ii) conditionally approve the preliminary plat with needed changes to bring the preliminary plat into compliance with this Ordinance, or (iii) disapprove the preliminary plat.
- D. Unless a site specific development plan for a period of more than two (2) years has been approved per Section 5.10, preliminary plat approval will be valid for two (2) years and shall authorize the start of construction or installation of roads, utilities, and other improvements approved as part of the preliminary plat. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or street improvements except grading, the plat will remain valid and in force.

If no work in furtherance of the plan except grading on the site has commenced within this two (2) year period, the preliminary plat approval will become null and void and a new application will be required to develop the site.

13.9.4 APPROVAL PROCEDURES OF THE FINAL RECORDING PLAT FOR A MAJOR SUBDIVISION.

- A. Upon approval of the preliminary plat by the McAdenville Council, the subdivider may proceed with the preparation of the final plat, and the installation of, or arrangement for, required improvements in accordance with the approved preliminary plat and the requirements of this Chapter. Prior to approval of a final plat, the subdivider shall have

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installed the improvements specified in this Chapter or guaranteed their installation as provided herein. No such final plat will be approved by the Administrator unless it is in compliance with the improvement and guarantee standards of this Chapter. The final plat shall constitute only that portion of the preliminary plat that the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this Chapter. No application shall be considered complete unless it contains all such information required by Section 13.11.

- B. Reserved
- C. The Town of McAdenville shall issue no zoning permits on the lots shown on the preliminary plat until the plat has been recorded.

SECTION 13.10 GUARANTEES

13.10-1 Types of Guarantees

Guarantee Type	Purpose	Amount	Section
Performance	Provided in lieu of the completion, installation and dedication of improvements shown on the preliminary plat for the recording of the final plat.	One hundred-twenty-five (125) percent of the cost of installing all required improvements.	13.10.1
Pre-Acceptance Maintenance	To guarantee that such streets will be properly maintained until the offer of dedication is accepted	Twenty-five (25) percent of the cost of the roadway installation (not including utilities).	13.10.2

13.10.1 PERFORMANCE GUARANTEE

In lieu of requiring the completion, installation and dedication of all improvements shown on the approved preliminary plat prior to approval of the final recorded plat, the Town may enter into an agreement with the subdivider whereby the subdivider shall agree to provide an improvement guarantee or security to complete all required improvements, as outlined in G.S. Chapter 160D-804.1. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved, as outlined in Section 13.9.3, if all other requirements of this Ordinance are met. To secure this

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agreement, the subdivider shall provide to the Town either one (1) or a combination of the following guarantees. The subdivider shall choose the type of guarantee. The amount of such guarantee shall be equal to one hundred-fifty (150) percent the cost of installing all required improvements, as proposed by the subdivider and verified by the Town. All approved security guarantees shall be made payable to the Town.

A. GUARANTEE SUBMITTAL REQUIREMENTS.

As determined by the Town based on two (2) contractor's estimates or one (1) engineer's estimate and one (1) contractor's estimate.

The estimate shall be valid through the life of the guarantee.

B. SURETY PERFORMANCE BOND.

The subdivider shall obtain one (1) or more performance bonds from a surety bonding company authorized to do business in North Carolina. Any expenses associated with cost verifications incurred by the Town shall be borne entirely by the subdivider.

C. CASH OR EQUIVALENT SECURITY.

The subdivider shall deposit cash, an irrevocable letter of credit, or other cash instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository within the County. If cash or other instrument is deposited in escrow as herein provided, the subdivider shall then file with the Town an agreement between said financial institution and himself guaranteeing that said escrow account shall be in trust until released by the Town and may not be used or pledged by the subdivider in any other matter during the terms of the escrow.

D. DEFAULT.

That in case of a failure on the part of the subdivider to complete said improvements thirty (30) days prior to the expiration of the guarantee, or after twenty-five (25) percent of the lots are sold, whichever occurs sooner, the financial institution shall be notified of such action by the Town. The Town may take necessary action to foreclose the security interest / guarantee / bond and to install said improvements. The financial institution shall then immediately pay to the Town the requisite funds needed to complete the improvements, up to the full balance of the guarantee, or deliver to the Town any other instruments fully endorsed or otherwise

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made payable in full to the Town. Any expenses associated with cost verifications incurred by the Town shall be borne entirely by the subdivider.

E. RELEASE.

The Administrator may authorize the release of a portion of any guarantee posted as the improvements are completed and approved by the Town. Said guarantees may be returnable in four (4) phases to the subdivider or other appropriate parties upon completion of twenty-five (25) percent, fifty (50) percent, seventy-five (75) percent, and one hundred (100) percent of the necessary improvements. Completion of said phases shall be determined solely of Planning Department. Such funds shall then be released within thirty (30) days after the corresponding improvements have been so approved. Provided however, the balance remaining as guarantee shall continue to equal one hundred twenty-five (125) percent of the estimated cost of the remaining improvements, as verified by the Town.

Whenever a surety bond or letter of credit has been submitted, the Administrator shall notify the subdivider at least ninety (90) days prior to the time said guarantee is set to expire. If the subdivider does not extend or replace said guarantee within sixty (60) days of said notification, the Administrator shall, through the Town of McAdenville Attorney's Office, and after notifying the Town of McAdenville Clerk's Office, begin proceedings for calling upon the guarantee. Any extension or replacement shall be in the same amount as the guarantee being extended or replaced.

Upon completion of all the improvements required herein, written notice shall be given by the developer to the Administrator. The Town shall inspect said improvements within thirty (30) days and either recommend the release of the security given to the Town or indicate to the developer any area of non-compliance.

13.10.2 PRE-ACCEPTANCE MAINTENANCE GUARANTEES

The owner of any development containing streets shall post a performance bond or other sufficient surety to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or the Home Owners Association. The amount of the guarantee shall be twenty-five (25) percent of the cost of roadway installation (not including utilities). The owner shall provide information sufficient for the Administrator to determine the actual cost of improvements. If the guarantee described herein is not provided, the Town of McAdenville shall not allow the recording of the plat containing the said roads.

**SECTION 13.11 SUBMITTAL REQUIREMENTS FOR PRELIMINARY
AND FINAL PLAT**

- A. The Administrator may waive one (1) or more application submittal requirements shown in Sections 13.11D and 13.11E below, if he or she determines that such information is unnecessary in the particular case to determine compliance with applicable regulations.
- B. The final plat shall meet all applicable requirements for recording set forth in the North Carolina General Statutes.
- C. The following certificates (if applicable) must be shown on the final plat:

1. **Surveyor's certificate per NCGS 47-30.**
(or as approved by the State of North Carolina)

- a. I, _____ hereby, certify that under my direction and supervision this map was drawn from actual field survey; that the Error of Closure is calculated by latitudes and departures in conformance with the laws of the State of North Carolina; that the boundaries not surveyed are shown as broken lines; that plotted information is recorded in Book_____, Page_____; that this map was in accordance with N.C.G.S. 47-30 as amended.

WITNESS my hand and Seal this _____ day of _____, 20____.

_____ Registration Number

_____ Signature: Land Surveyor

AND

- b. Appropriate N.C.G.S. 47-30f11 Certificate

2. **Approval for Recording**

I, _____ hereby, certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for McAdenville, North Carolina, and is approved for recording in the Office of the County Register of Deeds.

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Date McAdenville Administrator

3. Approval and Acceptance of Dedication

I, _____ hereby, certify that the Town of McAdenville approved this plat or map and accepted the dedication of the street, easement, rights-of-way, and public parks shown thereon, if any, but assumes no responsibility to open or maintain the same until, in the opinion of the governing body of McAdenville, it is in the public interest to do so. The Town of McAdenville has no authority, under the laws of the State of North Carolina to maintain streets.

Date McAdenville Administrator

4. Owner:

a. Individual Owner

Know all men by these presents, that I hereby certify that I am the owner of the property shown hereon, and that I hereby acknowledge this plat and allotment to be my free act and deed.

Date Owner

b. Corporate Owner

Know all men by these presents that _____ certifies that he is the President or Vice President of _____ and that this corporation as the owner of the property so indicated hereon, and that it does hereby dedicated to public use as streets, alleys, walks, parks, playgrounds, open spaces, and easements forever for all areas as shown or indicated on said plat.

This, The _____ Day of _____, Year _____

(name of corporation)
(affix corporate seal)

(President or Vice President)

Attest

(Ass't) Secretary, (Asst.) Cashier

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NORTH CAROLINA TOWN OF MCADENVILLE
GASTON COUNTY

This day_____personally came before me who being
by me duly sworn, says that he is the (Vice) President of
_____, and that the foregoing instrument in
writing is the corporate seal of the company and that said
writing was signed and sealed by him on behalf of the
corporation. By its authority duly given, and he
acknowledged the said writing to be the act and deed of the
corporation.

Witness My hand and Notarial Seal, The____Day of
____Year_____.

Notary Public

My Commission Expires: _____

5. Approval of Water Shed

- a. I certify that the plat shown hereon complies with the
Watershed Protection Regulations and is approved by the
Watershed Administrator for recording in the Gaston County
Register of Deeds office.

Date

Watershed Administrator

Notice: This property is located within a Public Water Supply
Watershed development restrictions may apply.

AND

- b1. This Plat is not located in a designated Surface Water
Supply Watershed Area of Gaston County or the
municipalities for which Gaston County administers
Watershed Regulations.

Date

Surveyor

OR

- b2. This Plat is located in whole or in part of a designated
Surface Water Supply Watershed Area of Gaston County or
the municipalities for which Gaston County administers
Watershed Regulations. This area is defined as the
_____(WS class & type)_____ and named as
_____(WS name)_____ and this area is

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accurately depicted.

Date Surveyor

6. Approval of Flood Plain

- a. I hereby certify that the plat shown hereon has been found to be in compliance with the Flood Damage Prevention Requirements of Gaston County and / or Variances as granted for this subdivision.

Date Gaston County Floodplain Administrator

AND

- b. I hereby certify that the plat shown hereon or a portion of it is / is not located in a Special Flood Hazard Area and that these areas have been accurately depicted. This area is further shown on FEMA Flood Insurance Rate Map (FIRM) Panel # _____ dated as of _____.

Date Surveyor

7. NCDOT

DEPARTMENT OF TRANSPORTATION, DIVISION OF
HIGHWAYS

Proposed Subdivision Road Construction Standards Certification

APPROVED _____
District Engineer Date

8. Review Officer

Review Officer Certificate

State of North Carolina County of Gaston

I, _____, Review Officer of Gaston County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date

9. Register of Deeds

Filed for registration on _____ day of _____ A.D.,
20_____ at _____ o'clock _____ M., and Registered in the office of
Register of Deeds, Gaston County, N.C.

In Book _____ Page _____

By: _____

Assistant Register of Deeds

NORTH CAROLINA
GASTON COUNTY

I, _____, Register of Deeds, in and for the aforesaid
county and state hereby certify this to be a true copy of document
which is recorded in Book _____, Page _____

WITNESS my hand and seal of office this ____ day of _____,
20_____.

Register of Deeds

By: _____

Assistant/Deputy

10. Stormwater Compliance

I, hereby certify that Stormwater Pollution Prevention Plans for this
subdivision have been submitted, reviewed and found to be in
compliance with the Stormwater Ordinance of Gaston County and /
or variance(s) as granted for this subdivision.

Date

Gaston Natural Resources Stormwater Administrator

- D. The following procedures and requirements must be followed to get
preliminary plat approval:

1. Scale:

The preliminary plat shall be placed on a standard sheet size
measuring a maximum of twenty-four (24) inches by thirty-six (36)
inches, at a scale of not smaller than one (1) inch to one hundred
(100) feet. In addition, all units of measurement shall be the same

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throughout the plat. (i.e. All meters or all feet.) Any preliminary plat having to be submitted on two (2) or more sheets, shall include a reduced version of the entire subdivision in the form of a composite drawing.

2. Requirements Before Preliminary Plan is Submitted:

In order to obtain a review of the lots in a proposed subdivision, the developer shall have the lot corners and road centerline as indicated on the preliminary plan, marked and identified on the ground in such a manner that the proposed lots can be clearly identified.

3. Content:

a. The Title Block

Shall show the words "Preliminary Plat" and shall include the subdivision name, township, phase, date, scale, and the name(s), and address(es) of the owner(s) and the designer(s) of the plan and his/her title. The title block shall be located on the bottom right corner of the plat. If the plan is part of a previously recorded subdivision, the old name, date and recording reference of the prior plat shall be stated.

b. Existing Data

The location of existing and platted property lines, streets, buildings, natural and man-made water courses, railroads, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, McAdenville and County lines (if adjoining), drainage easements and any public utility easements, cut and fill areas on lots.

c. Bearings and Distances

Boundaries of tracts with bearings and distances, certified by a land surveyor licensed in the State of North Carolina.

d. Natural Features

Wooded areas, marshes, soil conditions, if available, and other conditions affecting the site.

e. Screening and/or Buffering

If any type of fence, brick wall, or earthen berm is being proposed to screen the proposed development, its location shall be shown and a typical section detailed on the preliminary plat.

f. Adjoining Property Owners

Names of adjoining property owners or subdivisions.

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- g. Street Profile Sheets
Proposed streets, rights-of-way, roadway widths, and plan profiles of streets. Planned profile sheets shall be drawn on twenty-four (24) inch by thirty-six (36) inch sheets, with a scale of one (1) inch equaling forty (40) feet horizontally and one (1) inch equaling four (4) feet vertically.
- h. Sewer/Water Layout
The plans for proposed sewer and water utility layouts, showing connections to existing systems or plans for water supplies, sewage disposal systems and storm drainage. If the subdivider plans to connect the utility system to public water and/or sewer utility system, such layout shall be accompanied by a letter from the public agency stating that they will accept the system for ownership or maintenance.
- i. Rights-of-Way
Other proposed rights-of-way or easements including location, width and purpose.
- j. Lot Information
Proposed lot lines, lot and block numbers, and approximate dimensions and square footage of each lot.
- k. Curve Data
All curve data shall be shown as chords, bearing, distances, and radius for each property line.
- l. Zoning
Existing zoning and zoning district boundaries on the tract and on adjoining properties.
- m. North Point and Graphic Scale
- n. Site data:
 - (i) Acreage in total tract; and in this phase (if applicable)
 - (ii) Acreage in parks, if applicable
 - (iii) Total number of lots; and in this phase (if applicable)
 - (iv) Lineal feet in streets
- o. Location / Vicinity Map
A key map and/or vicinity sketch at a scale of one (1) inch equal two thousand (2,000) feet showing relationship between subdivision and surrounding area, and to all streets

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or roads existing within one thousand (1,000) feet of any part of the property to be subdivided.

- p. Topography
Existing topography with a five (5) foot contour interval in areas where the Town of McAdenville has existing topographic mapping. For areas where the Town of McAdenville does not have topographic mapping, a map showing on-site drainage and general direction of drainage offsite, in accordance with the published drainage guidelines of the Gaston County Natural Resources Conservation District Drainage Guidelines may be substituted.
- q. Erosion Control Plan Information
When an erosion control plan is required by State regulations, a copy of the plan and letter of transmittal must be submitted to Planning Department prior to Planning Board review.
- r. Flood Plain Information
Subdivider shall show location of one hundred (100) year flood plain with elevation.
- s. Watershed Water Supply Information
Subdivider shall indicate any watershed water supply district(s) that are applicable, with the location of buffer strips along perennial streams.
- t. Application for Names of Proposed Streets and/or Roads
The subdivision plans should be accompanied by "An Application for Naming Subdivision Roads." For application procedures, contact the Planning Department.
- u. Drainage Information
Proposed drainage design and method of stabilization of all concentrated flow areas (i.e. side ditches, drainage swales, and diversions, etc.)
- v. Book and Map information
The plat / plan shall indicate deed book and map information, the tax parcel number(s) of each parent parcel from which the subdivision was created and shall also be indicated on all adjoining parcels.
- w. Interior Blocks

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In cases where subdivisions create an interior block surrounded by roadways, streets, etc. the interior block shall have at least one (1) control monument and shall be tied to at least one (1) control monument outside of the interior block.

x. Naming Roadways

Where the subdivision creates a new street or roadway, the developer shall be responsible for naming these roadways prior to preliminary plat submission. All roadway names shall be previously approved by the Planning Department in order to prevent the duplication of names. (Note: the changing of a suffix such as Court, Drive, Avenue, etc., does not eliminate duplication.) Streets shall be named in accordance with the Gaston County Street Naming and House Numbering Ordinance. The suffixes for street / road names are: Street, Road, Drive, Boulevard, Lane, Way, Place, Court, Crossing, Point, Pointe, Terrace, Run, Path Trail, Avenue, Circle, etc. To determine which suffix applies to a subdivision, consult with the Planning Department.

y. County Lines

In the event that a subdivision crosses the McAdenville line, then the developer / surveyor is required to accurately locate the McAdenville line within the subdivision with the placement of a monument (specifications to be developed in conjunction with NC Geodetic Survey), at the intersection of the McAdenville line with each resultant / affected parcel. This shall also be accurately displayed and noted on the submitted plat and shall show all bearings and distances along the property lines as well as the coordinates of the points along the McAdenville line, (North Carolina State Plane, NAD 83) and coordinates of all property parcel lines.

In addition, the plat shall indicate the acreage in the parcel in both the affected county and the Town of McAdenville.

z. Sidewalk Typical / Improvement

Typical cross sections shall be shown for each sidewalk type proposed within a subdivision.

E. Content Requirements for Final Plat

1. All information required on an approved preliminary plat.

2. The developer shall place property addresses on the plat for each new or resultant parcel/lot. Property addresses shall be neatly lettered and shall be surrounded by a capsule and placed so as to be parallel with the roadway serving the property. The capsule shall also be drawn on the plat with a note in the legend indicating its use in indicating property addresses. All property addresses will be assigned or approved by the Land Records Division. Digital copy (i.e. DWG.VXF, NAD 83 State Plane in feet, etc.) of the subdivision plat in format acceptable by the Planning Department is required.
3. The plat / plan shall indicate deed book and map information, and tax parcel number(s) of each parent parcel from which the subdivision was created and shall also be indicated on all adjoining parcels.
4. All permanent control markers are set in all subdivisions in compliance with and pursuant to the standards of NC General Statutes 39-32.1 and 47-30.

SECTION 13.12 RESERVATION OF SCHOOL SITES

Schools sites must be reserved with the agreement of the Board of Education, in accordance with plans adopted by the Board of Education. Whenever a subdivision includes all or part of a site identified for new school construction, the Administrator shall notify the Board of Education prior to preliminary plat approval. That Board shall then notify the Administrator whether it still wishes the site to be reserved. If the Board of Education does not wish for it to be reserved, no reservation will be required. If that board wishes for the site to be reserved, the subdivision may not be approved without that reservation. The Board of Education must acquire the site within eighteen (18) months of the date of reservation. If the Board of Education has not acquired the site or begun the proceedings to condemn the site within said 18-month period, the land shall be freed of the reservation and may be developed for other purposed in accordance with all other applicable land use regulations.

SECTION 13.13 SUBDIVISION NAMES, ROAD NAMES AND ADDRESSES

- A. The names of new subdivisions and subdivision roads shall not duplicate or be phonetically similar to the names of existing subdivisions and road names in McAdenville.
- B. Where proposed streets are extension of existing streets, the existing street names shall be used.

- C. House numbers shall conform to the Gaston County Street Naming and House Numbering Ordinance and shall be assigned by the Gaston County Planning Department, see Appendix A.

SECTION 13.14 CONFORMITY TO THOROUGHFARE PLAN

Whenever a tract of land included within any proposed subdivision includes any part of a street or proposed street as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan, the subdivider shall:

- A. Plat the part of such proposed public way in the location and to the width indicated on the thoroughfare plan if such street is part of the network of streets within or providing access to the proposed subdivision; or
- B. Reserve the part of such public way for street purposes and establish appropriate building setback lines therefore if such street is not part of the network of streets within or providing access to the proposed subdivision.

SECTION 13.15 ROADS

Road standards for new subdivisions shall be as provided herein. Notwithstanding, some of these requirements (e.g., road widths, allowances for alleys, private roads, etc.) may be exempt in TNDs, PRDs and infill developments. See Sections 8.1.11, 8.1.12 and 8.1.13 for such exemptions.

