



PLANNING BOARD AGENDA
Monthly Meeting
June 24, 2024
7:00 PM

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes (May 28th, 2024)
6. Regular Business
 - A. Planning Department Staff Report (May 2024)
 - B. Update on Projects
 - C. Work Session (Articles 9-15)
8. Adjourn

TOWN OF WILSON'S MILLS

PLANNING BOARD

REGULAR MEETING

MINUTES

May 28th, 2024

Present: Marvin Dodd – Co-Chair, Lloyd Barnes, Jim Uzzle, Benji Parrish, Doris Riley.

Others Present: Brent West – Johnston Farms, Bob Winston – Johnston Farms – Jason Wenzel – Attorney for Johnston Farms, Zulit Ortega – Code Enforcement Officer & Permit Technician, Cynthia Paul – Planning Technician.

Absent: Wendy Oldham – Planning Director, Donald Byrd - Chair, Tony Eason, Jay Mouser.

Convocation: M. Dodd called the meeting to order at 7:00 P.M.

Invocation: The invocation was given by J. Uzzle.

Approval of Agenda: A motion was made to approve the agenda by J. Uzzle and seconded by B. Parrish. Motion passed unanimously.

Approval of Minutes: A motion was made by L. Barnes to approve the minutes from March 25th, 2024, D. Riley seconded it. The Planning Board approved unanimously. A motion was made by L. Barnes to approve the minutes from the work session on April 1st, 2024, D. Riley seconded it. The Planning Board approved unanimously. A motion was made by L. Barnes to approve the minutes from the work session on April 9th, 2024, D. Riley seconded it. The Planning Board approved unanimously.

Regular Business: 6.A – Planning department Staff Report (April 22, 2024) and

(May 28, 2024)

The Planning Board was updated on the increase in Residential Zoning Permits.

6.B – Update On Projects

The Planning Board had no additional questions on current projects.

New Business:

7.A. – RZ-04-2024 – General Rezone on Parcel 17J07005H – Meta Drive.

J. Uzzle recused himself from this case due to a conflict of interest. The Planning Board asked questions about the original zoning of this property. J. Uzzle explained the current use and why the rezone is necessary for this parcel. A motion was made to approve the General Rezone as presented by L. Barnes and seconded by D Riley. The motion passed unanimously.

7.B. – CRZ-02-2023 - Conditional Rezone on Parcel 17K08026L – Johnston Farms Phase 3.

Bob Winston spoke on behalf of the Johnston Farms Conditional Rezone. The Planning Board asked questions about the future traffic impact and expressed their concerns about the upkeep of the anticipated new phase of Johnston Farms. The following conditions were approved by the Planning Board:

- Minimum 52-foot-wide lot width for single family homes.**
- Minimum 20-foot-wide lot width for townhomes.**
- A 20-foot front setback for townhomes to allow for more parking.**
- One (1) additional parking space for every three townhomes to allow for more off-street parking.**
- Adhere to all changes required by the Planning Department, Town's Engineer, and the Fire Marshal's Office.**
- Construction plans go back before the Planning Board prior to CD approval by the Planning Director.**

B. Parrish made a motion to approve the Conditional Rezone with the above conditions. D Riley seconded it. The motion passed unanimously.

Adjourn:

**D. Riley made a motion to adjourn at 7:29 P.M, J. Uzzle seconded it.
Motion carried unanimously.**

Donald Byrd, Chair

Attest:

Wendy Oldham, Planning Director

STAFF REPORT



TO: Mayor Byrd and Town Council Members
 DATE: June 7, 2024
 FROM: Wendy Oldham, Planning Director
 SUBJECT: Planning Report – May 2024

SUBDIVISIONS/PROJECTS		
SUBDIVISION	TYPE OF REVIEW	STATUS
Millcreek Phase 2 Powhatan Road-Beside Park	Final Inspection Awaiting	Developer working on items from Punch List
Wilson's Walk Cole Road	Construction Plans Phase 1 & 2 approved	Phase 1, almost completed Phase 2, awaiting Final Plat
Olive Branch West Olive Road	Construction Plans Phase 2 Approved	Awaiting Zoning Permit Applications
Midtown Village Swift Creek Road and Strickland Road-Along 70	Sketch Plan Submitted	Groundbreaking in Spring/Summer 2025
Cottages at Wilson's Mills Adjacent to Ives Landing	Final Inspection Awaiting	Items are currently being addressed
Eason Creek Powhatan Rd-across from Pricket Ln	Final Plat Phase 2 approved	Awaiting Zoning Permits
Crescent Mills Both Sides of Strickland Road	Construction Plans for Phases 7 & 8 under review; Final Plat under review Phases 1B and 2B	Building begun in Phases 1A and 2A
Willis Crossing Wilson's Mills Road and Main St	Construction Plans Approved	Driveway and infrastructure in progress
Southerland Mills Across from Ives Landing/End of Hazel Street	Preliminary Plans	Construction Plans Approved; Waiting on 401 and 404 from the State
Johnston Farms Phase 2B Marlin Lane/ Waterview Way	Preliminary Plans	Approved with Conditions
Johnston Farms Phase 3 Behind Johnston Farms and end of Jones Road	Reviewing Preliminary Plans	Rezone Hearing to be called at June Town Council meeting
Wilson's Ridge Wilson's Mills Road beside Town Hall and Kids Country Childcare	Final Plats approved	Awaiting Zoning Permits for Phase 1
Wilson's Mills Storage WM Road across from Poplar Ck	Construction Plans Approved	Grading has begun
Cobalt Townes Hwy 70 Bus beside East Hampton	Preliminary Plans Approved with Condition of Sewer	Sewer denied by County; awaiting other options
STREET TAKEOVER		
Street Name	Subdivision	Linear Feet
N/A	N/A	N/A

RECOMBINATION/SUBDIVIDES		
ADDRESS	ACTION	STATUS
79 Vinson Road	Subdivide into 2 lots	Approved
205 Swift Creek Road	Subdivide into 3 lots	Approved
REZONES		
ADDRESS	ACTION	STATUS
107 Meta Drive	Industrial to Commercial	Planning Board recommended Approval to Town Council; Call for Public Hearing by Council on 6/17
End of Jones Road/Johnston Farms Phase 3	Agriculture to Mixed Use-Conditional Rezone	Planning Board recommended Approval to Town Council: Call for Public Hearing by Council on 6/17
COMMERCIAL/BUSINESSES		
ADDRESS/PROJECT	USE REQUEST	STATUS
1737 Swift Creek Road	Automobile Restoration	All Zoning Items now in compliance. Project closed
Dollar General 3980 Swift Creek Road	Dollar General	Construction Plans under review- 2 nd round of comments sent
SIGN PERMITS		
ADDRESS	BUSINESS/PROJECT	STATUS
4530 Wilson's Mills Rd	Banner/Flag Temp Sign 1/2	Completed
4530 Wilson's Mills Rd	Banner/Flag Temp Sign 2/2	Completed
291 Swift Creek Road	Billboard relocated due to I-42	Approved
107 Meta Drive	Non-Res Pole Sign	Approved
NON-RESIDENTIAL ZONING PERMITS		
N/A	N/A	N/A
RESIDENTIAL ZONING PERMITS		
USE		#
Single Family Home – New Construction		45
Porch/Deck/Pool/Driveway Extension/Ramp/Additions		11
Accessory Structure		3
Fence		6
Doublewide Mobile Home		0
Rooftop Solar Panels		0
TOTAL		66
FLOODPLAIN DEVELOPMENT PERMITS		
ADDRESS/PROJECT	ACTION	STATUS
Eason Creek Phase 2	Floodplain Development Application	Approved
ZONING INSPECTIONS/LETTERS		
Completed and Passed- Single Family Homes		2
Completed and Passed-Other		7
Zoning Verification Letters		1