13.15.1 PUBLIC ROADS

- A. Unless specifically authorized herein, public roads must be designed in accordance with the *Minimum Construction Standards for Subdivision Roads* established by the North Carolina Department of Transportation, Division of Highways. When other McAdenville regulations impose higher or more restrictive standards, the higher or more restrictive standard shall apply.
- B. Except as noted in Section 13.15.2, all roads shall be public.

13.15.2 GATED RESIDENTIAL DEVELOPMENTS; INFILL DEVELOPMENTS

- A. Unlike other developments in the Town of McAdenville, a Gated Residential Development, where a gate is placed at the outer periphery of the development in order to restrict access, may be

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- allowed to have private streets that are not owned and maintained by NCDOT. All Gated Residential Developments must be developed in accordance with the regulations of this section and other applicable regulations of this Ordinance.
- B. The design and layout of any gatehouse, entry gates, external fence, walls, and berms shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and be attractive to motorists and pedestrians from adjoining public streets. Gatehouses and entry gates shall be located outside any required screening areas. Entry gates shall be set back sufficiently far from public street entrances to allow for stacking of at least three (3) vehicles out of the public travel lanes. An additional setback between the point of the access control device and the entry gate shall be required to allow a vehicle which is denied access to safely turn around and exit onto a public street. Pedestrian access to the gated residential development shall be provided at its entrance outside of the vehicle travel lanes. Entry gates shall have sufficient minimum gate widths and openings to allow safe passage of all vehicles permitted to use public roadways. Overhead barriers or obstructions shall not be allowed above entry gates. All gatehouses, entry gates, external fences and walls shall be subject to specific review and approval of the Administrator prior to the start of construction. Said review and approval shall include any signage and/or illumination integral to subdivision gatehouses, entry gates, external fences and walls.
- C. With the exception of the placement of a gate and guardhouse in a private street right-of-way, all private roads, traffic signs and markings shall meet all applicable minimum right-of-way, pavement, construction and design standards for public roads as established by the North Carolina Department of Transportation (NCDOT) and this ordinance. McAdenville reserves the right to have streets inspected during the construction phase to insure that they are being built in accordance with all applicable NCDOT standards. The developer of the subdivision shall bear all costs borne by the Town of McAdenville in association with such inspections.
- D. Prior to the approval of a final plat, the subdivider shall submit to the Administrator evidence that the subdivider has created a homeowners' association whose responsibility it will be to maintain common areas, private streets, curb and gutter and sidewalks within the subdivision. Such evidence shall include filed copies of the articles of incorporation, declarations, and homeowners' association bylaws.
- E. The maintenance and upkeep of any guardhouses or entry structures, and subdivision walls, fences, or berms located at the external periphery of the

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subdivision as well as internal streets, curb, gutter, and sidewalks shall be the sole responsibility of the subdivider and/or any duly incorporated and active homeowners' association. Accordingly, any maintenance bond accepted by the Town of McAdenville per Section 13.10.1(F) for a gated residential development subdivision shall be calculated using the construction costs of all facilities listed above (in addition to the cost of roads). The maintenance guarantee shall remain in place for two (2) years following final plat approval of the Subdivision plat or until the Administrator is satisfied (in his own exclusive discretion) that the homeowners' association is controlled by individual lot owners other than the developer (one (1) year, at a minimum, after a homeowners' association is incorporated and active), has made necessary assessments for payment of maintenance of the roads and facilities, and has otherwise taken over the full responsibility of maintenance of such facilities and the private roads within the subdivision. This guarantee may be required to be renewed in increments of two (2) years until the homeowner's association has taken control. The decision to release the guarantee shall rest entirely with the McAdenville Council and shall be made based upon the homeowners' association financial ability to properly maintain these roads and common facilities. After the maintenance bond is released, the homeowners' association shall be required to submit to the Administrator, by the 15th of January of each calendar year, the names, addresses, and telephone numbers of all duly elected members of their board of directors as well as a copy of their annual financial statement showing, at a minimum, the amount of funds budgeted to maintain such facilities. In the event the Planning Board, in its discretion, believes the homeowners' association is not making necessary repairs to the roadways or facilities (amenities), or is not making assessments necessary to cover the cost of said repairs, it may after notice of hearing published as provided in this Ordinance, and notice provided to each lot owner within the subdivision, as shown on the tax scrolls of Gaston County as of January 1 of the prior year, require the homeowners' association to provide a maintenance bond as required in 13.10.1. This maintenance bond may be eliminated or reinstated at the discretion of the McAdenville Council upon notice as set out above.

- F. The subdivider and homeowners' association shall guarantee access to all private streets by emergency and law enforcement vehicles. Access procedures must ensure immediate access through the entry gates for emergency and law enforcement vehicles responding to emergencies. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. The subdivider shall provide documentation from Gaston County Emergency Management and the local law enforcement department that proposed entry gates and access procedures meet all County and McAdenville standards for access by emergency and law enforcement vehicles.
- G. The subdivider and homeowners' association shall guarantee access to all private streets by County agencies, McAdenville agencies, State of North Carolina agencies, and all public utility companies when access to the subdivision is needed to conduct official business by such agency or company. A statement to this effect shall appear on or accompany the final plat.

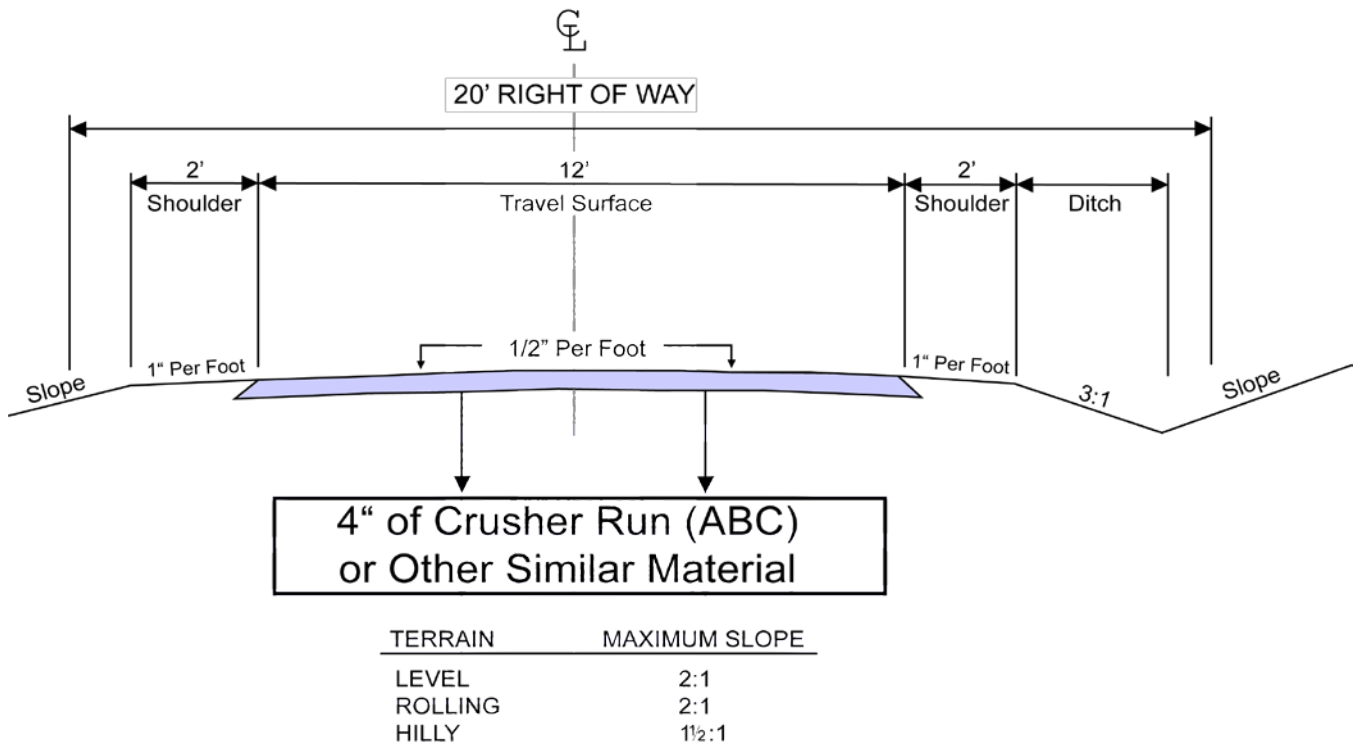
- H. If the homeowners' association fails to maintain reliable access for the provision of emergency or other public services, the Town of McAdenville may enter the gated residential development and open, disable or remove any gate or device which is a barrier to access, at the sole expense of the homeowners' association and/or the developer. The declaration of covenants, conditions and restrictions and any other relevant documents of the homeowners' association shall include this provision.

13.15.3 LOTS TO ABUT A PUBLIC STREET

Each lot shall have frontage on a public street and meet the requirements of Section 9.5, with the following exceptions:

- A. Existing lots meeting the requirements set forth in Section 3.5.7; or
- B. Lots fronting on a private road meeting the requirements set forth in 13.15.2; or
- C. Proposed lots for use by single-family dwellings and individual manufactured homes that do not have frontage on a public street may be approved by the Administrator after determining the following:
1. Each such resultant lot is a minimum of three (3) acres in size, outside all easements and / or right-of-ways; and
 2. Not more than three (3) lots served by an easement have been created out of said parent tract.
 3. Each such lot is provided with access to a public street by means of a recorded twenty (20) foot wide access easement; and
 4. Each such resultant lot is served, at a minimum, by an all-weather road; defined as: a well-drained travel surface composed of gravel, crusher run, or other similar material, having a center crown to prevent ponding of water on the travel surface, and have a minimum twelve (12) foot travel surface and shall be built in accordance with the Figure 13.15.3-1.

Figure 13.15.3-1



SECTION 13.15.4 GENERAL STREET LAYOUT

- A. The street layout of the subdivision shall provide for the most advantageous development of the entire neighboring area. All proposed streets shall provide satisfactory alignment for continuation of existing, planned or platted streets with which they are to connect.
- B. When a proposed subdivision contains or is adjacent to a railroad right-of-way, it shall be planned so as to avoid having residential lots front on a street which runs parallel and adjacent to the railroad right of way.
- C. When a tract of land to be subdivided includes a principal or minor arterial as designated on the most recently adopted version of the thoroughfare plan of the Gaston Urban Area or any officially adopted thoroughfare plan, the subdivider shall provide a separate street permitting access to the lots abutting the principal or minor arterial. When reverse frontage is established, private driveways shall not have direct access to the principal or minor arterial.

- D. All streets, both internal and external to the subdivision, except existing North Carolina Department of Transportation (NCDOT) maintained streets, shall be built and paved to the specifications and standards as set for subdivision streets by the NCDOT for acceptance and addition to the State System. The developer shall bear all costs of constructing subdivision to NCDOT standards.
- E. Street layout shall be so designed as to provide for future access to and not impose undue hardship upon undeveloped property adjoining the subdivision.

SECTION 13.16 ROAD CONSTRUCTION SPECIFICATIONS

The more restrictive of the following or NCDOT regulations shall apply.

SECTION 13.16.1 STREET RIGHT-OF-WAY DIMENSIONS

Street right-of-way widths shall be as follows:

- A. Freeways shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation as outlined in the most recently adopted technical report of the Gaston Urban Area thoroughfare plan or any officially adopted thoroughfare plan.
- B. Principal arterial streets shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation as outlined in the most recently adopted technical report of the Gaston Urban Area thoroughfare plan or any officially adopted thoroughfare plan.
- C. Minor arterial streets shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation as outlined in the most recently adopted technical report of the Gaston Urban Area thoroughfare plan or any officially adopted thoroughfare plan.
- D. Collector streets rights-of-way shall be not less than sixty (60) feet.
- E. Residential streets rights-of-way shall not be less than forty (40) feet with a five (5) foot general drainage, sidewalk and utility easement on each side of the right-of-way.

SECTION 13.16.2 STREET GRADES AND ALIGNMENT

A. GRADES

The grades for all roadways shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation.

B. VERTICAL CURVES

All changes in street grade shall be connected by vertical curves of a minimum length as determined by the standards and specifications on file with the Administrator.

C. HORIZONTAL CURVATURE

The minimum radius of horizontal curvature on the centerline of a street shall be as follows:

1. Principal arterial streets – six-hundred-fifty (650) feet.
2. Minor arterial streets – four hundred (400) feet.
3. Other streets – two hundred fifty (250) feet.

D. TANGENTS

Between reverse curves on thoroughfares there shall be a tangent of not less than one hundred (100) feet, except where curves are spiral curves; all other streets shall have a tangent of not less than fifty (50) feet between reverse curves, unless otherwise be by approved by the Planning Board upon recommendation by the TRC.

E. INTERSECTIONS

1. All streets shall intersect at an angle as near to ninety (90) degrees as possible and practicable.
2. In the interest of greater safety and better traffic flow at street intersections or block corners, the property lines at the intersection shall be rounded by an arc of a radius of not less than twenty-five (25) feet on thoroughfares and by an arc of a radius of at least twenty (20) feet on all other streets.
3. Where streets intersect at an angle of less than ninety (90) degrees, the foregoing radii shall be increased to lengths prescribed by the Planning Board upon recommendation by the TRC.

SECTION 13.16.3 STREET GRADING

Streets within the subdivision and any other streets required to gain ingress and egress from existing streets into the subdivision shall be graded by the subdivider so as to provide adequate shoulders and pedestrian walkways. Such grading and construction shall be done in accordance with the typical cross section and profile approved by the Planning Board upon recommendation by the TRC.

**SECTION 13.16.4
RESERVED**

**SECTION 13.16.5
RESERVED**

SECTION 13.16.6 REQUIREMENTS FOR STREET PAVING

The paving of any newly dedicated or opened street, public or private, shall be installed in accordance with the specifications of the NCDOT for the particular street involved.

SECTION 13.16.7 PAVING WIDTHS

The width of pavement shall be as follows:

- A. All paving widths shall be meet or exceed NCDOT Standards. The Planning Board, at the recommendation by the TRC, may increase the paving widths.
- B. Cul-de-sac or dead-end street pavement shall terminate with a paved turning area after duly considering the applicable NCDOT standards and other site locational factors.

SECTION 13.16.8

Valley curb and gutter shall be required on all streets within the subdivision. Standard curb and gutter shall be required on principal and minor arterials.

SECTION 13.17 SIDEWALKS / GREEN STRIPS / CROSSWALKS

- A. Sidewalks shall be provided per Section 9.18.1
- B. Green strips shall be provided per Section 9.18.2
- C. Crosswalks shall be provided per Section 9.18.1

SECTION 13.18 STREET TREES

Street trees shall be required for subdivisions located within the USO and CH Overlay Districts only. The subdivider shall install street trees along all streets within a subdivision and along the abutting side of streets forming the perimeter of the subdivision. Planting requirements for street trees are found in Section 11.4.

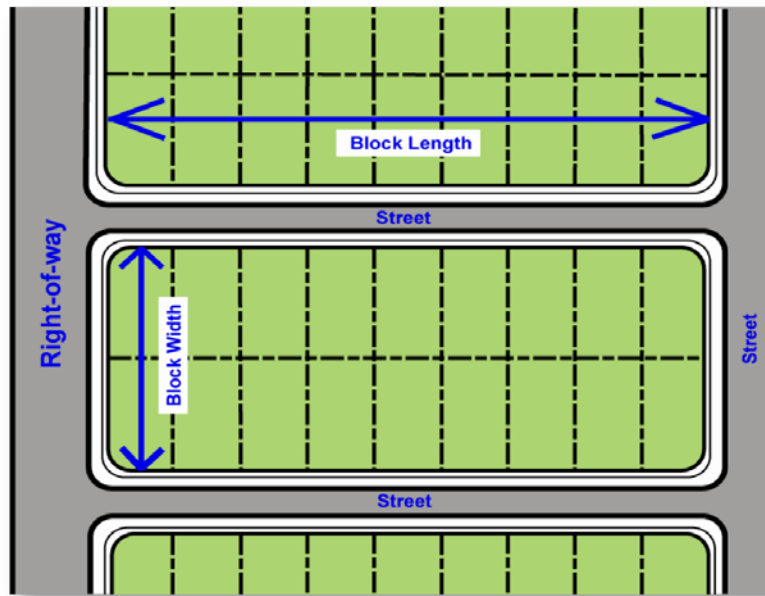
SECTION 13.19 WATER SUPPLY AND SANITARY SEWER

**COLLECTION SEE THE SEWER USE ORDINANCE OF THE TOWN
OF MCADENVILLE**

SECTION 13.20 RESERVED

SECTION 13.21 LAYOUT OF BLOCKS

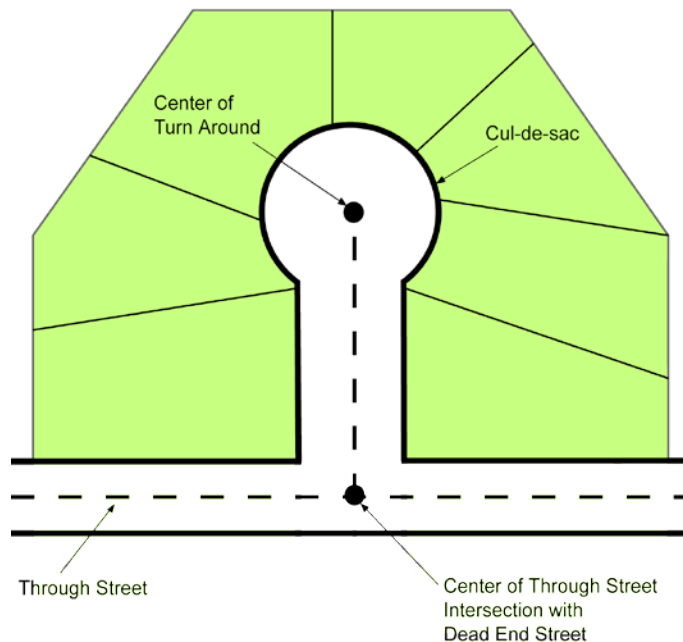
- A. The width of the blocks shall be sufficient to allow two (2) tiers of lots of appropriate depth where possible.
- B. Block length shall be not less than four hundred (400) feet and shall not exceed one thousand two hundred (1,200) feet except in cases where, in the judgment of the TRC, a longer block is necessary because of unusual topography or in order to complete a comprehensive neighborhood plan.



Section 13.22 Cul-De-Sacs

Permanent dead end streets in the Urban Standards Overlay District shall not exceed six hundred (600) feet in length, except that cul-de-sacs shall not be greater than two-hundred fifty (250) in length in a TND. Permanent dead end streets outside the Urban Standards Overlay District shall not exceed one thousand (1000) feet in length. The length of the cul-de-sac shall be computed from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac.

Figure 13.22-1



SECTION 13.23 MULTIPLE ACCESSES

Multiple accesses into a subdivision are required to be provided for additional ingress and egress. Any subdivision exceeding seventy-five (75) lots shall be provided with at least two (2) entrances on to a public street or interconnect to an adjoining/adjacent existing public street, road or highway. Requirement for multiple entrances shall be based on the cumulative number of lots for a contiguous development, whether or not it is developed in phases. Subdivision entrances shall be no closer than two hundred (200) feet, as measured from the street centerlines.

SECTION 13.24 LOT LAYOUT

- A. Every lot created after the effective date of this ordinance shall conform to the underlying zoning regulations
- B. Where public water and sewer facilities are not available, each residential lot layout shall be of a size as determined by the local agency having jurisdiction over such facilities. In no event shall the lot area be less than that prescribed in Table 7.1-2 for the lot in question based on underlying zoning district requirements.
- C. Side lot lines shall be as near as is practicable at right angles to the straight street or radial to curved streets.
- D. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service parking facilities required by the type of use and developments contemplated.

SECTION 13.25 COMPLIANCE WITH ZONING REGULATIONS

All lots shown on a preliminary and final subdivision recording plat shall be in conformance with all other applicable regulations and requirements of this Ordinance.