CODE ENFORCEMENT VIOLATIONS	
VIOLATIONS	#
TOTAL	45
Undue Growth	43
Debris/Garbage Clean-Up	1
Nuisance/Junk/Abandoned Vehicles	0
Chickens/Roosters	1
ZONING VIOLATIONS	
VIOLATIONS	#
TOTAL	0
Building without Permit	0
Fence without Permit	8
Unsafe Structure	0
Other Zoning Violation	1
CODE ENFORCEMENT AND ZONING ABATEMENT	
OUTCOMES	#
Abated	35
Final Letter Sent	5
Citations/Fines Issued	0
TOWN ABATEMENTS	
Paid Abatements	0

ARTICLE 9
BUILDING AND LOT STANDARDS

<u>Section</u>	<u>Page #</u>
9.1 Purpose	9-2
9.2 Single-Family Detached, Attached (Townhomes) & Duplexes	9-2
9.3 Multi-Family Buildings	9-5
9.4 Civic Buildings	9-8
9.5 Shop-front Commercial & Office Buildings	9-11
9.6 General Commercial & Office Buildings	9-14

ARTICLE 9 BUILDING AND LOT STANDARDS

9.1 PURPOSE

The purpose of this Article is to establish standards and specifications for the buildings types and lots permitted in each of the zoning districts established in Article 8.

9.2 SINGLE-FAMILY DETACHED, ATTACHED (TOWNHOMES) & DUPLEXES

A. Building Placement

1. Along new streets:
 - a. the front setback shall be measured behind street ROW;
 - b. the rear setback shall be measured from the rear property line;
 - c. the side setbacks on interior lots shall be measured from the side property line;
 - d. the side setback on corner lots for the side of the building that faces the street shall be measured from the street ROW on a corner lot.
2. Grading shall provide for smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area.
3. All structures shall front on a public street.

B. Encroachments & Pedestrian Access

1. Maximum building heights shall be 30' for the primary structure and 25' for an accessory structure measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights (see Figure 9.2).

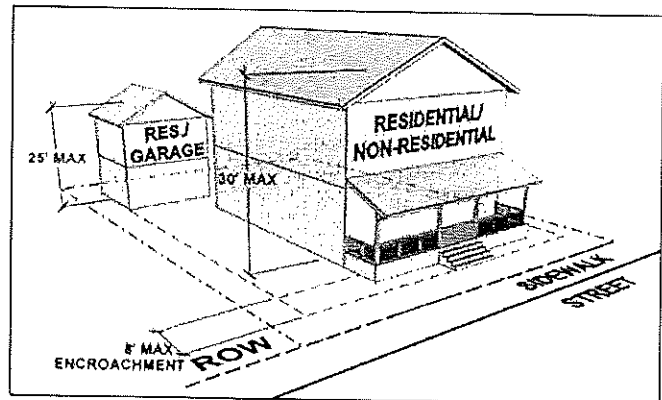


Figure 9.2

2. Primary pedestrian access into the building shall be from the street frontage line. Secondary access may be from parking areas.
3. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8' (see Figure 9.2).
4. Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.

C. Architectural Standards

1. Single family dwellings (attached & detached) and duplexes subject to regulation under the North Carolina Residential Code for One and Two Family Dwellings shall be exempt from the regulation of this subsection. Voluntary architectural standards may be applied to single family dwellings (attached & detached) duplexes structures upon consent by the owner at the time of zoning, subdivision, or site plan approval.
2. To perpetuate the unique building character of the Town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment. Manufactured homes shall not be permitted as part of any attached residential development under this ordinance.
3. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street to maintain compatibility with structures within the Town. Setbacks should be used in a manner which encourages pedestrian activity.
4. Each building should be designed to form part of a larger composition of the area in which it is situated to maintain compatibility with structures within the Town.
5. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings to maintain compatibility with structures within the Town.
6. Porches should form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they shall extend over at least 40% of the front facade. All porches should be constructed of materials in keeping with those of the main building to maintain compatibility with structures within the Town.
7. Front loaded garages, if provided, shall meet the standards of Article 2 to maintain compatibility with structures within the Town.
8. The use of crawlspace to establish a Finished Floor Elevation (FFE) a minimum of two (2.0) vertical feet above adjacent sidewalk.
9. Configurations:
 - a. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:12 and 12:12 to maintain compatibility with structures within the Town. Mono-pitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono-pitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those

of the main buildings to maintain compatibility with structures within the Town.

- b. Balconies should generally be simply supported by posts and beams to maintain compatibility with structures within the Town. For balconies overhanging the sidewalk, supports should be from visible brackets, as supports cannot be located in the sidewalk. The support of cantilevered balconies should be assisted by visible brackets.
 - c. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below to maintain compatibility with structures within the Town.
 - d. Exterior chimneys should be finished in brick, stone or stucco to maintain compatibility with structures within the Town.
9. Techniques:
- a. Overhanging eaves may expose rafters to maintain compatibility with structures within the Town.
 - b. The gable end-rake and minimum 8” overhanging vented eaves shall be finished by profiled molding or gutters to maintain compatibility with structures within the Town.

9.3 MULTI-FAMILY BUILDINGS

A. Building & Parking Placement

1. The front build-to line shall be 20'-35' behind street ROW in residential districts. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In districts that allow commercial uses and where this building type is permissible, multi-family buildings may be set up to the sidewalk if the sum of the sidewalk and planting strip width are 12' or greater.
2. Corners: Setback at street corners will generally replicate frontage conditions.
3. Within the limits described, side and rear setbacks will vary depending upon buffering requirements. When no buffer is required, a minimum 5' side and rear setback is required.
4. Building facades shall be generally parallel to front property lines.
5. All buildings shall front onto a public street.
6. All ground floor residential units with exterior access shall front a public street.
7. Grading shall provide for smooth grade transitions to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area. The use of crawl-space construction techniques in multi-family residential structures or professional landscape design is required to meet this characteristic of site development to establish a Finished Floor Elevation (FFE) a minimum of two (2.0) vertical feet above adjacent sidewalk.
8. Parking shall be located to the rear of the building, unless there are extenuating circumstances that make it impractical to park in the rear of the building, in which case parking may be permitted to the side. When parking is permitted to the side of the building, the parking area shall comprise no more than 35% of the road frontage and shall be buffered according to the buffering standards in Article 11.
9. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the architectural style of Wilson's Mills.
10. Trash containers shall be located in a rear parking area.
11. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened.
12. All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the

structure. The screening apparatus should be incorporated as part of the architectural theme to maintain compatibility with structures within the Town.

13. Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

B. Building Height, Encroachments & Pedestrian Access

1. Maximum building height shall be a minimum of 2 stories and a maximum of 36' in height.
2. Main pedestrian access to the building and to individual units is from the street. Secondary access may be from parking areas.
3. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8' (see Figure 9.3).

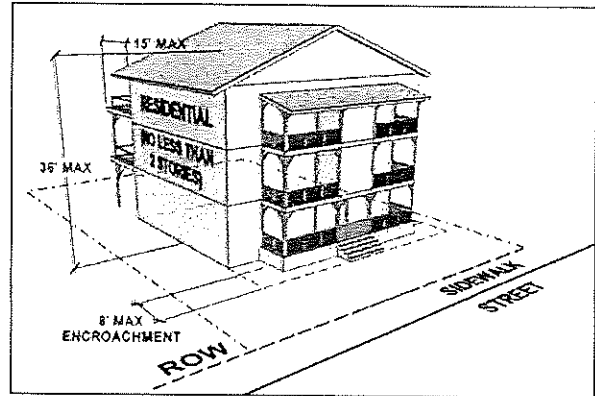


Figure 9.3

4. Attached decks are permitted to encroach into the rear setback up to 15 feet (see Figure 9.3).
5. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment.
6. For buildings with pitched roofs, building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

B. Architectural Standards.

1. Principles:

- a. To perpetuate the unique building character of the Town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment.
- b. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Buildings in all locations shall relate the principal facade to the sidewalk and public space of the street to maintain compatibility with structures within the Town.
- c. Vinyl siding shall make up a maximum of 30% of the overall siding feature on each building.