SECTION 13.26 DEDICATION OF OPEN SPACE

- A. Every subdivider who proposes a subdivision of land for residential purposes shall dedicate a portion of land or pay a fee in lieu thereof, in accordance with Section 11.7, for public park, greenway, recreation, and open space sites to serve the recreational needs of the residents of the subdivision or development.
- B. A Home Owners Association shall be created for the ownership of the Open Space when required to dedicate said Open Space.
- C. The Open Space shall never be developed, except as allowed in Section 11.7.

SECTION 13.27 PUBLIC UTILITIES AND SERVICES

- A. All public utilities and services lines will be below ground to the point of service. This includes, but is not limited to, lines for electric service, cable service, telephone service, water service and wastewater services.
- B. Easements shall be provided for storm and sanitary sewers, water lines and other utilities in such widths, and at such locations as may be required by the Town of McAdenville in order to properly serve the lot and adjoining realty; but in no event shall the Town of McAdenville require less than easements of ten (10) feet in width along all rear lines and exterior side lot lines, and five (5) feet in width along each side of all interior side lot lines. Notwithstanding, in no case may the width of an easement upon a lot be less than the minimum required side or rear yard setback for that lot per the requirements of the underlying zoning district.
- C. No principal or accessory structure may be placed within a utility easement.
- D. Inside the Urban Standards Overlay District, streets lights will be installed by the subdivider in all subdivisions of six (6) or more lots. Distances between streetlights shall not exceed two hundred (200) feet. Street light intensity and placement shall be determined by the Town of McAdenville in conjunction with the utility provider.

SECTION 13.28 MONUMENTS REQUIRED

13.28.1 CONTROL CORNER

In accordance with article 5A, chapter 39 of the North Carolina General Statutes, whenever a subdivider shall divide any parcel of real estate into lots and lay off streets, he shall cause at least two (2) or more corners of the development to be designated as a control corner and place at such control corner a permanent marker. The permanent marker shall be as prescribed in the G.S. 47-30 mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina chapter 89C, as amended, and the requirements of the Gaston County register of deeds shall apply to all surveys and maps.

13.28.2 LOT CORNERS

All lot corners shall be accurately established and shall be marked with a permanent or semi-permanent marker provided by the subdivider, such as concrete monuments, or iron or steel pins or pipes of an appropriate length and driven in so as to project approximately two (2) inches above the ground. Front corner irons of lots should be placed after the streets are graded, so that sidewalk areas may be graded to the proper elevation without destroying the lot corners.

SECTION 13.29 STANDARDS FOR SUBDIVISION PROPOSALS TO MINIMIZE POSSIBLE FLOOD DAMAGE

All subdivision proposals located within a hazard area shall comply with Chapter 15, the Flood Hazard (FH) Overlay District. In addition, all subdivision proposals shall be consistent with the need to minimize flood damage and shall meet the following standards. (Refer to Chapter 14 for definitions):

- A. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- B. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- C. Base flood elevation data shall be provided for all subdivisions submitted.

SECTION 13.30 PIPE SIZING FOR DITCHES / CREEKS / STREAMS

All lots which have an existing or proposed ditch, creek, or stream flowing between the road and the probable home site, shall have a properly sized pipe stated on the plat of record. The Administrator shall make the decision if home site location is questionable.

CHAPTER 14
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**SECTION 14.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

SECTION 14.1.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; and G.S. Chapter 160D delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of Town of McAdenville, North Carolina, does ordain as follows:

SECTION 14.1.2 FINDINGS OF FACT

- A. The flood prone areas within the jurisdiction of the Town of McAdenville are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION 14.1.3 STATEMENT OF PURPOSE

It is the purpose of this chapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to: Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

- A. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- B. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- C. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- D. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 14.1.4 OBJECTIVES

The objectives of this chapter are to:

- A. Protect human life, safety, and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;
- E. 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;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- G. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

SECTION 14.2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

Accessory Structure (Appurtenant Structure)

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)

An extension or increase in the floor area or height of a building or structure.

Appeal

A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding

A designated Zone AO 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

The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

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

Any area of the building having its floor sub-grade (below ground level) on all sides.

Building

see “Structure”.

Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Development

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 vehicles, equipment or materials.

Disposal

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 ground waters.

Elevated Building

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

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 Manufactured Home Park or Manufactured Home Subdivision

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

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM)

An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

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)

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"

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodplain Administrator

Is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit Application

An application required in order to obtain a Floodplain Development Permit. Such applications shall contain, but not be limited to: scaled drawing(s), dimensions,

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Chapter 14 – Flood Damage

areas, floodplain boundaries, locations of disturbed area, utilities, drainage, pavement, elevations, alterations, other local, state or federal permits along with other information pertaining to the proposed development, as required by this ordinance and the floodplain administrator. Completed applications are to be submitted to the Floodplain Administrator. Approved applications will result in issuance of a Floodplain Development Permit.

Floodplain Development Permit

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

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

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

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.

Floodway

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.

Flood Zone

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.

Freeboard

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 plus the freeboard establishes the "Regulatory Flood Protection Elevation".

Functionally Dependent Facility

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

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)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure

Any structure that is:

- (a) 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;
- (b) 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;
- (c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (d) 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.

Letters of Map Change:

(a) **CLOMA**

A Conditional Letter of Map Amendment (CLOMA) is FEMA's

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comment on whether a proposed project would be excluded from the Special Flood Hazard Area (SFHA) shown on the effective National Flood Insurance Program (NFIP) map. There is no appeal period. The letter becomes effective on the date sent. This letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would or would not be removed from the SFHA by FEMA if later submitted as requested for a Letter of Map Amendment.

(b) **CLOMR**

A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would affect the hydrologic and /or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective Base Flood Elevations. There is no appeal period. The letter becomes effective on the date sent. This letter does not revise an effective National Flood Insurance Program map, it indicates whether the project, if built as proposed, would or would not be removed from the Special Flood Hazard Area by FEMA if later submitted as a request for a Letter of Map Revision.

(c) **CLOMR-F**

A Conditional Letter of Map Revision based on Fill (CLOMR-F) is FEMA's comment on whether a proposed project involving the placement of fill would exclude an area from the Special Flood Hazard Area (SFHA) shown on the National Flood Insurance Program (NFIP) map. There is no appeal period. The letter becomes effective on the date sent. This letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would or would not be removed from the SFHA by FEMA if later submitted as request for a Letter of Map Revision based on Fill.

(d) **LOMA**

A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area. There is no appeal period. The letter becomes effective on the date sent.

(e) **LOMR**

A Letter of Map Revision (LOMR) is an official revision, by letter to an effective National Flood Insurance Program map. A LOMR may change flood insurance risk zones, floodplain and / or floodway boundary delineations, planimetric features, and / or Base Flood Elevations. See the FEMA LOMR Effective Chart to determine

when a LOMR becomes effective.

(f) **LOMR-F**

A Letter of Map Revision Based on Fill (LOMR-F) is an official revision, by letter, to an effective National Flood Insurance Program map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the Base Flood Elevation and excluded from the Special Flood Hazard Area. The letter becomes effective on the date sent.

Lowest Adjacent Grade (LAG)

The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor

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

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

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value

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.

Mean Sea Level

For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM

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panel to determine datum used.

New Construction

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

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

Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM

Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

Principally Above Ground

That at least fifty-one (51) percent of the Actual Cash Value of the structure is above ground.

Public Safety and/or Nuisance

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)

A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently tow-able by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

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Reference Level

Is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

Regulatory Flood Protection Elevation

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 three (3) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

Remedy a Violation

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

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard

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

Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid Waste Disposal Site

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)

The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in Section 14.3.2 of this ordinance.

Start of Construction

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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

A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure during any one (1) year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50) percent 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 (2) 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 (25) percent of the market value of the structure before the damage occurred.

Substantial Improvement

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 (50) percent 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:

- (a) 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

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minimum necessary to assure safe living conditions; or

- (b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance

Is a grant of relief from the requirements of this ordinance.

Violation

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 Sections 14.4 and 14.5 is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE)

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse

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.

SECTION 14.3 GENERAL PROVISIONS

SECTION 14.3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) if applicable, of the Town of McAdenville and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

SECTION 14.3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

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) dated September 28, 2007 and its accompanying Flood Insurance Rate Maps (FIRMs) for Gaston County, with an Index Map (#37071CIND0F) dated 11/04/2009 are adopted by reference and declared to be a part of this ordinance.

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The initial Flood Insurance Rate Maps for the Town of McAdenville have a date of 03/05/1980. The initial Flood Insurance Rate Maps for the unincorporated areas of Gaston County have a date of 05/01/80.

In addition, upon annexation to the Town of McAdenville or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Gaston County, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this ordinance.

SECTION 14.3.3 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 14.3.2 of this chapter.

SECTION 14.3.4 COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

SECTION 14.3.5 ABROGATION AND GREATER RESTRICTIONS

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 14.3.6 INTERPRETATION

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 14.3.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the Town of McAdenville or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

SECTION 14.3.8 PENALTIES FOR VIOLATION

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more One Hundred Dollars (\$100) 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 McAdenville from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 14.4 ADMINISTRATION

SECTION 14.4.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Administrator of the Town of McAdenville or his or her designee hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

SECTION 14.4.2 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

A. 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:

1. A plot plan drawn to scale which shall include, but shall not be

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limited to, the following specific details of the proposed floodplain development:

- a. 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;
 - b. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 14.3.2, or a statement that the entire lot is within the Special Flood Hazard Area;
 - c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 14.3.2;
 - d. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 14.3.2;
 - e. The Base Flood Elevation (BFE) where provided as set forth in Section 14.3.2; Section 14.4.3; or Section 14.5.4;
 - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - g. The certification of the plot plan by a registered land surveyor or professional engineer.
2. Proposed elevation and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 3. If Floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan and an inspection

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and maintenance plan that includes, but is not limited to, installation, exercise, and maintenance of Floodproofing measures.

4. 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:
 - a. 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);
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 14.5.2D3 when solid foundation perimeter walls are used in Zones A, AO, AE, and A1- 30;
 5. Usage details of any enclosed areas below the lowest floor.
 6. 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;
 7. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 14.5.2F and G of this chapter are met.
 9. 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.
- B. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
1. A description of the development to be permitted under the floodplain development permit.
 2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section

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14.3.2.

3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, AE or A1-
30. (8). Limitations of below BFE enclosure uses (if applicable).
(I.e. parking, building access and limited storage only).

C. Certification Requirements.

1. Elevation Certificates
 - a. An Elevation Certificate (FEMA Form 81-31) 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 mean sea level. 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. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, 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 mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. 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

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further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- c. A final as-built Elevation Certificate (FEMA Form 81-31) 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.

2. Floodproofing Certificate

If non-residential Floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), 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 mean sea level. 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.

3. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 14.5.2C2.
4. If a watercourse is to be altered or relocated, a description of the

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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.

5. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation / Floodproofing certification requirements specified in items a. and b. of this subsection:
 - a. Recreational Vehicles meeting requirements of Section 14.5.2F1;
 - b. Temporary Structures meeting requirements of Section 14.5.2G; and
 - c. Accessory Structures less than one hundred-fifty (150) square feet meeting requirements of Section 14.5.2H.

D. Performance Requirements for CLOMR / LOMR

1. When a Floodplain Development Permit is conditionally issued pending a Conditional Letter of Map Revision (CLOMR or CLOMR-F) by NCEM or FEMA, an application for a Letter of Map Revision, (LOMR) must be made at the time of project completion by the developer.
2. To ensure that the necessary LOMR application is successfully made and contains all the engineering data and information required, the County will require a performance bond, surety bond, letter of credit or other un-revocable financial instrument to ensure that a complete LOMR application is made, at the time the CLOMR or CLOMR-F is issued. Should the developer fail to make application for the LOMR within thirty (30) days of project completion, the County may use the performance bond to have the LOMR application made.
3. The amount of the performance bond, surety bond, letter of credit or other un-revocable financial instrument required to ensure completion of a successful LOMR application will be based on one hundred-twenty (120) percent of the estimated costs of LOMR application, as determined by the Floodplain Administrator which will be based on two (2) contractor's estimates or one (1)

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engineer's estimate and one (1) contractor's estimate. At the discretion of the Floodplain Administrator, the amount of the financial instrument may be set by the Gaston County Flood Control Board.

E. Other Performance Requirements

1. Pending the nature and complexity of proposed work and alteration to floodplain(s), floodway(s) and other areas, as indicated in the Floodplain Development Permit, the Floodplain Administrator may require an un-revocable financial instrument that may be used by the County, to assure that all work is done in compliance with local, State and Federal regulations.
2. The amount of such an instrument will be set by the Floodplain Administrator based on one hundred-twenty (120) percent of the estimated project cost as determined by the Floodplain Administrator which will be based on two (2) contractor's estimates or one (1) engineer's estimate and one (1) contractor's estimate. At the discretion of the Floodplain Administrator by the Flood Control Board may set such amounts, based on the estimates supplied.

SECTION 14.4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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.

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- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 14.5.7 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 Section 14.4.2C.
- 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 14.4.2C.
- H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 14.4.2C.
- 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 14.4.2C and Section 14.5.2B.
- 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 Section 14.4.2C, obtain, review, and reasonably utilize any Base Flood Elevation (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 14.5.4B2 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 Section 14.4.2C, 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, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

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- 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 14.4.4.
- T. Review, provide input, and make recommendations for variance requests.

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- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 14.3.2 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-F) and Letters of Map Revision (LOMR).

SECTION 14.4.4 CORRECTIVE PROCEDURES

- A. 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.
- B. 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:
 - 1. That the building or property is in violation of the floodplain management regulations;
 - 2. 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
 - 3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C. 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, they 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, they may order that corrective action be taken in such lesser period as may be feasible.

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- D. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body 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 local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. 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 misdemeanor and shall be punished at the discretion of the court.

SECTION 14.4.5 VARIANCE PROCEDURES

- A. The Flood Control Board, as established by Gaston County, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance. Unless designated otherwise by the Board of County Commissioners, the Gaston County Zoning Board of Adjustments shall serve as the Flood Control Appeal Board.
- B. 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.
- C. Variances may be issued for:
1. 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.
 2. Functionally dependent facilities if determined to meet the definition as stated in Section 14.2 of this ordinance, provided provisions of Section 14.4.5(1)(2),(3) and (5) have 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.
 3. Any other type of development provided it meets the requirements of this Section.

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- D. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location as defined under Section 14.2 of this ordinance as a functionally dependent facility, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. 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
 11. 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.
- E. A written report addressing each of the above factors shall be submitted with the application for a variance.
- F. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

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- G. 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 Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- H. 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.
- I. Conditions for Variances:
1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 2. 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.
 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 4. Variances shall only be issued prior to development permit approval.
 5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. 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.
- J. A variance may be issued for municipal water treatment plants and wastewater treatment plants that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
1. The use serves a critical need in the community.

2. No feasible location exists for the use outside the Special Flood Hazard Area.
3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
4. The use complies with all other applicable Federal, State and local laws.
5. The Gaston County 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.

SECTION 14.5 PROVISIONS FOR FLOOD HAZARD

REDUCTION SECTION 14.5.1 GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. 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.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to

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minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this chapter.
- I. Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter 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 chapter.
- J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. Municipal water treatment plants and wastewater treatment plants shall not be permitted, except by variance as specified in Section 14.4.5J. 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 14.4.2C.
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. 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.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- N. 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.
- O. When a structure is partially located in a special flood hazard area,

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- the entire structure shall meet the requirements for new construction and substantial improvements.
- P. 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 shall apply.
- Q. Fill may be allowed in the floodplain and not in the floodway or non-encroachment areas, by the Floodplain Administrator for the purposes of transportation, communications, utilities, dredging, marine, Riverine and other functionally dependent activities for functionally dependent development, provided that all of the following conditions are met:
- (a) The use is necessary and serves the needs of the community and that the fill is minor in nature and will not cause an unwarranted rise in the base flood elevation. Mitigation of fill material may be required.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The use complies with all other applicable Federal, State and local laws and that a Condition Letter of Map Revision based on Fill (CLOMR-F) or other letters of map amendments, as needed, be obtained.

SECTION 14.5.2 SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 14.3.2, or Section 14.5.4, the following provisions, in addition to the provisions of Section 14.5.1, are required:

- A. 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 14.2 of this chapter.
- B. Non-Residential 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 14.2 of this chapter. Structures located in A, AE, AO, and A1-30 Zones 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

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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 Article 5, Section G(2). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 14.4.2C, along with the operational and maintenance plans.

C. Manufactured Homes.

1. 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 14.2 of this chapter.
2. 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.
3. All enclosures or skirting below the lowest floor shall meet the requirements of Section 14.5.2D.
4. 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.

D. Elevated Buildings.

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

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

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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;

2. Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
3. Shall include, in Zones A, AO, AE, and A1-30, 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 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 one (1) square foot of enclosed area subject to flooding;
 - c. If a building has more than one (1) 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.

E. Additions/Improvements.

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

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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 of the existing structure and the addition and/or improvements must comply with the standards for new construction.
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.
3. Additions and/or improvements to post-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 only must comply with the standards for new construction.
 - b. A substantial improvement, both of the existing structure and the addition and/or improvements must comply with the standards for new construction.

F. Recreational Vehicles.

Recreational vehicles shall either:

1. Be on site for fewer than one hundred eighty (180) consecutive days and 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); or
2. Meet all the requirements for new construction.

G. Temporary Non-Residential 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:

1. A specified time period for which the temporary use will be permitted.

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Time specified may not exceed three (3) months, renewable up to one (1) year;

2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
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);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

H. 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:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with the provisions of Section 14.5.1A;
6. All service facilities such as electrical shall be installed in accordance with the provisions of Section 14.5.1D; and
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 14.5.2D3.

- I. An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above does not require an elevation or Floodproofing certificate. Elevation or Floodproofing

certifications are required for all other accessory structures in accordance with Section 14.4.2C.

SECTION 14.5.3 RESERVED

SECTION 14.5.4 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 14.3.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 14.5.1, shall apply:

- A. 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.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - 1. 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 14.5.1 and 14.5.2.
 - 2. When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Sections 14.5.2 and 14.5.6.
 - 3. 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 14.3.2 and utilized in implementing this chapter.
 - 4. 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 Section

14.2. All other applicable provisions of Section 14.5.2 shall also apply.

SECTION 14.5.5 STANDARDS FOR FLOODPLAINS WITHOUT FLOOD STUDIES

Along streams where no Special Flood Hazard Area is shown on the FIRM adopted in accordance with this Chapter and where the potential exists for flooding, the Floodplain Administrator shall define the boundary of a Flood Zone based on one (1) or more of the following methods. Such Flood Zones shall be considered as Approximate Zone A where no Base Flood Elevation (BFE) or floodway or non-encroachment area data is established. Development in such Flood Zones shall meet the standards for floodplains without established Base Flood Elevations as outlined in Section 14.5.4.

- A. A flood study to determine the boundary of the area along the stream that will be inundated by the base flood through hydrologic and hydraulic analyses performed in accordance with standard engineering practices currently approved by FEMA. The study shall be signed and sealed by a registered professional engineer. Complete documentation of the study shall be submitted to the Floodplain Administrator for review before the designated Flood Zone is accepted.
- B. Delineation of the area along the stream where Chewacla Loam and Congaree Loam soil types are located as shown on the soil maps in the Soil Survey of Gaston County, North Carolina, having an issue date of May 1989. The Soil Survey, with accompanying supporting data and any revision thereto, is adopted by reference and declared to be a part of this ordinance. The boundaries of the flood hazard soil areas may be modified by field investigation by a licensed soil scientist. The report of the field investigation shall conclude with a description of the actual soil horizons that were encountered on the site. In addition to the boundary defined by the soil types, the Floodplain Administrator may also require a buffer of not more than fifty (50) feet from each side of the stream bank based on topography and other field conditions.
- C. Delineation of a Flood Zone boundary based on the use of currently available contour mapping and field conditions. Such areas shall be approved by the Floodplain Administrator.

No encroachment will be permitted within such a designated area, until a designated floodway and non-encroachment area(s) are designated as per Section 14.5.6.

The developer may appeal the requirements of the Floodplain Administrator in this section. In such an appeal, the developer shall show just cause as to the

reason for appeal and provide at least one (1) alternative method of determining the Flood Hazard Area and potential impact of this determination. In such an appeal the Flood Review Board may determine the method of determining the flood zone for a given project or uphold the determination of the Floodplain Administrator or devise other means to determine the Flood Hazard Area.

SECTION 14.5.6 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where 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:

- A. Standards of Sections 14.5.1 and 14.5.2; and
- B. 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.

SECTION 14.5.7 FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 14.3.2. 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 14.5.1 and 14.5.2, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - 1. 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
 - 2. A Conditional Letter of Map Revision (CLOMR) has been

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approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

- B. If Section 14.5.7A is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - 1. The anchoring and the elevation standards of Section 14.5.2C; and
 - 2. The no encroachment standard of Section 14.5.7A.

Section 14.5.8 Standards For Areas Of Shallow Flooding (Zone Ao).

Located within the Special Flood Hazard Areas established in Article 3, Section B, 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 Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) 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 three (3) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) 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 Article 4, Section B(3) and Article 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section 14.5.9 Standards For Floodplains Without Flood Studies

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Along streams where no Special Flood Hazard Area is shown on the FIRM adopted in accordance with this Chapter and where the potential exists for flooding, the Floodplain Administrator shall define the boundary of a Flood Zone based on one (1) or more of the following methods. Such Flood Zones shall be considered as Approximate Zone A where no Base Flood Elevation (BFE) or floodway or non-encroachment area data is established. Development in such Flood Zones shall meet the standards for floodplains without established Base Flood Elevations as outlined in Article 5, Section D.

- (1) A flood study to determine the boundary of the area along the stream that will be inundated by the base flood through hydrologic and hydraulic analyses performed in accordance with standard engineering practices currently approved by FEMA. The study shall be signed and sealed by a registered professional engineer. Complete documentation of the study shall be submitted to the Floodplain Administrator for review before the designated Flood Zone is accepted.
- (2) Delineation of the area along the stream where Chewacla Loam and Congaree Loam soil types are located as shown on the soil maps in the Soil Survey of Gaston County, North Carolina, having an issue date of May 1989. The Soil Survey, with accompanying supporting data and any revision thereto, is adopted by reference and declared to be a part of this ordinance. The boundaries of the flood hazard soil areas may be modified by field investigation by a licensed soil scientist. The report of the field investigation shall conclude with a description of the actual soil horizons that were encountered on the site. In addition to the boundary defined by the soil types, the Floodplain Administrator may also require a buffer of not more than fifty (50) feet from each side of the stream bank based on topography and other field conditions.
- (3) Delineation of a Flood Zone boundary based on the use of currently available contour mapping and field conditions. Such areas shall be approved by the Floodplain Administrator.

No encroachment will be permitted within such a designated area, until a designated floodway and non-encroachment area(s) are designated as per Article 5, Section F.

The developer may appeal the requirements of the Floodplain Administrator in this section. In such an appeal, the developer shall show just cause as to the reason for appeal and provide at least one (1) alternative method of determining the Flood Hazard Area and

potential impact of this determination. In such an appeal the Flood Review Board may determine the method of determining the flood zone for a given project or uphold the determination of the Floodplain Administrator or devise other means to determine the Flood Hazard Area.

SECTION 14.6 LEGAL STATUS PROVISIONS

Section 14.6.1 Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Regulations

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted March 16, 1987 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 McAdenville enacted on March 16, 1987, as amended, September 28, 2007, as amended, which are not reenacted herein are repealed.

The date of the initial flood damage prevention ordinance for Gaston County is April 24, 1980.

Section 14.6.2 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 chapter; 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 chapter.

Section 14.6.3 Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 14.6.4 Effective Date

This ordinance, as amended, shall become effective upon adoption.

Section 14.6.5 Adoption Certification

See the adoption certification for this UDO.

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CHAPTER 15

RESERVED

CHAPTER 16
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SECTION 16.1 VIOLATIONS

- A. It shall be deemed unlawful to erect, construct, reconstruct, alter, maintain, expand, move or use any building, structure or sign or engage in development or subdivision of land contrary to the provisions of this Ordinance. Whenever, by the provisions of this Ordinance, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of land and water, or on the erection of a structure, a failure to comply with such provision(s) shall constitute a violation of this Ordinance.
- B. 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. To place any use, structure, or sign upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
 2. 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 being deemed as a violation.
 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 contrary to any zoning, subdivision, sign or other regulation contained in this Ordinance.

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.
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.
6. To violate, by act or omission or otherwise, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
7. To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.
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.
9. To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance.
10. To otherwise undertake any development or to establish any use in a manner which does not comply with this Ordinance.

SECTION 16.2 CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving proper notice shall constitute a separate violation of this Ordinance. Any violation of the zoning, subdivision, or other provisions as contained in this Ordinance that were in effect prior to the adoption of this Ordinance shall continue to be a violation under this Ordinance, and shall be subject to the penalties and enforcement procedures described in Section 16.4 of this Ordinance, unless the use, development, construction, or other activity complies with the provisions of this Ordinance. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken by a local government pursuant to previous and valid ordinances and laws.

SECTION 16.3 ENFORCEMENT POWERS

- A. The Administrator shall enforce this Ordinance as shall any other persons so designated by the governing board to enforce the provisions of this Ordinance. Any and all persons so designated to enforce this Ordinance shall be referred to as the “Administrator.”
- B. 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. The Administrator may withhold all permits or approvals if there is:
 - a. A violation of this Ordinance; or
 - b. There is a condition or qualification of approval granted by a permit issuing body that has not been met.
 - 2. 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 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.
 - 3. Any zoning permit or other form of authorization stipulated under this Ordinance may be revoked for any reason set forth in G.S. 160D-403(f).
 - 4. With or without revoking permits, the Administrator may order that work be stopped 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 G.S. 160D-404(b) and -1112 The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons thereof, and the conditions under which the work may be resumed.
 - 5. 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 development approval pursuant to G.S. 160D-403(f). Any permit mistakenly issued in

Town of McAdenville, North Carolina
Unified Development Ordinance
Chapter 16 – Violations and Remedies

violation of an applicable State or local law may also be revoked.

6. The Administrator may impose remedies as called for in Sections 16.4-16.8 of this Ordinance.

SECTION 16.4 INSPECTIONS

Administrative staff shall have the power to conduct any such investigations as he or she may reasonably deem necessary to ensure compliance with the provisions of this ordinance. If inspecting, staff must enter the premises during reasonable hours and upon presenting credentials. Staff must have consent of premises owner or an administrative search warrant to inspect areas not open to the public.

SECTION 16.5 REMEDIES

- A. This Ordinance may be enforced by any means or any remedy provided for in NCGS 160A-175 and G.S. Chapter 160D. An action for injunction of any illegal subdivision, transfer, conveyance, or sale of land may be prosecuted by the Administrator pursuant to G.S.160D-807.
- B. Moreover, the Administrator and the Board of Commission shall have such other remedies as are, and as may be from time to time, provided by North Carolina law for the violation of this Ordinance and / or Ordinance provisions.

SECTION 16.6 NOTICE OF VIOLATION PROCEDURES

The following notice procedures shall be used to enforce the provisions of this Ordinance. The Administrator shall have the authority to bypass the ensuing “notice of violation” provisions and immediately serve the alleged violator or property owner with a penalty, as called for in Section 16.6. In the case of stop work orders pursuant to G.S.160-404(b), violations shall be subject the violator to immediate imposition of a penalty. In the case of a sign illegally placed in a public street right-of-way, the Administrator shall be authorized to remove such sign immediately without notice. Nothing herein is intended to prohibit the Town from taking any other course of action for a violation of this Ordinance. Additional provisions for addressing violations may be found elsewhere in this Ordinance.

- A. Whenever the Zoning Administrator has reason to believe that a person is violating any of the provisions of this Ordinance or any plan, order, or condition that has been approved, issued, or imposed pursuant to this Ordinance, the administrator shall notify that person of this violation in writing (by hand, email, or first-class mail) what actions have been

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or will be taken. The notice(s) may also be posted onsite. All written notices will be maintained by the administrator to certify notice of violation for the property's record. Notice of violation shall be provided to the holder of the development approval and to the landowner of the property involved if the landowner is not the holder of the development approval. The Town reserves the right to send a notice of violation to any other person who can be contacted and has an identifiable relationship to the violation and/or owner.

- B. The notice of violation shall describe the violation, shall identify the provision(s) of this Ordinance that are alleged as having been violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified period of time, and shall warn that more severe measures may be brought against the person if he/she fails to take appropriate and timely actions to cure or correct the violation. The notice shall also state that the alleged violator or property owner shall have a period of up to fifteen (15) days from the date the notice was received to either correct the situation or appeal the Administrator's decision to the Board of Adjustment in accordance with Section 5.13 of this Ordinance. Depending on the nature of the violation, the Administrator may grant one (1) or more extension of time to cure or correct said violation. Such extension of time shall not be granted unless the alleged violator or property owner can demonstrate to the Administrator that the violation cannot be cured or corrected within the time period specified in the notice of violation due to extraordinary circumstances or to circumstances beyond the control of the alleged violator or property owner.
- C. If the violation is corrected or cured within the time period specified by the Administrator, the Town shall take no further action against the alleged violator.
- D. Unless otherwise provided, once the warning period has expired, the Administrator may issue civil citations pursuant to Section 16.6.
- E. The Administrator may deny or withhold all permits, certificates, or other form of authorization to use or develop any land, structure, or improvement until an alleged violation and, where applicable, associated civil penalty associated with that violation are properly corrected and/or addressed. This provision shall apply whether or not the current owner applicant for the permit or other approval is responsible for the violation.
- F. Any development permit, certificate or other form of authorization required under this Ordinance may be revoked by the Administrator following the same process as was used for approval if it is determined that:

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1. There is a departure from the approved plans, specifications, or conditions as required under such permit.
 2. The development permits was procured by false representation.
 3. The development permit was issued in error.
 4. There is a violation of any provision of this Ordinance as it relates to such permit.
- G. The Administrator shall serve written notice of such revocation upon the alleged violator or property owner

SECTION 16.7 PENALTIES FOR VIOLATION

If following the issue of a “notice of violation” as called for in Section 16.5, the Administrator determines that the alleged violation has not been cured or corrected during the stated “warning period”, he shall have the authority to issue a penalty as outlined herein.

16.7.1 FIRST OFFENSE

Any violation occurring once within a twelve (12) month period shall be considered a first offense. A notice of violation shall be issued by the Administrator and shall provide for a warning period as provided for in Section 16.5(C) to correct the violation. Upon the expiration of the warning period, the violator shall be subject to a civil penalty of one hundred (100.00) dollars for each day that the violation remains on the property. Should a violation continue to exist by the twenty-first (21st) day past the date of original notification, the Town may seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in Section 16.4 herein.

16.7.2 REPEAT OFFENSE

Any violation of reoccurring on the same property by the same violator more than once within a twelve (12) month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Section of this Ordinance. A notice of violation shall be issued by the Administrator and shall have an immediate civil penalty of three hundred (300.00) dollars. No warning period shall be granted since this provision applies only to violations that occur more than once in a twelve (12) month period and proper notice was given for the initial violation as prescribed under Section 16.5. For each day the repeat violation remains, the violator shall be subject to a civil penalty of three hundred (300.00)

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dollars. Should a violation continue to exist by the seventh (7th) day after such notification, the Town may seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in Section 16.4 herein.

SECTION 16.8 OTHER POWERS

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

SECTION 16.9 REMEDIES CUMULATIVE

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

SECTION 16.10 APPEALS

The holder of the development approval or of the property involved (if that person is not the holder of the development approval) may appeal a stop order involving an alleged violation of State or local law pursuant to section 5.13 of this ordinance.

McAdenville UDO
Table 7.1-1: Table of Uses

X = Permitted use by right; s = Supplemental Regulations; SUP = Special Use Permit required; CZ = Conditional Zoning required; E = Existing use subject to limitations; O = Overlay																									
USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Agricultural Uses																									
Bona Fide Farms	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	8.4.26	1.0
Botanical Garden	Xs	Xs	Xs																					8.4.3	1.52
Fish Hatcheries			SUP																		SUP				1.15
Commercial Services																									
Animal Grooming Service for household pet (indoor kennels)		SUP	SUP						X							SUP	X	X	X						1.10
Animal Kennel		SUPs	SUPs																SUPs		SUPs			8.2.5	1.10
ATM (Automated Teller Machine)									Xs	Xs	Xs	Xs	Xs	Xs			Xs	Xs	Xs	Xs	Xs		Xs	8.2.6	1.22
Auction House													SUP					X	X		Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	8.2.7	1.20
Automobile Body Shop																			Xs		Xs		Xs/ SUPs	8.2.8	1.9
Automobile Detail Shop																		SUPs	Xs				Xs/ SUPs	8.2.8	1.9
Automobile Repair Shop			SUPs																Xs		Xs		Xs/ SUPs	8.2.8	1.9
Automobile Service Station																	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	8.2.9 8.2.39	1.9
Automobile Towing and Wrecker Service			SUPs																Xs/ SUPs	Xs/ SUPs	Xs/ SUPs			8.2.10	1.15
Bail Bond																			X						1.6
Bed and Breakfast Inn	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	Xs	Xs			Xs	Xs			Xs							8.2.12	1.35
Business Services									X	X	X		X	X			X	X	X	X	X				1.10
Car Wash, Automatic																		Xs/ SUPs	Xs/ SUPs	SUPs				8.2.15 8.2.39	1.12
Car Wash, Self Service																	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs					8.2.15 8.2.39	1.12
Check Cashing Establishment, Closed 12AM to 5AM														X			X	X	X				X		1.6
Check Cashing Establishment, OpenUp to 24 hrs																			SUP				SUP		1.6
Cleaning & Maintenance Service											X					SUP	X	X	X	X					1.51

McAdenville UDO
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USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking	
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU			
Contractor's Office and Operation Center										SUP						X	X	X	X	X	X		SUP		1.51	
Financial Institution (excluding principal use ATMs)									X	X	X	X	X	X		X	X	X	X	X	X		X		1.6	
Food Catering Facility									Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs					8.2.21	1.15
Funeral Homes									SUP	X	X		SUP	SUP			X	X	X							1.25
Glass & Mirror Shop													X	X			X	X	X							1.28
Gunsmith, Gun & Ammunition Sales													SUP	SUP			X	X	X							1.6
Hardware Store													X	X		X	X	X	X							1.28
Hotel or Full Service Hotel									SUPs	SUPs	Xs	SUPs	Xs	SUPs			SUPs	Xs	Xs				Xs	8.2.23		1.8
Lawn and Garden														X		X	X	X	X	X	X					1.51
Marina, Accessory	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs																	8.2.38	1.53
Marina, Commercial	CZ	SUP	SUP															SUP	SUP							1.57
Mini-Warehouse																	SUPs	SUPs	Xs	Xs	Xs		Xs	8.3.10		1.33
Motel											SUPs								SUPs						8.2.23	1.8
Moving & Storage Facilities																			X	X	X					1.51
Nursery (Garden)		SUPs	SUPs															Xs	Xs	Xs			Xs	8.2.24		1.31
Pawn Shop																		X								1.27
Photo finish											X						X	X	X	X	X					1.6
Portable Toilet Service																				Xs	Xs				8.3.12	1.51
Septic Tank Cleaning Service																			SUP	SUP						1.51
Sign Shop																	X	X	X	X	X					1.51
Taxicab Company																			X							
Taxidermy	X	X	X																				X			1.6
Truck Washing																				SUP	SUP					
Upholstery Shop																	X	X	X				X			1.52
Civic / Community																										
Animal Shelter			SUPs																SUPs	SUPs	SUPs				8.2.5	1.36
Assisted Living			SUPs		SUPs			SUPs	SUPs	Xs	Xs	Xs		SUPs			SUPs	SUPs	Xs				Xs	8.1.2		1.5
Auditorium /Assembly Hall / Amphitheater / Community Center, 500 or more seats									SUPs	SUPs	SUPs		SUPs	SUPs			SUPs	SUPs	SUPs				SUPs	8.4.2		1.37

McAdenville UDO
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USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking	
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU			
Auditorium /Assembly Hall / Amphitheater / Community Center, Less than 500 seats									X	X	X		X	X			X	X	X				X		1.37	
Cemetery	SUPs	SUPs	SUPs	SUPs																						
Charitable Service Facility													SUPs	SUPs					Xs				Xs	8.4.5	1.38	
Church / Place of Worship	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	SUPs	Xs	8.4.6	1.40
Continuing Care Facility		SUPs	SUPs		SUPs			SUPs		SUPs	SUPs	SUPs						SUPs	SUPs					8.1.2	1.36	
Correctional Facility																			SUPs	SUPs				8.4.7	1.54	
Country Club	SUPs	SUPs	SUPs	SUPs																						
Day Care Center, Accessory										X	X		X	X		X	X	X	X	X	X	X	X		1.0	
Day Care Center, Class A	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs			Xs			Xs						Xs	8.1.3	1.1	
Day Care Center, Class B	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs	Xs	Xs	Xs	Xs	Xs		Xs/ SUPs	Xs	Xs	Xs	Xs/ SUPs			Xs	8.2.19	1.54	
Day Care Center, Class C		SUPs	SUPs					SUPs	Xs	Xs	Xs	Xs	Xs	Xs			Xs	Xs	Xs	SUPs			Xs	8.2.19	1.54	
Essential Services Class 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		1.0	
Essential Services Class 2	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	8.4.8	1.0	
Essential Services Class 3		SUP	SUP	SUP															SUP	SUP	SUP	SUP			1.51	
Essential Services Class 4	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	X		X	X	X	X	X	X	X	8.4.9	1.38	
Farmers Market													SUPs	SUPs			SUPs	SUPs	SUPs	SUPs	SUPs		SUPs	8.4.10	1.29	
Food Pantry														X			X	X	X				X		1.38	
Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0 - 9,999sqft GFA	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs				Xs/ SUPs	8.4.11	1.37	
Fraternal & Service Organization Meeting Facility (non- or not- for profit), 10,000+sqft GFA		SUPs	SUPs						Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs				SUPs	8.4.11	1.37	
Health and Behavioral Care Facility										Xs/ SUPs	Xs/ SUPs						Xs/ SUPs	Xs	Xs	Xs				8.2.22	1.39	
Library	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	X	X	X	X	X	X		SUP	X	X	X				X		1.43	

McAdenville UDO
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USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Maternity Home	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs							Xs/ SUPs	Xs/ SUPs						Xs/ SUPs	Xs	Xs	Xs				8.1.9	1.5
Military Reserve Center		SUPs	SUPs								SUPs							Xs	Xs	Xs	Xs		SUPs	8.4.13	1.5
Museum	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	X	X	X		X	X			X	X	X				X		1.44
Nursing Home, Rest Home		SUPs	SUPs					SUPs	Xs	Xs	Xs	Xs	Xs	Xs			Xs	Xs	Xs					8.1.2	1.5
Post Office			SUP					SUP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		1.45
Stadium	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs					8.4.20	1.19
Telecommunication Antennae & Equipment Buildings	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs		Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	8.4.22 8.4.24	1.0
Telecommunication Tower & Facilities		SUPs	SUPs	SUPs					SUPs	SUPs	SUPs			SUPs			SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	8.4.22 8.4.24	1.0
Telecommunication Tower, Freestanding Monopole, up to 199.9ft																			Xs	Xs	Xs	Xs		8.4.25 8.4.24	1.0
Tower and/or Station, Radio & Television Broadcast	SUPs	SUPs	SUPs	SUPs															SUPs		SUPs	SUPs		8.4.21	1.38
Zoo	SUP	SUP	SUP																SUP						1.52
Education																									
College / University		SUP	SUP	SUP							SUP						SUP	X	X						1.41
School for the Arts		SUP	SUP						X	X	X		X	X	X	X	X	X	X				X		1.26
School, Elementary & Middle (public & private)	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs				SUPs	SUPs	Xs	SUPs	SUPs				SUPs	8.4.17	1.48
School, Senior High (public & private)	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs				SUPs	SUPs	Xs	SUPs	SUPs				SUPs	8.4.17	1.49
School, Vocational													SUPs				SUPs	Xs	Xs	Xs	Xs	SUPs	Xs	8.4.18	1.47
Industrial / General Manufacturing																									
Abattoir																					SUP				1.15
Commercial Vehicle and Truck Storage																				Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	8.3.1	1.15
Contractor Storage & Equipment Yard																				Xs	Xs			8.3.11	1.15
Crematorium																				X	X		X		1.32

McAdenville UDO
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	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Dry Cleaning / Laundry Plant																				X	X	X			
Industrial Heavy Equipment Bulk Storage																					SUPs			8.3.18	1.15
Junk Yard / Salvage Yard																					SUPs	SUPs		8.3.3	1.34
Landfill, Beneficial Fill	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	8.3.17	1.0
Landfill, Land Clearing and Inert Debris, Major																					SUPs	SUPs		8.3.4	1.51
Landfill, Land Clearing and Inert Debris, Minor	Xs	Xs	Xs	Xs																Xs	Xs			8.3.5	1.0
Machine, Metal, Wood Working, Welding Shop			SUPs																Xs	Xs	Xs		Xs	8.3.6	1.15
Manufactured Goods, Class 1													Xs	Xs			Xs	Xs	Xs	Xs	Xs	Xs	Xs	8.3.7	1.32
Manufactured Goods, Class 2																					SUPs	SUPs		8.3.9	1.32
Monument Sales																			X	X	X				1.24
Postal & Parcel Processing & Bulk Handling Facility																				X	X	X			1.45
Recycling Deposit Station, accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		1.0
Recycling Deposit Station, principal use	SUPs	SUPs	SUPs											Xs			Xs	Xs	Xs	Xs	Xs		Xs	8.4.16	1.46
Recycling Processing Facility																				SUP	SUP	SUP			1.15
Solid Waste & Septic Tank Vehicle Storage Facility																				SUPs	SUPs			8.3.16	1.51
Solid Waste Transfer Station																					SUPs	SUPs		8.3.19	1.51
Tire Recap Facility																				SUP	SUP				1.13
Warehouse, 0-99,999sqft GFA																				Xs	Xs		Xs	8.3.14	1.15
Warehouse, 100,000+sqft GFA																				Xs	Xs	Xs	Xs/ SUPs	8.3.14	1.15
Wood Waste Grinding Operation																				Xs	Xs		Xs	8.3.15	1.51
Medical																									
Animal Hospital, (Indoor kennel)		SUPs	SUPs						Xs/ SUPs	Xs/ SUPs	Xs/ SUPs			Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs				Xs/ SUPs	8.4.18	1.34

McAdenville UDO
Table 7.1-1: Table of Uses

X = Permitted use by right; s = Supplemental Regulations; SUP = Special Use Permit required; CZ = Conditional Zoning required; E = Existing use subject to limitations; O = Overlay																									
USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Animal Hospital (Outdoor kennel)		SUPs	SUPs								SUPs						SUPs	SUPs	SUPs	SUPs			SUPs	8.2.4	1.6
Hospital												X													1.42
Laboratories - Dental, Medical										X	X	X	X				X	X	X	X	X	X			1.51
Medical Offices, 0-49,999sqft GFA									X	X	X	X	X	X		X	X	X	X	X	X		X		1.6
Medical Offices, 50,000-99,999sqft									SUPs	X	X	X	SUPs	SUPs			SUPs	X	X	X	X		X		1.6
Medical Offices, 100,000+sqft GFA										SUPs	X	X													1.6
Office General																									
Offices, Excluding Medical, 0-49,999sqft GFA									X	X	X		X	X			X	X	X	X	X		X		1.6
Offices, Excluding Medical, 50,000- 99,999sqft GFA									SUPs	X	X		X	SUP			SUP	SUP	X	X	X		X		1.6
Offices, Excluding Medical, 100,000- 199,999sqft										SUP	X			Xs/ SUPs				SUP	SUP	SUP	SUP		Xs/ SUPs	8.2.25	1.6
Offices, Excluding Medical, 200,000+sqft GFA											SUPs			Xs/ SUPs				SUP	SUP	SUP	SUP		Xs/ SUPs	8.2.25	1.6
Personal Services																									
Body Piercing Establishment and Tattoo																			SUPs					8.2.37	1.27
Grooming Services									X	X	X		X	X		X	X	X	X				X		1.55
Laundromat, Closed 12AM to 5AM													Xs	Xs		Xs	Xs	Xs	Xs				Xs	8.2.39	1.27
Laundromat, Open Up to 24 hrs														SUPs					Xs				Xs	8.2.39	1.27
Personal Business									X	X	X		X	X		X	X	X	X				X		1.6
Recreation General																									
Amusement Arcade										X							X	X	X						1.6
Amusement Park																			SUP						1.39
Amusement and Sporting Facility, Indoor (unless use specifically)									X	X	X	X					X	X	X					8.2.2	1.16
Amusement and Sporting Facility, Outdoor									SUPs	SUPs	SUPs	SUPs					SUPs	SUPs	SUPs					8.2.3	1.18

McAdenville UDO
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USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Baseball Hitting Range										X								X	X						1.16
Billiard Parlor													SUP	SUP			SUP	X	X						1.16
Bowling Lanes																		X	X						1.6
Game Room													SUP	SUP			SUP	SUP	X						1.6
Golf Course; Golf Driving Range; Golf Miniature	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs										Xs	Xs					8.2.18	1.18
Health Club, Spa, Gymnasium (principal use)										X			X			X	X	X	X						1.36
Paint Ball Facility			SUPs	SUPs															Xs	Xs	Xs			8.2.27	1.39
Park	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	8.4.14	1.39
Race Track, Large																			SUPs		SUPs			8.2.29	1.19
Race Track, Small			SUPs																Xs	Xs				8.2.29	1.19
Recreation Center and Sports Center	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	Xs	Xs	Xs	Xs	Xs	Xs			Xs	Xs	Xs	Xs				8.4.15	1.37
Riding Stables		SUPs	SUPs	SUPs													SUPs	SUPs						8.1.1	1.46
Rodeo / Accessory Rodeo		SUPs	SUPs	SUPs													SUPs	SUPs	SUPs					8.2.33	1.43
Skating Rink, indoor									X								X	X	X				X		1.6
Theater, indoor movie									X				X					X	X				X		1.44
Theater, outdoor movie																			SUP	SUP	SUP				1.17
Residential																									
Camping and Recreational Vehicle Park		SUPs	SUPs	SUPs														SUPs	SUPs					8.2.14	1.17
Dwelling, Manufactured Home Class A		X	X		O																				1.2
Dwelling, Manufactured Home Class B	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es		1.2
Dwelling, Manufactured Home Class C	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	8.1.16	1.2
Dwelling, Manufactured Home Class D	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	8.1.16	1.2
Dwelling, Mixed Use						Xs	Xs	Xs	Xs	Xs	Xs		Xs	Xs			Xs	Xs	Xs				Xs	8.1.4	1.3
Dwelling, Single Family	X	X	X	X	X	X	X	X	X					X			X								1.2
Dwelling, Two Family	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		SUPs	Xs/ SUPs	Xs/ SUPs					Xs/ SUPs			Xs/ SUPs							8.1.5	1.2
Family Care Home	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	Xs/ SUPs			Xs/ SUPs							8.1.6	1.5
Group Home		Xs	Xs							Xs	Xs	Xs		SUPs			SUPs							8.1.7	1.5

McAdenville UDO
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USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Manufactured Home Park	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	Es	8.1.8	1.2
Multi Family Development								Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ		Xs/ CZ	Xs/ CZ			Xs/ CZ						Xs/ CZ	8.1.10	1.2
Planned Residential Development (PRD)	Xs/ CZ	Xs/ CZ	Xs/ CZ		Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ			Xs/ CZ			Xs/ CZ						Xs/ CZ	8.1.11	1.52
Private Residential Quarters (PRQ)	Xs	Xs	Xs	Xs	Xs	Xs		Xs		Xs							Xs							8.1.17	1.52
Residential Infill Development					Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ			Xs/ CZ			Xs/ CZ						Xs/ CZ	8.1.12	1.2
Traditional Neighborhood Development (TND)	Xs/ CZ	Xs/ CZ	Xs/ CZ		Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ	Xs/ CZ		Xs/ CZ	Xs/ CZ			Xs/ CZ						Xs/ CZ	8.1.13	1.52
Sales and Service, General																									
ABC Store										X							X	X	X						1.6
Aircraft Sales & Service																			SUP	SUP	SUP				1.15
Art Gallery									X	X			X	X			X	X	X						1.21
Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales and Rental														SUPs					Xs	SUPs	SUPs			8.2.11	1.11
Building Material and Lumber Sales																			X	X	X				1.27
Club, Private (without Adult Entertainment)													Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	8.2.16	1.28
Convenience Store, Closed 12AM to 5AM													Xs	Xs	Xs	Xs	SUPs	Xs	Xs	Xs	Xs		SUPs	8.2.17	1.56
Convenience Store, Open up to 24 hours															SUPs		SUPs	SUPs	Xs	Xs	Xs		SUPs	8.2.17	1.56
Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies & Equipment Sales																	X	X	X	X	X				1.34
Exterminators Office																	X	X	X	X					1.15
Farm Supply Store, with outdoor storage																			X	X	X		X		1.29
Farm Supply Store, without outdoor storage																	X	X	X	X	X		X		1.29
Firing Range, Indoors, principal use			SUPs	SUPs														Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs			8.2.40	1.16
Firing Range, Outdoors, principal use																				SUPs	SUPs			8.2.40	1.16

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	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Flea Market, Indoor																	Xs	Xs	Xs	SUPs	SUPs		Xs	8.2.20	1.28
Flea Market, Outdoor																	SUPs	SUPs	Xs	SUPs	SUPs			8.2.20	1.28
Food Store, 0-9,999sqft GFA																X	X	X	X						1.29
Food Store, 10,000+sqft GFA																	SUP	X	X						1.29
Furriers																	X	X	X						1.29
Heavy, Industrial, Farm Equipment Sales and Services																			X		X	X			1.30
Home Occupation, Customary	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs							Xs	Xs						8.1.14	1.3
Produce Stand	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs					Xs	Xs		Xs	Xs	Xs	Xs	Xs			Xs	8.4.27	1.27
Restaurant									Xs	Xs	Xs		Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs		Xs	8.2.31	1.14
Restaurant, with drive thru																	SUPs	SUPs	Xs/SUPs					8.2.30	1.14
Restaurant, within other facilities									Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	8.2.41	1.0
Retail, 0-24,999sqft									Xs/SUPs	Xs/SUPs	Xs/SUPs	Xs/SUPs	Xs	Xs			Xs	Xs	Xs				Xs	8.2.32	1.27
R+A201:V201etail, 25,000-49,999sqft GFA												Xs/SUPs	Xs	Xs				Xs	Xs				Xs	8.2.32	1.27
Retail, 50,000-99,999sqft GFA																			Xs				SUPs	8.2.32	1.27
Retail, 100,000+sqft GFA																			SUPs					8.2.32	1.27
Shopping Center, 0-24,999sqft GFA									Xs	Xs			Xs	Xs		SUPs	Xs	Xs	Xs				Xs	8.2.34	1.27
Shopping Center, 25,000-49,999sqft									SUPs	SUPs			Xs	Xs			Xs	Xs	Xs				Xs	8.2.34	1.27
Shopping Center, 50,000-99,999sqft GFA									SUPs					SUPs					Xs				Xs	8.2.34	1.27
Shopping Center, 100,000+sqft GFA																			SUPs					8.2.34	1.27
Swimming Pool, Sales, Service & Supplies																			Xs					8.2.35	1.30
Tire Sales, new or used																		SUPs	Xs	Xs			SUP	8.2.36	1.27
Truck Stop																			SUP	SUP	SUP				1.38
Transportation																									
Airport, Airstrip, Freight & Flying Service												SUPs							SUPs	SUPs	SUPs	SUPs		8.4.1	1.43
Bus and Train Terminal, Passenger										SUPs			SUPs				SUPs	SUPs	SUPs	SUPs	SUPs			8.2.13	1.23

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USE CATEGORY	RESIDENTIAL ZONING								OFFICE DISTRICTS				COMMERCIAL DISTRICTS							INDUSTRIAL				Suppl.	Parking
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3	IU		
Distribution / Wholesale / Storage Operation																			X	X	X		X		1.34
Heliport / Helistop												Xs								SUPs	SUPs			8.4.12	1.23
Parking Lot	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	Xs	Xs	Xs	Xs	Xs	Xs			Xs	Xs	Xs	Xs	Xs		Xs	8.2.28	1.0
Railroad Terminal & Yard																		SUP	SUP	SUP	SUP		SUP		1.23
Transit Station					SUP	SUP	SUP	SUP					SUP	SUP	SUP		SUP	SUP	SUP	SUP	SUP		SUP		1.23
Truck Terminal																				SUPs	SUPs		SUPs	8.3.13	1.34
All Other Uses																									
Adult Establishments																				Xs	Xs			8.2.1	1.6
Automobile Hobbyist	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs		Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	8.1.18	1.0
Flex Space																				Xs	Xs	Xs	Xs	8.3.2	1.28
Electronic Gaming Operations																					SUPs			8.2.42	1.60
Lounge / Nightclub													Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	8.2.16	1.14
Planned Unit Development (PUD)		Xs/ SUPs	Xs/ SUPs						Xs/ SUPs	Xs/ SUPs	Xs/SU Ps		Xs/ SUPs	Xs/ SUPs			Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs	Xs/ SUPs		Xs/ SUPs	8.2.26	1.52

Appendix A - ROAD NAMING AND ADDRESSING ORDINANCE

ARTICLE I. - GENERAL PROVISIONS

Sec. 1. - Authority.

Gaston County hereby exercises its authority to enact addressing and road naming policies and procedures pursuant to Chapters 153A-121 and 153A-239.1 of the North Carolina General Statutes.

(Ord. No. 2008-155, 4-24-2008)

Sec. 2. - Repeal of existing ordinance.

Upon adoption of this ordinance, Chapter 14 of the Gaston County Code of Ordinance entitled Street Naming and House Numbering Ordinance of Gaston County, North Carolina, adopted June 1, 1990 is hereby repealed.

Sec. 3. - Jurisdiction.

The jurisdiction of the Road Naming and Addressing Ordinance shall be described as the unincorporated areas of Gaston County, including the extraterritorial jurisdictions of the municipalities. However, this ordinance may also regulate territory within the city limits or municipal boundaries whose governing body agrees to such regulation provided in writing. Any municipality may withdraw its approval of the county regulations at any time with written notice to the county.

(Ord. No. 2008-155, 4-24-2008)

Sec. 4. - Purpose.

The purpose of the regulations expressed herein is to provide for the uniform naming and marking of all streets and roadways used for public conveyance in Gaston County, to provide and enforce a uniform house numbering system along these roadways in order to preserve and promote public health, safety and welfare. Specifically, these regulations are designed to eliminate duplicate or phonetically similar road names; provide for uniform marking of streets and roadways, both public and private roads open to public use; establish an official map and listing of all streets and roadways in Gaston County; establish the procedures by which a street or roadway may be named or have the existing name changed; and establish the procedures by which structures and dwellings are assigned addresses.

(Ord. No. 2008-155, 4-24-2008)

Sec. 5. - Title.

This ordinance shall be known as the Road Naming and Addressing Ordinance.

(Ord. No. 2008-155, 4-24-2008)

Sec. 6. - Definition of terms.

For the purposes of this ordinance, certain terms and words used herein shall be defined as follows:

Address number: The number assigned to any house, residence, dwelling, business, warehouse or other structure or property in a sequential manner.

Address schematic: The Gaston County system generated by the geographic information system based computer addressing plan and used to assign addresses on both public and private roads.

Board of commissioners: The governing body of elected officials which represent the residents of Gaston County.

Developer: Any person, firm, trust, partnership, association or corporation engaged in the development of a proposed subdivision, industrial park or complex, or mobile home park.

E911: Enhanced 911 Emergency Telephone System by which users may be directly connected to Gaston County dispatchers for emergency assistance.

Geographic information system (GIS): A system of computer hardware and procedures designed to support the capture, management, manipulation, analysis, and display of spatially referenced data designed to solve complex planning and management problems.

Mailing address: The address assigned or adopted by the United States Postal Service for the purpose of delivering mail. A mailing address may or may not be identical to the property address. However, the current standard is for property addresses to be used as a mailing address unless other arrangements have been made (i.e. post office box).

Mobile home park: Land leased or rented that is used by mobile homes as an occupied dwelling.

Official name: The name of any roadway in the unincorporated areas of Gaston County as approved by planning and development services, the planning board, and/or the board of commissioners.

Planning board: A group of Gaston County citizens, appointed by the board of commissioners and created to make studies of Gaston County and surrounding areas; determine objectives in the development of the study area; develop and recommend policies, ordinances and/or procedures for obtaining the objectives; and other related matters.

Planning and development services: Provides direction to citizens of Gaston County and to those whose actions may directly impact citizens, in maintaining orderly and responsible growth by developing and enforcing ordinances, policies and procedures relating to the use of land. The department provides direction, administration, and support services in special projects and programs undertaken by Gaston County. It also provides direction and recommendations to the Gaston County Board of Commissioners and Gaston County Planning Board.

Private road: A road providing the principal means of access to one or more residential structures, business entities, or parcels which is not dedicated as a public road.

Property address: The unique house number and roadway name that is used in combination with one another to effectively locate a primary structure, business, or other dwelling for use with the E911 system.

Public road: All existing federal, state, and county public roads and all such public roads acquired in the future that have been recorded and/or dedicated for public use.

Road prefix: Shall be considered north, south, east or west and shall appear just before the proper name and shall be abbreviated N, S, E, and W.

Road suffix: A suffix to the road name that shall appear just after the proper name and shall be abbreviated according to standard established by the United States Postal Service.

Roadway: Any road, street, drive, lane, cart way, easement, right-of-way, access area, thoroughfare, highway, boulevard, or any other corridor used for or having the potential use as a means of conveyance by a motor vehicle.

State road number: A number assigned by the N.C. Department of Transportation to those roads which are maintained under the state's system.

Street sign: Signage placed at the roadway intersections which indicate the road name, direction, state/highway designation, and block number.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE II. - ROAD NAMING

Sec. 1. - Approval agency.

The board of commissioners designates the department of planning and development services, hereafter referred to as planning and development services, to coordinate the naming and/or renaming of public and private roads within the county. All matters will then be forwarded to the board of commissioners for review and approval.

(Ord. No. 2008-155, 4-24-2008)

Sec. 2. - Naming of new roads.

A property owner shall make application for approval of a proposed road name on a petition provided by planning and development services. Upon receipt of a road name petition, the department shall review the proposed road names and make a recommendation to the board of commissioners for consideration. It shall be the responsibility of the property owners petitioning the roadway for the upkeep and maintenance of said road and shall present in writing to planning and development services a written agreement between said property owners of such an arrangement prior to the approval of the road name petition. Gaston County shall not maintain any roadways, whether public or private, within the unincorporated areas of the county.

(Ord. No. 2008-155, 4-24-2008)

Sec. 3. - Prohibited road names.

Planning and development services shall not recommend or consider a road name which is the same or similar in spelling or pronunciation to an existing road within Gaston County. Nor will it recommend road names which are difficult to pronounce, have unconventional spelling, or are considered profane or offensive. Road names must not be over 18 characters in length.

(Ord. No. 2008-155, 4-24-2008)

Sec. 4. - Changing existing road names.

It is the intent of this ordinance to discourage the practice of changing existing road names except in situations where two identical or similar road names exist or in other circumstances that clearly make the accurate dispatching of emergency vehicles impractical. A road name may also be changed when one road has two commonly used names or where portions of what appears to be the same road have two or more names.

A road name change may be requested by the appropriate approval agencies (emergency services, police/fire/rescue, United States Postal Service) and submitted in writing with an explanation for the request made to planning and development services. Residents may petition for a road name change following the procedures set forth in Article II, Section 2 of this ordinance. Before recommending a road name change, planning and development services shall consider the official road name as recorded on plats and deeds of adjacent property and the most accurate historical name of the road in question. Disturbance to existing legal documents shall be of primary consideration in determining the single road name when two or more names are commonly used.

(Ord. No. 2008-155, 4-24-2008)

Sec. 5. - Private drives.

It is the intent of this ordinance to discourage the naming of private drives unless absolutely necessary in the location of dwellings or structures in the event of an emergency. Property owners of record may petition planning and development services for a private drive to be named or the issue may be staff initiated when appropriate.

- A. Private drives, whether pre-existing or created after the adoption of this ordinance shall be named when three or more addresses served by the private drive exist or are established. If the previous addresses were numbered on the adjoining road they shall be changed to appropriate addresses using the private drive name.
- B. The property owners must present a petition with 100 percent of the property owner's signatures before the matter can be forwarded to the planning board for review. Only the signatures of property owners will be considered (excluding renters, family members, or other tenants to the property). If 100 percent of the property owner's signatures cannot be obtained, then planning and development services shall review the petition for merit with regards to any E911 issues. If there is an immediate need to name the private drive for emergency services personnel to be able to locate said property, then staff may make a recommendation on behalf of the petitioner. If there is no immediate issue with regards to E911, then the petition shall be denied.
- C. The applicant causing the change to occur on the private drive shall pay a fee to be determined by the current fee schedule at the time of application, for costs covering the placement and maintenance of the new sign. The lettering shall include the abbreviation "Pvt" to distinguish this road from public roads.

(Ord. No. 2008-155, 4-24-2008)

Sec. 6. - Subdivisions.

This section applies to a road which is located completely within or along a proposed subdivision.

- A. The naming of roads created by a proposed subdivision shall be initiated by the property owner or his agent.
- B. The names of subdivision roads shall not duplicate or be phonetically similar to existing road names in Gaston County.
- C. Where proposed streets are extensions of existing streets, the existing street names shall be used.
- D. Proposed road names shall be approved by planning and development services upon verification of compliance and reserved for future use. The approved road names shall be shown on the final map submitted for approval and recordation.

Sec. 7. - Road name signs.

Gaston County will place and maintain signs on all public roadways in unincorporated parts of the county. These road signs shall be placed at intersections and shall identify intersecting roads.

- A. *Street sign standards:* All signs shall consist of 12-foot poles and signs measuring six inches by 36 inches, six inches by 42 inches, or six inches by 48 inches dependent upon the road name. The street signs shall be green in color with reflective white lettering. The information to be included on the signs shall be the road name, suffix, block number, and state-maintained road number or highway designation.
- B. *Placement:* All signs shall be placed at a suitable corner of each intersection, with the parks and recreation department to choose a location with the maximum visibility.
- C. *Fee schedule:* The applicant shall pay a fee to be determined by the current fee schedule and shall be applied to citizens or businesses requesting to name an unnamed private drive and/or developers constructing new subdivisions within the county.
- D. *Subdivision:* The county shall place and maintain street signs within all subdivisions located in the unincorporated portions of the county unless the developer so chooses to furnish the signs. The signs must be placed in accordance with county standards and be placed on a colored background with reflective lettering. It will be the developer's responsibility to maintain any signs that are placed by agencies other than Gaston County.
- E. *Municipalities:* The county shall place and maintain street signs within the jurisdiction of any municipality with whom there is a written agreement. The current fee schedule shall apply to each and every individual street sign placed or maintained on their behalf.
- F. *Damage to signs:* It shall be unlawful for any person, corporation, firm or association of persons to alter, remove, deface or damage any road name signs placed by Gaston County pursuant to this ordinance and any amendments thereto, and any violation of this portion of this ordinance shall be a misdemeanor and shall be punished as allowed by law.

ARTICLE III. - PUBLIC HEARINGS

Sec. 1. - Public hearing procedures.

- A. *Scheduling of hearing:* Upon receipt of a complete petition in the planning and development services, a public hearing shall be scheduled before the board of commissioners for review.
- B. *Notice of hearing:* At least ten business days before the public hearing, notice of the hearing shall be posted at the county courthouse, in at least two public places in the township or townships where the road is located and in a newspaper of general circulation published in the county.
- C. *Action of the board of commissioners:* At the public hearing, the board of commissioners shall hear and consider all name proposals and objections. If upon conclusion of the public hearing the board of commissioners finds that one or more names satisfy the requirements of this ordinance, the board of commissioners shall name the affected road and shall make all findings necessary to support that action.
- D. *Notification:* upon the naming of the road by the board of commissioners, planning and development services

shall notify all pertinent parties to this action, including all property owners involved, as well as the local postmaster with jurisdiction over the road, the board of transportation, and any city within five miles of the road. All agencies, with the exception of property owners involved, shall be notified electronically.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE IV. - ADDRESSING

Sec. 1. - Approval agency.

Planning and development services shall assign house numbers in the unincorporated areas of Gaston County and on all public roadways and private roads dedicated to public use. The county shall assign and maintain addresses within the jurisdiction of any municipality with whom there is a written agreement.

The board of commissioners hereby authorizes the planning board and planning and development services to develop procedures for the numbering of structures in unincorporated areas of Gaston County.

(Ord. No. 2008-155, 4-24-2008)

Sec. 2. - Assigning and reassigning road address ranges.

All roadways, public and private, shall be assigned a range of address numbers beginning at the point of intersection and increasing in a sequential manner to the end of the roadways, or in an outwardly fashion away from the center of the county. Each address reserved in the range of numbers shall be determined by a 50-foot interval. At times, it may be necessary, although discouraged, to reassign road address ranges to correct multiple inconsistencies and to ensure the safety, welfare and health of the residents and properties.

All roads to be assigned or reassigned address ranges, with the exception of subdivisions, must follow the public hearing guidelines as established in Article III of this ordinance [appendix].

(Ord. No. 2008-155, 4-24-2008)

Sec. 3. - General guidelines.

A unique address number shall be assigned to each and every structure, individually, that requires phone service, electricity or otherwise is deemed necessary to be addressed for E911 purposes. No two dwellings or structures shall share the same address.

1. The address number shall be determined by the primary entrance to the property via a drive or right-of-way.
2. Corner lots shall be addressed from the road upon which the principal entrance faces; except when the principal entrance is not visible from that road or is inaccessible for fire access from that road, then the parcel shall be addressed from the road intersected by the driveway.
3. Vacant lots shall not be assigned an address until the time that permits are obtained to erect a structure.
4. Subdivision lots of more than one acre in size and with more than 150 feet of road frontage will not be assigned an address during the preliminary review of the subdivision. The address will be assigned during the permitting process.

Sec. 4. - Residential apartments and other multi-dwelling structures.

Individual apartment units shall be numbered considering the type of unit, the individual apartment entrance location and building design as follows:

- A. *Duplex*: A number shall be provided to the front entrance of each individual unit.
- B. *Townhouse*: A number shall be provided to each individual unit at its front entrance.
- C. *Apartment*: A number shall be provided to each unit at the entrance. If the apartment unit's entrance is located on an inside foyer, a number shall be provided outside the building entrance. Each unit located on such foyer shall be provided with a numerical suffix as a secondary method of addressing. Specifically, ground floors shall use suffixes in the 100's starting at unit 101, the second floor shall use the 200's starting at unit 201, and so on to other levels (the basement level shall use 000's starting at unit 001). The building number and road name followed by the apartment unit's numerical designation shall form the address (i.e. 630 Old Shady Grove Rd, Unit 101). Numerical characters shall not be combined (as in 630-101 Old Shady Grove Rd). The development name may also be used in the address whenever desirable. For single level garden apartments and house apartments, letters may be acceptable as a secondary method of addressing.

Sec. 5. - Commercial, office and industrial complexes.

For commercial, office and industrial complexes, a numbering choice shall be made by staff from several methods:

- A. Assign the number to the main building where all mail is to be received for the complex. The development name may be included in the address.
- B. Each principal building in the complex may be provided a separate number and the buildings may also be named. The development name and/or the building name may be included in the address.
- C. For shopping center development, a separate number shall be assigned for each unit's main entrance. The shopping center name should be included in the address. Consideration should be given when assigning numbers to provide flexibility for adding stores and re-division of spaces. In the event a space is re-divided and no numbers remain available, alphabetical or numerical unit designations shall be used.
- D. Interior mall shopping centers should have one number assigned for the entire mall. The shopping center name and store name should be included in the address. Individual stores should not be assigned numbers except that secondary addressing may be provided. A separate property number may be assigned for the mall business office.
- E. Where deemed appropriate by staff, a multiple-story building may be assigned one address number at its main entrance. Individual units may be provided with secondary addressing based on floor numbering together with unit appellation such as "suite" or "room". The first floors shall be assigned numbers beginning with 100 and numbers on each successive floor should increase to the next highest 100.
- F. When applicable, a basement or floor below ground level may use a three digit series (second floor - 200 series; third floor - 300 series, etc) beginning with zero.

Sec. 6. - Changing address numbers.

It shall be the policy of this ordinance to discourage the practice of changing existing addresses or address numbers which are already in use except:

- A. If the existing address number is not in sequence and/or does not run consecutively in the same direction as the county address system or if the address number fails to observe the odd-even protocol. If staff determines that a change in address number would cause undue hardship and there is no threat to public safety, health, or welfare, then staff may approve a variance to this section.
- B. If the existing number is such that the assignment of address numbers for new buildings is not practical and in keeping with the requirements of this ordinance.
- C. When a new road is constructed, or recognized, which results in the most appropriate address for a building to be on the new road rather than the original road (such as where a building was previously located on an extended drive which subsequently becomes a private drive).
- D. When an address is duplicated.
- E. In unusual circumstances where an address threatens the health, safety and/or welfare of the public, then staff shall have the authority to assign addresses as necessary to remedy the problem.

(Ord. No. 2008-155, 4-24-2008)

Sec. 7. - House number design and placement standards.

The owner of any residence, industry, business or other structure shall post assigned numbers on structures, using the following standards:

- A. The height of the number of the house, building, mobile home space, or unit will be a minimum of three inches.
- B. House numbers should be placed either in the approximate center of the structure or on the street end of the structure near the main entrance so that it may be viewed from either the roadway or parking area which serves the building. If the numbers are not clearly visible from the road, then the numbers must also be placed at the entrance to the property.
- C. The numbers should be in a contrasting color to the color scheme of the structure so that it is clearly visible and should be maintained in a similar manner.
- D. If a building is divided into multiple units with separate entrances, and each unit has been assigned an individual number, then each unit number shall be displayed on or next to the main doorway.
- E. The address range of all individual unit numbers within a multi-unit building shall be displayed in a manner that is clearly visible from the road upon which the units are numbered. If more than one building shares an access, then the address range shall also be displayed on each building.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE V. - GENERAL STANDARDS

It shall be unlawful for any person(s) without the written consent of Gaston County to:

- A. Name or designate the name of any roadway, whether public or private, within the jurisdiction of this ordinance.

- B. Place any street sign on any roadway, whether public or private, within the jurisdiction of this ordinance.
- C. Remove, deface, damage or obscure any street sign within the jurisdiction of this ordinance.
- D. Number or assign a number to any structure within the jurisdiction of this ordinance.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE VI. - NOTICE OF VIOLATION OF GENERAL STANDARDS

The following agencies are hereby authorized to give notice of violation of the provisions of this ordinance: Gaston County Police Department, Gaston County Sheriff's Department, Gaston County Emergency Management Department, Gaston County Fire Marshal's Office, Gaston County Planning and Development Services/Land Use Division, Gaston County Building Inspections Department, Gaston County Attorney's Office, or other agencies as designated by the Gaston County Board of Commissioners. Said notice shall be in writing, directed by name to the property owner and shall set forth the actions necessary for the offender to be in compliance.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE VII. - AMENDMENT PROCEDURE

This ordinance may be amended from time to time by the Gaston County Board of Commissioners, as specified under board policy for amending county ordinances.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE VIII. - SEPARABILITY

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE IX. - CONFLICT

Insofar as the provisions of this ordinance are inconsistent with the provision of any other law except a provision of state or federal law, the provisions of this ordinance shall be applicable or control, road naming and addressing.

(Ord. No. 2008-155, 4-24-2008)

ARTICLE X. - EFFECTIVE DATE

This ordinance shall be in full force and effect upon adoption.

(Ord. No. 2008-155, 4-24-2008)



Town of McAdenville, North Carolina
Appendix B – Approved Tree and Shrub Species

CANOPY TREES

SCIENTIFIC NAME	COMMON NAME	DROUGHT TOLERANT	E/D	TYPE	Ht (FEET)	EXPOSURE
<i>Abies firma</i>	Japanese fir	No	E	C	40 to 70	Sun
<i>Acer platanoides</i>	Norway maple	Yes	D	C	40 to 50	Sun
<i>Acer pseudo-platanus</i>	Sycamore maple	Yes	D	C	40 to 60	Sun
<i>Acer rubrum</i>	Red maple	Yes	D	C	40 to 60	Sun, partial shade
<i>Acer saccharum</i>	Sugar maple	No	D	C	50 to 75	Sun, partial shade
<i>Acer x freemanii</i>	Freeman maple	Yes	D	C	50 to 65	Sun
<i>Aesculus flava</i>	Yellow buckeye	No	D	C	50 to 70	Sun, partial shade
<i>Aesculus hippocastanum</i>	Common horse chestnut	No	D	C	50 to 75	Sun, partial shade
<i>Alnus glutinosa</i>	Common alder	Yes	D	C	40 to 60	Sun, partial shade
<i>Betula jacquemontii</i>	Jacquemontii birch; Whitebarked himalayan birch	No	D	C	30 to 50	Sun
<i>Betula lenta</i>	Sweet birch	Yes	D	C	40 to 55	Sun, partial shade
<i>Betula nigra</i>	River birch	No	D	C	40 to 70	Sun, partial shade
<i>Calocedrus decurrens</i>	Incense cedar	Yes	E	C	30 to 70	Sun, light shade
<i>Carpinus betulus</i>	European hornbeam	Yes	D	C	40 to 60	Sun, partial shade
<i>Carpinus betulus 'fastigiata'</i>	Upright European hornbeam	Yes	D	C	40 to 60	Sun, partial shade
<i>Carpinus caroliniana</i>	American hornbeam, Ironwood	Yes	D	C	20 to 30	Sun, partial shade
<i>Carya illinoensis</i>	Pecan	Yes	D	C	70 to 100	Sun, light shade
<i>Castanea sativa</i>	Spanish chestnut	Yes	D	C	80 to 100	Sun
<i>Catalpa speciosa</i>	Northern catalpa	Yes	D	C	40 to 70	Sun, partial shade
<i>Cedrus atlantica 'Glauca'</i>	Blue atlas cedar	Yes	E	C	60 to 100	Sun, partial shade
<i>Cedrus deodara</i>	Deodar cedar	Yes	E	C	40 to 70	Sun, light shade
<i>Cedrus libani</i>	Cedar of Lebanon	Yes	E	C	40 to 60	Sun
<i>Celtis laevigata</i>	Hackberry	Yes	D	C	60 to 80	Sun
<i>Celtis occidentalis</i>	Hackberry	Yes	D	C	40 to 60	Sun
<i>Cercidiphyllum japonicum</i>	Katsuratree	No	D	C	40 to 60	Sun
<i>Chamaecyparis obtusa</i>	Hinoki falsecypress	No	E	C	50 to 75	Sun, light shade
<i>Chamaecyparis pisifera</i>	Japanese falsecypress	No	E	C	50 to 70	Sun
<i>Cryptomeria japonica</i>	Cryptomeria	Yes	E	C	50 to 60	Sun, light shade
<i>Cunninghamia lanceolata</i>	China fir	No	E	C	30 to 75	Sun, partial shade
<i>Eucommia ulmoides</i>	Hardy rubber tree	Yes	D	C	40 to 60	Sun
<i>Fagus grandifolia</i>	American beech	No	D	C	50 to 80	Sun, partial shade
<i>Fraxinus americana</i>	White ash	Yes	D	C	60 to 80	Sun
<i>Fraxinus pennsylvanica</i>	Green ash	Yes	D	C	50 to 60	Sun
<i>Ginkgo biloba (male)</i>	Ginkgo	Yes	D	C	40 to 70	Sun
<i>Gleditsia triacanthos</i>	Honeylocust	Yes	D	C	30 to 70	Sun
<i>Gleditsia triacanthos inermis</i>	Thornless honeylocust	Yes	D	C	30 to 70	Sun
<i>Gordonia lasianthus</i>	Loblolly bay	No	E	C	30 to 50	Sun, partial shade
<i>Gymnocladus dioica</i>	Kentucky coffeetree	Yes	D	C	60 to 75	Sun
<i>Ilex opaca</i>	American holly	Yes	E	C	30 to 60	Sun, partial shade
<i>Juniperus virginiana</i>	Eastern redcedar	Yes	E	C	30 to 40	Sun
<i>Kalopanax pictus</i>	Castor-aralia	Yes	D	C	40 to 60	Sun
<i>Larix keampferi</i>	Japanese larch	No	D	C	50 to 70	Sun
<i>Liquidambar styraciflua</i>	Sweetgum	Yes	D	C	60 to 100	Sun, partial shade
<i>Liriodendron tulipifera</i>	Tuliptree, Yellow poplar	No	D	C	40 to 100	Sun
<i>Magnolia acuminata</i>	Cucumbertree magnolia	No	D	C	50 to 80	Sun, partial shade
<i>Magnolia grandiflora</i>	Southern magnolia	Yes	E	C	40 to 80	Sun, partial shade
<i>Metasequoia glyptostroboides</i>	Dawn redwood	Yes	D	C	50 to 90	Sun
<i>Nyssa sylvatica</i>	Black gum	No	D	C	40 to 60	Sun, partial shade
<i>Picea abies</i>	Norway spruce	No	E	C	40 to 60	Sun
<i>Picea glauca</i>	Alberta spruce	Yes	E	C	40 to 60	Sun, light shade
<i>Picea pungens</i>	Colorado blue spruce	Yes	E	C	30 to 90	Sun
<i>Pinus echinata</i>	Shortleaf pine	Yes	E	C	80 to 100	Sun

Town of McAdenville, North Carolina
Appendix B – Approved Tree and Shrub Species

<i>Pinus elliottii</i>	Slash pine	Yes	E	C	60 to 80	Sun
<i>Pinus flexilis</i>	Limber pine	Yes	E	C	30 to 60	Sun, partial shade
<i>Pinus heldreichii</i>	Bosnian pine	Yes	E	C	70 to 90	Sun
<i>Pinus nigra</i>	Austrian pine	Yes	E	C	30 to 60	Sun
<i>Pinus rigida</i>	Pitch pine	Yes	E	C	40 to 60	Sun
<i>Pinus strobus</i>	White Pine	Yes	E	C	Varies	Sun
<i>Pinus sylvestris</i>	Scotch pine	Yes	E	C	30 to 70	Sun
<i>Pinus taeda</i>	Loblolly pine	Yes	E	C	30 to 40	Sun, partial shade
<i>Pinus thunbergiana</i>	Japanese black pine	Yes	E	C	50 to 70	Sun
<i>Pinus virginiana</i>	Virginia pine	Yes	E	C	15 to 40	Sun
<i>Platanus acerifolia</i>	London plane tree	Yes	D	C	60 to 80	Sun
<i>Platanus occidentalis</i>	Sycamore	No	D	C	70 to 100	Sun, partial shade
<i>Quercus acutissima</i>	Sawtooth oak	Yes	D	C	30 to 45	Sun, light shade
<i>Quercus alba</i>	White oak	Yes	D	C	60 to 100	Sun
<i>Quercus bicolor</i>	Swamp white oak	Yes	D	C	50 to 60	Sun, partial shade
<i>Quercus coccinea</i>	Scarlet oak	Yes	D	C	50 to 80	Sun
<i>Quercus falcata</i>	Southern red oak	Yes	D	C	70 to 90	Sun
<i>Quercus hemisphaerica</i>	Darlington oak	Yes	D	C	40 to 60	Sun, partial shade
<i>Quercus imbricaria</i>	Shingle oak	Yes	D	C	50 to 60	Sun
<i>Quercus lyrata</i>	Overcup oak	Yes	D	C	35 to 45	Sun
<i>Quercus macrocarpa</i>	Bur oak	Yes	D	C	70 to 80	Sun
<i>Quercus nigra</i>	Water oak	Yes	D	C	50 to 75	Sun, partial shade
<i>Quercus nuttallii</i>	Nuttall oak	Yes	D	C	40 to 60	Sun
<i>Quercus palustris</i>	Pin oak	Yes	D	C	60 to 80	Sun
<i>Quercus phellos</i>	Willow oak	Yes	D	C	60 to 80	Sun
<i>Quercus prinus</i>	Chestnut oak	Yes	D	C	60 to 70	Sun
<i>Quercus rubra</i>	Red oak	Yes	D	C	60 to 75	Sun
<i>Quercus shumardii</i>	Shumard oak	Yes	D	C	40 to 60	Sun
<i>Quercus stellata</i>	Post oak	Yes	D	C	40 to 50	Sun
<i>Quercus virginiana</i>	Live oak	Yes	E	C	30 to 50	Sun
<i>Salix matsudana</i>	Scarlet Curls, Tortuosa	No	D	C	40 to 50	Sun
<i>Sassafras albidum</i>	Sassafras	Yes	D	C	30 to 60	Sun, partial shade
<i>Taxodium ascendens</i>	Pond cypress	Yes	D	C	70 to 80	Sun
<i>Taxodium distichum</i>	Baldcypress	Yes	D	C	50 to 100	Sun
<i>Thuja occidentalis</i>	American arborvitae	No	E	C	40 to 60	Sun
<i>Thuja plicata</i>	Giant arborvitae	No	E	C	50 to 80	Sun, partial shade
<i>Thuja x 'Green Giant'</i>	Green Giant arbor	No	E	U	40 to 60	Sun
<i>Tilia americana</i>	American linden	Yes	D	C	60 to 100	Sun
<i>Tilia cordata</i>	Littleleaf linden	Yes	D	C	30 to 50	Sun
<i>Tilia tomentosa</i>	Silver linden	Yes	D	C	40 to 70	Sun
<i>Tsuga canadensis</i>	Canadian hemlock	No	E	C	30 to 80	Sun, partial shade
<i>Tsuga caroliniana</i>	Carolina hemlock	No	E	C	30 to 70	Sun, partial shade
<i>Ulmus americana</i>	Liberty Elm, Valley Forge Elm	Yes	D	C	75 to 125	Sun, partial shade
<i>Ulmus parvifolia</i>	Lacebark elm	Yes	D	C	40 to 50	Sun
<i>Zelkova serrata</i>	Zelkova	Yes	D	C	50 to 80	Sun, partial shade

Town of McAdenville, North Carolina
Appendix B – Approved Tree and Shrub Species

UNDERSTORY TREES

SCIENTIFIC NAME	COMMON NAME	DROUGHT TOLERANT	E/D	TYPE	Ht (FEET)	EXPOSURE
<i>Abies koreana</i>	Korean fir	No	E	U	15 to 30	Sun
<i>Acer barbatum</i> (A. <i>saccharum</i> ssp. <i>floridanum</i>)	Southern sugar maple	Yes	D	U	20 to 25	Sun
<i>Acer buergerianum</i>	Trident maple	Yes	D	U	25 to 35	Sun
<i>Acer campestre</i>	Hedge maple	Yes	D	U	25 to 35	Sun, light shade
<i>Acer cissifolium</i>	Ivy-leaved maple	No	D	U	20 to 30	Sun, partial shade
<i>Acer ginnala</i>	Amur maple	Yes	D	U	15 to 20	Sun, partial shade
<i>Acer griseum</i>	Paperbark maple	No	D	U	20 to 30	Sun, partial shade
<i>Acer japonicum</i>	Fullmoon maple	No	D	U	20 to 30	Sun, partial shade
<i>Acer leucoderme</i>	Whitebark maple, Chalk maple	Yes	D	U	25 to 30	Sun, partial shade
<i>Acer maxmowiczianum</i>	Nikko maple	No	D	U	20 to 30	Sun
<i>Acer negundo</i>	Box elder	Yes	D	U	30 to 50	Sun
<i>Acer palmatum</i>	Japanese maple	No	D	U	15 to 25	Sun, partial shade
<i>Acer spicatum</i>	Mountain maple	No	D	U	10 to 30	Sun, partial shade
<i>Acer triflorum</i>	Three-flower maple	No	D	U	20 to 30	Sun, partial shade
<i>Acer truncatum</i>	Purple blow maple	Yes	D	U	20 to 25	Sun
<i>Aesculus californica</i>	California buckeye	Yes	D	U	20 to 30	Sun, partial shade
<i>Aesculus glabra</i>	Ohio buckeye	No	D	U	20 to 40	Sun, partial shade
<i>Aesculus pavia</i>	Red buckeye	Yes	D	U	10 to 20	Sun, partial shade
<i>Aesculus sylvatica</i>	Painted buckeye	No	D	U	5 to 15	Sun, partial shade
<i>Albizia julibrissin</i>	Mimosa	Yes	D	U	20 to 35	Sun
<i>Alnus japonica</i>	Japanese alder	Yes	D	U	12 to 25	Sun, partial shade
<i>Alnus serrulata</i>	Tag alder	Yes	D	U	15 to 20	Sun, partial shade
<i>Amelanchier alnifolia</i>	Serviceberry	No	D	U	15 to 25	Sun, partial shade
<i>Amelanchier arborea</i>	Downy serviceberry	No	D	U	10 to 25	Sun, partial shade
<i>Amelanchier canadensis</i>	Shadbush	No	D	U	15 to 20	Sun, partial shade
<i>Amelanchier x grandiflora</i>	Apple serviceberry cvs: Autumn Brilliance, Princess Diana, etc.	No	D	U	20 to 25	Sun, partial shade
<i>Carpinus japonica</i>	Japanese hornbeam	Yes	D	U	20 to 30	Sun, partial shade
<i>Carpinus orientalis</i>	Oriental hornbeam	Yes	D	U	15 to 25	Sun, shade
<i>Cercis canadensis</i>	Eastern redbud	Yes	D	U	20 to 30	Sun, partial shade
<i>Cercis canadensis ssp. retusus</i>	Oklahoma redbud	Yes	D	U	20 to 30	Sun, partial shade
<i>Cercis canadensis ssp. texensis</i>	Texas redbud	Yes	D	U	15 to 20	Sun, partial shade
<i>Cercis chinensis</i>	Chinese redbud	Yes	D	U	8 to 12	Sun
<i>Chionanthus retusus</i>	Chinese fringe tree	Yes	D	U	15 to 25	Sun, partial shade
<i>Chionanthus virginicus</i>	Fringe tree	No	D	U	12 to 20	Sun, partial shade
<i>Cladrastis kentuckea</i>	Yellowwood	Yes	D	U	30 to 45	Sun
<i>Cornus florida</i>	Flowering dogwood	No	D	U	15 to 20	Partial shade
<i>Cornus kousa</i>	Kousa dogwood	No	D	U	20 to 30	Sun, partial shade
<i>Cornus mas</i>	Cornelain cherry dogwood	Yes	D	U	20 to 25	Sun, partial shade
<i>Cornus Stellar hybrids</i>	Stellar dogwood	No	D	U	15 to 30	Sun, partial shade
<i>Corylus avellana 'Contorta'</i>	Lauders walking stick	No	D	U	12 to 20	Sun
<i>Cotinus coggygria</i>	Smoketree	Yes	D	U	10 to 15	Sun
<i>Cotinus hybrids</i>	Smoketree cvs: Grace	Yes	D	U	10 to 15	Sun
<i>Cotinus obovatus</i>	American smoke tree	Yes	D	U	10 to 15	Sun
<i>Crataegus crus-galli</i>	Cockspur hawthorn	Yes	D	U	20 to 30	Sun
<i>Crataegus laevigata</i>	Scarlet hawthorn, English hawthorn	Yes	D	U	20 to 25	Sun
<i>Crataegus phaenopyrum</i>	Washington hawthorn	Yes	D	U	25 to 30	Sun
<i>Crataegus x lavalleyi</i>	Lavalle hawthorn	Yes	D	U	15 to 30	Sun
<i>Crataegus viridis</i>	Green hawthorn	Yes	D	U	15 to 20	Sun, light shade
<i>Cryptomeria japonica</i>	Cryptomeria cvs: Sekkan-Sugi, etc.	No	E	U	15 to 30	Sun, light shade

Town of McAdenville, North Carolina
Appendix B – Approved Tree and Shrub Species

<i>Cupressus arizonica</i>	Arizona cypress	Yes	E	U	30 to 40	Sun
<i>Cupressus sempervirens</i>	Italian cypress	Yes	E	U	20 to 30	Sun
<i>Cydonia sinensis</i>	Chinese quince	No	D	U	10 to 20	Sun, partial shade
<i>Euscaphis japonica</i>	Korean sweetheart tree	Yes	D	U	20	Sun, partial shade
<i>Firmiana simplex</i>	Chinese parasol tree	No	D	U	30 to 45	Sun
<i>Halesia carolina, H. tetraptera</i>	Carolina silverbell	No	D	U	20 to 40	Sun, partial shade
<i>Halesia diptera</i>	Two-winged silverbell	No	D	U	15 to 30	Sun, partial shade
<i>Heptacodium miconioides</i>	Seven-son flower	Yes	D	U	10 to 20	Sun, partial shade
<i>Hovenia dulcis</i>	Japanese raisin tree	No	D	U	30	Sun, light shade
<i>Ilex cassine</i>	Dahoon holly	No	E	U	20 to 30	Sun, partial shade
<i>Ilex decidua</i>	Possumhaw	Yes	D	U	20 to 30	Sun, partial shade
<i>Ilex pedunculosa</i>	Long stalk holly	No	E	U	20 to 30	Sun, partial shade
<i>Ilex vomitoria 'Pendula'</i>	Weeping yaupon holly	Yes	E	U	20 to 25	Sun, partial shade
<i>Ilex x 'Nellie R. Stevens'</i>	Nellie R. Stevens holly	Yes	E	U	20 to 40	Sun, partial shade
<i>Ilex x 'Carolina Sentinal'</i>	Carolina Sentinal holly	No	E	U	20 to 25	Sun, partial shade
<i>Ilex x attenuata</i>	Ilex cvs: Savannah, Foster, Sunny Foster, East Palatka, etc.	Yes	E	U	20 to 30	Sun, partial shade
<i>Juniperous saliciola</i>	Southern red cedar	Yes	E	U	30 to 40	Sun
<i>Juniperous scopulorum</i>	Rocky Mountain juniper cvs: Blue Haven, Skyrocket, Wichita Blue, etc.	Yes	E	U	15 to 40	Sun
<i>Koelreuteria bipinnata</i>	Southern Goldenraintree	Yes	D	U	20 to 30	Sun
<i>Koelreuteria paniculata</i>	Goldenraintree	Yes	D	U	20 to 40	Sun
<i>Lagerstroemia fauriei</i>	Japanese crapemyrtle	Yes	D	U	20 to 30	Sun
<i>Lagerstromia indica</i>	Crapemyrtle	Yes	D	U	15 to 30	Sun
<i>Lagerstromia indica x fauriei</i>	Crapemyrtle cvs: Choctaw, Muskogee, Natchez, Tuscarora, etc.	Yes	D	U	15 to 30	Sun
<i>Lithocarpus henryi</i>	Henry tanbark oak	Yes	E	U	25 to 30	Sun, partial shade
<i>Maackia amurensis</i>	Amur maackia	Yes	D	U	20 to 30	Sun
<i>Maclura pomifera</i>	Osage-orange	Yes	D	U	20 to 40	Sun
<i>Magnolia grandiflora 'Little Gem'</i>	Little Gem magnolia	Yes	E	U	15 to 20	Sun
<i>Magnolia hybrids</i>	Magnolia cvs: Ann, Betty, Judy, Mary Nell, Galaxy, etc	No	D	U	10 to 30	Sun
<i>Magnolia liliiflora</i>	Lily magnolia	No	D	U	12 to 15	Sun
<i>Magnolia macrophylla</i>	Bigleaf magnolia	No	D	U	30 to 40	Sun, partial shade
<i>Magnolia sieboldii</i>	Oyama magnolia	No	D	U	10 to 20	Partial shade
<i>Magnolia stellata</i>	Star magnolia	No	D	U	10 to 20	Sun
<i>Magnolia virginiana</i>	Sweetbay magnolia	No	E	U	10 to 60	Sun, partial shade
<i>Magnolia x soulangiana</i>	Saucer magnolia	No	D	U	15 to 25	Sun, partial shade
<i>Malus spp.</i>	Crabapple	Yes	D	U	15 to 25	Sun
<i>Morus australis 'Unryo'</i>	Contorted mulberry	No	D	U	20 to 30	Sun
<i>Nyssa ogeche</i>	Ogeche gum	No	D	U	30 to 50	Sun, partial shade
<i>Ostrya virginiana</i>	American hophornbeam or Ironwood	Yes	D	U	25 to 40	Sun, partial shade
<i>Oxydendrum arboreum</i>	Sourwood	Yes	D	U	20 to 30	Sun, partial shade
<i>Parrotia persica</i>	Persian ironwood	No	D	U	20 to 40	Sun, light shade
<i>Persea borbonia</i>	Redbay	Yes	E	U	15 to 40	Sun, partial shade
<i>Phellodendron amurense</i>	Amur cork tree	Yes	D	U	30 to 45	Sun
<i>Photinia serrulata</i>	Chinese photinia	Yes	E	U	20 to 30	Sun
<i>Picea glauca (dwarf cultivars)</i>	Spruce cvs: Conica, etc	Yes	E	U	10 to 20	Sun, light shade
<i>Pinus bungeana</i>	Lacebark pine	Yes	E	U	30 to 50	Sun
<i>Pinus cembra</i>	Swiss stone pine	Yes	E	U	30 to 40	Sun
<i>Pinus korariensis</i>	Korean pine	Yes	E	U	30 to 40	Sun, partial shade
<i>Pinus mugo</i>	Mugo pine	Yes	E	U	15 to 20	Sun, partial shade
<i>Pinus wallichiana</i>	Himalayan pine	Yes	E	U	30 to 50	Sun, partial shade
<i>Pistacia chinensis</i>	Chinese pistache	Yes	D	U	25 to 40	Sun
<i>Poncirus trifoliata</i>	Hardy orange	Yes	D	U	8 to 20	Sun

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<i>Prunus 'Snow Goose'</i>	Snow Goose cherry	No	D	U	20	Sun
<i>Prunus campanulata</i>	Taiwan cherry	No	D	U	20 to 30	Sun, partial shade
<i>Prunus caroliniana</i>	Carolina laurelcherry	No	E	U	20 to 40	Sun, partial shade
<i>Prunus cerasifera</i>	Purple leaf plum	No	D	U	15 to 25	Sun
<i>Prunus mume</i>	Japanese apricot	No	D	U	10 to 20	Sun, partial shade
<i>Prunus percica</i> (Corinthian hybrids)	Corinthian peach	No	D	U	20 to 25	Sun
<i>Prunus sargentii</i>	Sargent cherry	No	D	U	20 to 40	Sun
<i>Prunus serrulata</i>	Japanese cherry	No	D	U	15 to 25	Sun, partial shade
<i>Prunus subhirtella</i>	Higon cherry	No	D	U	20 to 40	Sun
<i>Prunus x 'Okame'</i>	Okame cherry	No	D	U	15 to 30	Sun
<i>Prunus x blireana</i>	Blireana cherry	No	D	U	15 to 20	Sun
<i>Prunus x cistena</i>	Purple leaf plum	No	D	U	7 to 14	Sun
<i>Prunus x yedoensis</i>	Yoshino cherry	No	D	U	30 to 40	Sun, light shade
<i>Pseudolarix amabilis</i>	Golden-larch	No	D	U	20 to 40	Sun
<i>Ptelea trifolia</i>	Hop tree	Yes	D	U	15 to 20	Sun, partial shade
<i>Pyrus calleryana</i>	Pear cvs: Cleveland, Aristocrat, Capital, Redspire, 'Holmford'	Yes	D	U	30 to 40	Sun
<i>Rhamnus caroliniana</i>	Carolina buckthorn	Yes	D	U	15 to 30	Sun
<i>Rhus typhina</i>	Staghorn sumac	Yes	D	U	15 to 25	Sun
<i>Robinia pseudoacacia</i>	Black locust	Yes	D	U	30 to 50	Sun
<i>Salix babylonica</i>	Weeping willow	No	D	U	30 to 50	Sun
<i>Sinojackia rehderiana</i>	Jacktree	No	D	U	15 to 20	Sun, partial shade
<i>Stewartia rostrata</i>	Upright stewartia	No	D	U	15	Sun, partial shade
<i>Stewartia koreana</i>	Korean stewartia	No	D	U	20 to 30	Sun, partial shade
<i>Stewartia ovata</i>	Mountain stewartia	No	D	U	10 to 15	Sun, light shade
<i>Stewartia pseudocamellia</i>	Japanese stewartia	No	D	U	20 to 40	Sun, partial shade
<i>Styrax japonica</i>	Japanese snowbell	No	D	U	20 to 30	Sun, partial shade
<i>Styrax malacodendron</i>	Silky stewartia	No	D	U	10 to 15	Partial shade
<i>Styrax obassia</i>	Fragrant snowball	No	D	U	20 to 30	Sun, partial shade
<i>Syringa reticulata</i>	Japanese tree lilac	No	D	U	20 to 30	Sun
<i>Thuja occidentalis</i>	Eastern arborvitae	No	E	U	10 to 30	Sun
<i>Thuja orientalis</i>	Oriental arborvitae	No	E	U	18 to 25	Sun
<i>Trachycarpus fortunei</i>	Windmill palm	Yes	E	U	15 to 35	Sun, partial shade
<i>Trochodendron aralioides</i>	Wheel tree	No	D	U	10 to 20	Partial shade
<i>Ulmus alata</i>	Winged elm	Yes	D	U	30 to 40	Sun
<i>Vitex agnus-castus</i>	Vitex chastetree	Yes	D	U	15 to 20	Sun
<i>Ziziphus jujuba</i>	Common jujuba	Yes	D	U	15 to 20	Sun

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SCIENTIFIC NAME	COMMON NAME	DROUGHT TOLERANT	E/D	Ht (FEET)	EXPOSURE
<i>Abelia chinensis</i>	Chinese abelia	Yes	D	5 to 7	Sun, partial shade
<i>Abelia hybrids</i>	Abelia cvs: Edward Goucher, Little Richard, Sunrise, etc.	Yes	D	Varies	Sun, partial shade
<i>Abelia x grandiflora</i>	Glossy abelia	Yes	D	3 to 6	Sun, partial shade
<i>Abeliophyllum distichum</i>	White forsythia	Yes	D	3 to 5	Sun, partial shade
<i>Abies concolor</i> (dwarf cultivars)	White fir	Yes	E	Varies	Sun, partial shade
<i>Aesculus parviflora</i>	Bottlebrush buckeye	Yes	D	8 to 12	Sun, partial shade
<i>Agava americana</i>	Century plant	Yes	E	3 to 6	Sun
<i>Amorpha canescens</i>	Leadplant	Yes	D	2 to 4	Sun
<i>Aucuba japonica</i>	Aucuba	Yes	E	6 to 10	Partial shade
<i>Berberis julianae</i>	Wintergreen barberry	Yes	E	6 to 8	Sun, partial shade
<i>Berberis koreana</i>	Korean barberry	Yes	D	4 to 6	Sun, partial shade
<i>Berberis thunbergii</i>	Japanese barberry	Yes	D	3 to 6	Sun, partial shade
<i>Berberis thunbergii</i> var. <i>atropurpurea</i>	Red barberry	Yes	D	3 to 6	Sun, partial shade
<i>Berberis triacanthophora</i>	Threespine barberry	Yes	E	3 to 5	Sun, partial shade
<i>Berberis verruculosa</i>	Warty barberry	Yes	E	3 to 4	Sun, partial shade
<i>Berberis x chenaultii</i>	Chenault barberry	Yes	E	3 to 4	Sun
<i>Berberis x gladwynensis</i> 'William Penn'	William Penn barberry	Yes	E	3 to 4	Sun, partial shade
<i>Berberis x mentorensis</i>	Mentor barberry	Yes	D	5	Sun, partial shade
<i>Buddleia alternifolia</i>	Alternate-leaf butterfly-bush	Yes	D	10 to 20	Sun
<i>Buddleia davidii</i>	Butterfly-bush	Yes	D	10 to 15	Sun
<i>Buddleia golbosa</i>	Orange ball tree	Yes	D	10 to 15	Sun
<i>Buddleia lindleyana</i>	Lindley butterfly-bush	Yes	E	4 to 6	Sun
<i>Buddleia loricata</i>	Butterfly-bush	Yes	E	4 to 5	Sun
<i>Buxus harlandii</i>	Harland boxwood	Yes	E	4 to 6	Sun
<i>Buxus hybrids</i>	Boxwood cvs: Green Mountain, Green Velvet, Wintergreen	Yes	E	2 to 4	Partial shade
<i>Buxus sempervirens</i>	Common boxwood	Yes	E	15 to 20	Partial shade
<i>Buxus sempervirens</i> 'Suffruticosa'	English boxwood	Yes	E	2 to 4	Partial shade
<i>Buxus sinica</i> var. <i>japonica</i>	Japanese boxwood	Yes	E	3 to 6	Partial shade
<i>Buxus sinica</i> (B. <i>microphylla</i>)	Little leaf boxwood	Yes	E	3 to 4	Partial shade
<i>Callicarpa americana</i>	American beautyberry	Yes	D	3 to 8	Sun, partial shade
<i>Callicarpa bodinieri</i>	Bodinier beautyberry	Yes	D	6 to 10	Sun, partial shade
<i>Callicarpa dichotoma</i>	Purple beautyberry	Yes	D	3 to 4	Sun, partial shade
<i>Callicarpa japonica</i>	Japanese beautyberry	Yes	D	4 to 6	Sun, partial shade
<i>Callistemon citrinus</i>	Lemon bottlebrush	Yes	E	10 to 15	Sun
<i>Camellia sasanqua</i>	Sasanqua camellia	Yes	E	6 to 10	Sun, partial shade
<i>Camellia sinensis</i>	Tea camellia	Yes	E	4 to 6	Partial shade
<i>Caryopteris x clandonensis</i>	Blue mist shrub, Blue caryopteris	Yes	D	2 to 3	Sun
<i>Ceanothus americanus</i>	New Jersey tea	Yes	D	3 to 4	Sun, partial shade
<i>Ceanothus x pallidus</i>	Ceanothus	Yes	D	3 to 4	Sun
<i>Cedrus deodara</i> (dwarf cultivars)	Cedar cvs: Snow Sprite, Compacta, etc.	Yes	E	Varies	Sun
<i>Cephalotaxus harringtonia</i>	Japanese plum yew	Yes	E	5 to 10	Partial shade
<i>Choisya ternata</i>	Mexican-orange	Yes	E	6 to 8	Sun, partial shade
<i>Cornus sericea</i> ; (C. <i>stolonifera</i>)	Redosier dogwood	Yes	D	7 to 9	Sun, partial shade
<i>Cotoneaster apiculatus</i>	Cranberry cotoneaster	Yes	D	3	Sun, partial shade
<i>Cotoneaster dammeri</i>	Bearberry cotoneaster	Yes	E	1 to 2	Sun
<i>Cotoneaster divaricatus</i>	Spreading cotoneaster	Yes	D	5 to 6	Sun
<i>Cotoneaster horizontalis</i>	Rockspray cotoneaster	Yes	E	2 to 3	Sun
<i>Cotoneaster lacteus</i>	Parney cotoneaster	Yes	E	6 to 10	Sun, partial shade

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<i>Cotoneaster microphyllus</i>	Little-leaf cotoneaster	Yes	E	2 to 3	Sun, partial shade
<i>Cotoneaster salicifolia</i>	Willowleaf cotoneaster	Yes	E	10 to 15	Sun, partial shade
<i>Cytisus scoparius</i>	Scotch broom	Yes	D	5 to 6	Sun, partial shade
<i>Deutzia gracilis</i>	Slender deutzia	Yes	D	3 to 4	Sun, partial shade
<i>Deutzia hybrids</i>	Deutzia cvs: Pink Minor, Strawberry Fields, Magician, etc.	Yes	D	2 to 4	Sun, partial shade
<i>Diervilla sessilifolia</i>	Southern bush-honeysuckle	Yes	D	3 to 5	Sun, partial shade
<i>Elaeagnus angustifolia</i>	Russian olive	Yes	E	12 to 15	Sun, partial shade
<i>Elaeagnus fruitlandi</i>	Elaeagnus	Yes	E	10	Sun, partial shade
<i>Elaeagnus pungens</i>	Thorny elaeagnus	Yes	E	10 to 15	Sun, partial shade
<i>Elaeagnus x ebbingii</i>	Elaeagnus	Yes	E	8 to 10	Sun, partial shade
<i>Euonymus alatus</i>	Winged euonymus	Yes	D	15 to 20	Sun
<i>Euonymus americana</i>	Strawberry bush	Yes	D	4 to 6	Partial shade
<i>Euonymus japonicus</i>	Japanese euonymus	Yes	E	5 to 10	Sun, partial shade
<i>Euonymus kiautschovicus</i>	Spreading euonymus	Yes	E	8 to 10	Sun, partial shade
<i>Fontanesia fortunei</i>	Fortune's fontanesia	Yes	D	10 to 15	Sun, partial shade
<i>Forsythia x hybrids</i>	Forsythia cvs: Beatrix Farrand, Lynwood Gold, Golden Times, Spring Glory, etc.	Yes	D	Varies	Sun, partial shade
<i>Forsythia x intermedia</i>	Border forsythia	Yes	D	8 to 10	Sun, partial shade
<i>Fothergilla gardenii</i>	Dwarf fothergilla	Yes	D	2 to 3	Sun, partial shade
<i>Fothergilla major</i>	Large fothergilla	Yes	D	6 to 12	Partial shade
<i>Gardenia augusta</i> (G. <i>jasminoides</i>)	Gardenia	Yes	E	4 to 6	Sun, partial shade
<i>Genista pilosa</i>	Silky-leaf woadwaxen	Yes	D	1 to 3	Sun
<i>Hamamelis mollis</i>	Chinese witchhazel	Yes	D	10 to 15	Partial shade to shade
<i>Hamamelis vernalis</i>	Vernal witchhazel	Yes	D	6 to 10	Sun, partial shade
<i>Hydrangea quercifolia</i>	Oakleaf hydrangea	Yes	D	4 to 6	Sun, partial shade
<i>Ilex 'China Boy', 'China Girl'</i>	China holly	Yes	E	8 to 10	Sun, partial shade
<i>Ilex cornuta</i>	Holly cvs: Carissa, Burford, Rotunda, Needlepoint, etc.	Yes	E	2 to 15	Sun
<i>Ilex cornuta</i> cvs.	Holly cvs: Burfordii, D'Or, O' Spring	Yes	E	10 to 25	Sun, partial shade
<i>Ilex crenata</i> cvs.	Holly cvs: Hetz, Helleri, etc.	Yes	E	4 to 10	Sun, partial shade
<i>Ilex decidua</i>	Possomhaw holly	Yes	D	7 to 15	Sun, partial shade
<i>Ilex glabra</i>	Inkberry holly	Yes	E	6 to 8	Sun, partial shade
<i>Ilex latifolia</i>	Lusterleaf holly	Yes	E	20 to 25	Sun, partial shade
<i>Ilex vomitoria</i>	Yaupon holly	Yes	E	15 to 20	Sun, partial shade
<i>Ilex vomitoria</i> cvs.	Holly cvs: Nana, Schillings, Katherine, etc.	Yes	E	Varies	Sun, partial shade
<i>Ilex x 'Nellie R. Stevens'</i>	Nellie Stevens holly	Yes	E	15 to 25	Sun, partial shade
<i>Ilex x 'Emily Bruner'</i>	Emily Bruner holly	Yes	E	15 to 20	Sun, partial shade
<i>Ilex x 'Mary Nell'</i>	Mary Nell holly	Yes	E	10 to 20	Sun, partial shade
<i>Ilex x koehneana</i>	Koehne holly	Yes	E	Varies	Sun, partial shade
<i>Indigofera amblyantha</i>	Indigofera	Yes	D	4 to 6	Sun
<i>Indigofera heterantha</i>	Himalayan indigo	Yes	D	4 to 6	Sun
<i>Itea virginica</i>	Virginia sweetspire	Yes	D	3 to 5	Sun, partial shade
<i>Jasminum floridum</i>	Showy jasmine	Yes	E	3 to 5	Sun, partial shade
<i>Jasminum humile</i>	Italian yellow jasmine	Yes	E	5 to 7	Partial shade
<i>Jasminum nudiflorum</i>	Winter jasmine	Yes	D	3 to 4	Sun, partial shade
<i>Juniperus chinensis</i>	Chinese juniper cvs: Wintergreen, Spartan, Hooks, etc.	Yes	E	12 to 50	Sun
<i>Juniperus chinensis</i> (dwarf cultivars)	Chinese juniper cvs: Procumbens Nana, Berkshire, Sargentii, Hetzi, etc.	Yes	E	3 to 12	Sun
<i>Juniperus communis</i>	Common juniper	Yes	E	5 to 10	Sun
<i>Juniperus conferta</i> cvs.	Juniper cvs: Blue Lagoon, Blue Pacific, Boulevard, etc.	Yes	E	1 to 2	Sun
<i>Juniperus davurica</i> cvs.	Parsons juniper	Yes	E	2 to 3	Sun

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<i>Juniperus horizontalis</i>	Juniper cvs: Blue Vase, Blue Chip, Wiltonii, etc.	Yes	E	1 to 2	Sun
<i>Juniperus hybrids</i>	Juniper cvs: Saybrook Gold, etc.	Yes	E	Varies	Sun
<i>Juniperus procumbens</i>	Japanese garden juniper	Yes	E	.5 to 1.5	Sun
<i>Juniperus rigida</i>	Needle juniper	Yes	E	15 to 20	Sun
<i>Juniperus sabina</i>	Savin juniper	Yes	E	4 to 6	Sun
<i>Juniperus scopulorum</i> (dwarf cultivars)	Juniper cvs: Blue Creeper, Skyrocket, etc.	Yes	E	Varies	Sun
<i>Juniperus squamata</i> cvs.	Juniper cvs: Holger, Blue Elf, Calgary Carpet, Blue Satr, etc.	Yes	E	Varies	Sun
<i>Juniperus virginiana</i> cvs.	Juniper cvs: Blue Mountain, Blue Cloud, Grey Owl, etc.	Yes	E	Varies	Sun
<i>Juniperus x media</i>	Juniper cvs: Seagreen, Old Gold, etc.	Yes	E	Varies	Sun
<i>Kalmia latifolia</i>	Mountain laurel	Yes	E	4 to 8	Sun, partial shade
<i>Kolkwitzia amabilis</i>	Beautybush	Yes	D	6 to 10	Sun
<i>Lagerstroemia indica</i> and <i>hybrids</i>	Crape myrtle cvs: New Orleans, Centennial, Chica, Tonto, Acoma, etc.	Yes	D	5 to 15	Sun
<i>Lantana camera</i>	Lantana	Yes	D	1 to 5	Sun
<i>Lavandula angustifolia</i>	Common lavender	Yes	E	1 to 2	Sun
<i>Lavandula x intermedia</i>	Hybrid lavender	Yes	E	1 to 2	Sun
<i>Lespedeza thunbergii</i>	Thunberg lespedeza	Yes	D	3 to 6	Sun
<i>Lespedeza bicolor</i>	Shrub bushclover	Yes	D	6 to 10	Sun
<i>Ligustrum japonicum</i>	Japanese privet	Yes	E	6 to 12	Sun, partial shade
<i>Ligustrum lucidum</i>	Waxleaf privet	Yes	E	20 to 25	Sun, partial shade
<i>Ligustrum x vicaryi</i>	Vicary golden privet	Yes	E	10 to 12	Sun
<i>Lindera benzoin</i>	Spice bush	Yes	D	6 to 12	Sun, partial shade
<i>Lonicera fragrantissima</i>	Winter honeysuckle	Yes	D	6 to 10	Sun, partial shade
<i>Lonicera nitida</i>	Boxleaf honeysuckle	Yes	E	6 to 8	Sun, partial shade
<i>Lonicera pileata</i>	Privet honeysuckle	Yes	E	2 to 3	Sun, partial shade
<i>Loropetalum chinensis</i>	Loropetalum	Yes	E	6 to 12	Sun, partial shade
<i>Loropetalum hybrids</i>	Loropetalum cvs: Plum Delight, Ruby, Fire Dance, etc.	Yes	E	4 to 10	Sun, partial shade
<i>Mahonia aquifolium</i>	Oregon grape holly	Yes	E	3 to 6	Partial shade
<i>Mahonia bealei</i>	Leatherleaf mahonia	Yes	E	6 to 7	Partial shade
<i>Mahonia fortunei</i>	Chinese mahonia	Yes	E	5 to 6	Partial shade
<i>Mahonia x media</i>	Mahonia cvs: Buckland, Charity, Faith, etc.	Yes	E	8 to 15	Partial shade
<i>Michelia figo</i>	Banana shrub	Yes	E	6 to 10	Sun, Partial shade
<i>Myrica cerifera</i>	Southern waxmyrtle	Yes	E	10 to 15	Sun, partial shade
<i>Myrica pensylvanica</i>	Northern bayberry	Yes	E	5 to 12	Sun, partial shade
<i>Nandina domestica</i>	Nandina	Yes	E	6 to 8	Sun, partial shade
<i>Perovskia atriplicifolia</i>	Russian sage	Yes	E	3 to 5	Sun
<i>Photinia serrulata</i>	Chinese photinia	Yes	E	20 to 25	Sun, partial shade
<i>Physocarpus opulifolius</i>	Ninebark	Yes	D	5 to 10	Sun, partial shade
<i>Picea abies</i> (dwarf cultivars)	Spruce cvs: Little Gem, Pendula, etc.	Yes	E	Varies	Sun
<i>Picea glauca</i> (dwarf cultivars)	Spruce cvs: Conica, etc.	Yes	E	Varies	Sun
<i>Picea pungens</i> (dwarf cultivars)	Spruce cvs: Globosa, Montgomery, Bakeri, Fat Albert, Foxtail, etc.	Yes	E	Varies	Sun
<i>Pinus mugo</i>	Mugo pine	Yes	E	15 to 20	Sun, partial shade
<i>Pinus mugo</i> (dwarf cultivars)	Pine cvs: Pumilio, Mughus	Yes	E	Varies	Sun
<i>Pinus nigra</i> cvs.	Pine cvs: Arnold Sentinel, Monstrosa, ec.	Yes	E	3 to 5	Sun
<i>Pinus rigida</i>	Pine cvs: Sherman Eddy, etc	Yes	E	15 to 20	Sun
<i>Pinus sylvestris</i> (dwarf cultivars)	Pine cvs: Nana, Hillside Creeper, etc.	Yes	E	Varies	Sun

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<i>Pinus thunbergii</i> (dwarf cultivars)	Pine cvs: Nana, Thunderhead	Yes	E	Varies	Sun
<i>Pittosporum tobira</i>	Japanese pittosporum	Yes	E	10 to 12	Sun, partial shade
<i>Podocarpus macrophyllus</i> var. <i>maki</i>	Shrubby podocarpus	Yes	E	20 to 35	Sun, partial shade
<i>Potentilla fruticosa</i>	Shrubby potentilla	Yes	D	1 to 4	Sun, partial shade
<i>Prunus glandulosa</i>	Flowering almond	Yes	D	4 to 5	Sun, partial shade
<i>Prunus laurocerasus</i>	English laurel	Yes	E	10 to 18	Sun, partial shade
<i>Punica granatum</i>	Pomegranate	Yes	D	12 to 15	Sun, partial shade
<i>Pyracantha coccinea</i>	Scarlet firethorne	Yes	E	6 to 18	Sun
<i>Pyracantha hybrids</i>	Pyracantha cvs: Mohave, Mojave, Red Elf, Tiny Tim, etc.	Yes	E	Varies	Sun
<i>Pyracantha koidzumii</i>	Formosa pyracantha	Yes	E	8 to 12	Sun
<i>Raphiolepis hybrids</i>	Hawthorn cvs: Gulfgreen, Cuppertone	Yes	D	3 to 6	Sun
<i>Rhamnus fragula</i>	Alder buckthorn	Yes	D	10 to 12	Sun, partial shade
<i>Rhaphiolepis x delacourii</i>	Indian hawthorn, Yeddo hawthorn	Yes	E	3 to 4	Sun, partial shade
<i>Rhaphiophyllum hystris</i>	Needle palm	Yes	E	6 to 8	Sun, partial shade
<i>Rhododendron austrinum</i>	Florida azalea	Yes	D	8 to 10	Partial shade
<i>Rhododendron scandulaceum</i>	Flame azalea	Yes	D	4 to 8	Partial shade
<i>Rhodotypos scandens</i>	Black jetbead	Yes	D	3 to 6	Sun, partial shade
<i>Rhus aromatica</i>	Sumac	Yes	D	2 to 6	Sun, partial shade
<i>Rhus glabra</i>	Smooth sumac	Yes	D	10 to 15	Sun
<i>Rhus michauxii</i>	Michaux's sumac	Yes	D	2 to 3	Sun
<i>Rhus typhina</i>	Staghorn sumac	Yes	D	15 to 25	Sun
<i>Rosa chinensis</i>	China rose	Yes	D	6 to 8	Sun
<i>Rosa rugosa</i>	Rugosa rose	Yes	D	4 to 6	Sun
<i>Rosmarinus officinalis</i>	Rosemary	Yes	E	2 to 4	Sun
<i>Ruscus aculeatus</i>	Butcher's broom	Yes	E	1.5 to 3	Partial shade
<i>Sabal minor</i>	Dwarf palmeto	Yes	E	3 to 5	Sun
<i>Santolina chamaecyparissus</i>	Santolina, Lavender cotton	Yes	E	1 to 2	Sun
<i>Sarcococca confusa</i>	Sweet Box	Yes	E	3 to 5	Partial shade
<i>Sarcococca hookeriana</i>	Himalayan sarcococca	Yes	E	4 to 6	Partial shade
<i>Sarcococca orientalis</i>	Oriental sweetbox	Yes	E	2 to 3	Partial shade
<i>Sarcococca ruscifolia</i>	Fragrant sarcococca	Yes	E	2 to 3	Partial shade
<i>Sinojackia rehderiana</i>	Jacktree	Yes	D	15 to 20	Sun, partial shade
<i>Spiraea cantoniensis</i>	Double Reeves spirea	Yes	D	4 to 6	Sun, partial shade
<i>Spiraea japonica</i>	Japanese spirea	Yes	D	4 to 5	Sun, partial shade
<i>Spiraea nipponica</i> 'Snowmound'	Snowmound spirea	Yes	D	3 to 5	Sun, partial shade
<i>Spiraea prunifolia</i>	Bridalwreath spirea	Yes	D	4 to 9	Sun, partial shade
<i>Spiraea thunbergii</i>	Thunberg spirea	Yes	D	3 to 5	Sun, partial shade
<i>Spiraea x bumalda</i>	Bumalda spirea	Yes	D	2 to 3	Sun, partial shade
<i>Spiraea x vanhouttei</i>	Vanhoutte spirea	Yes	D	6 to 8	Sun, partial shade
<i>Syringa pekinensis</i>	Peking lilac	Yes	D	15	Sun
<i>Taxus chinensis</i>	Chinese yew	Yes	E	5 to 10	Sun, partial shade
<i>Teucrium chamaedrys</i>	Wall germander	Yes	E	1 to 1.5	Sun
<i>Ulmus galbra</i> 'Horizontalis'	Tabletop scotch elm	Yes	D	15	Sun
<i>Viburnum acerifolium</i>	Maple-leaf viburnum	Yes	D	4 to 6	Partial shade
<i>Viburnum awabuki</i>	Chindo Viburnum	Yes	E	10 to 15	Sun, partial shade
<i>Viburnum tinus</i>	Laurustinus	Yes	E	6 to 12	Sun, partial shade
<i>Viburnum x pragense</i>	Pragense viburnum	Yes	E	8 to 10	Sun, partial shade
<i>Vitex agnus castus</i>	Chastetree	Yes	D	15 to 20	Sun
<i>Vitex negundo</i>	Chastetree	Yes	D	10 to 20	Sun
<i>Xanthorhiza simplicissima</i>	Yellowroot	Yes	D	2 to 3	Sun, partial shade
<i>Yucca filamentosa</i>	Adam's needle yucca	Yes	E	2 to 4	Sun
<i>Yucca flaccida</i>	Weakleak yucca	Yes	E	1 to 2	Sun
<i>Yucca gloriosa</i>	Spanish dagger yucca	Yes	E	6 to 8	Sun

Town of McAdenville, *North Carolina*
Appendix B – Approved Tree and Shrub Species