- d. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration to maintain compatibility with structures within the Town.
 - e. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings to maintain compatibility with structures within the Town.
 - f. Porches should form a predominant motif of building designs, and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building to maintain compatibility with structures within the Town.
 - g. Front loaded garages, if provided, shall meet the standards of Article 2 to maintain compatibility with structures within the Town.
 - h. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.
- 2. Configurations:**
- a. Main roofs on multi-family buildings shall be symmetrical gables, hips with a pitch of between 4:12 and 12:12 or flat roofs with a parapet wall. Mono-pitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono-pitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main building to maintain compatibility with structures within the Town.
 - b. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets to maintain compatibility with structures within the Town.
 - c. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below to maintain compatibility with structures within the Town.
 - d. Exterior chimneys should be finished in brick, stone or stucco to maintain compatibility with structures within the Town.
- 3. Techniques:**
- a. Overhanging eaves may expose rafters to maintain compatibility with structures within the Town.
 - b. The gable end-rake and minimum 8" overhanging vented eaves shall be finished by profiled molding or gutters to maintain compatibility with structures within the Town.

9.4 CIVIC BUILDINGS

A. Description. For the purpose of this section, civic buildings are used for purposes that are public in nature (e.g. schools, libraries, government buildings, and churches).

B. Building & Parking Placement

1. Parking shall be located to the rear of the building; side-yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.
2. A planting strip, lawn or defined plaza should be provided to relate the building to the street.
3. Building and street facades must be parallel to frontage property lines.
4. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas.
5. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.
6. Trash containers shall be located in a rear parking area.
7. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by either an opaque screen or fence, or a Type D Buffer Yard per standards set forth in Article 11.
8. Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

C. Building Height, Encroachments and Pedestrian Access.

1. Maximum building height shall be 45'.
2. Balconies, bay windows, arcades, awnings and porches at an upper level and their supports at ground level are permitted and encouraged within the sidewalk. Encroachments affixed to the building and horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade.
3. Encroaching canopies should cover the entire sidewalk within the permitted distance shown by the shaded area.

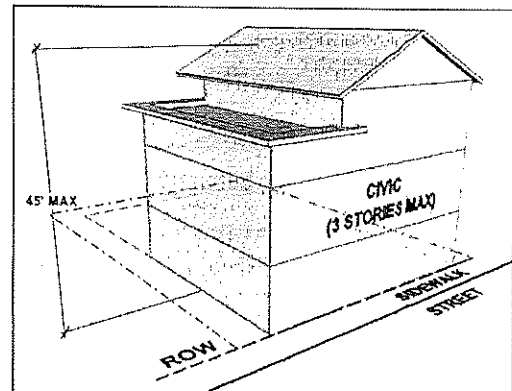


Figure 9.4

4. For buildings set back of the sidewalk, balconies, stoops, stairs, porches, bay windows, and awnings are permitted to encroach into front setback area up to 8'.
5. Main pedestrian access to the building is from the street.
6. Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.

D. Architectural Standards.

1. Principles:

- a. To perpetuate the unique building character of the Town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment.
- b. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Vinyl siding shall not comprise a street fronting building face to maintain compatibility with structures within the Town.
- c. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment to maintain compatibility with structures within the Town.
- d. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration to maintain compatibility with structures within the Town.
- e. Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible, and shall be of sufficient design quality to create visual anchors for the community and serve as focal points for the neighborhood to maintain compatibility with structures within the Town.

2. Configurations:

- a. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below the "lighter" material and the "heavier" material can cover the first floor only (i.e. brick below wood siding) to maintain compatibility with structures within the Town.
- b. Street level windows should be un-tinted to maintain compatibility with structures within the Town. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location. Clear textured glass is allowed in restrooms with windows. Stained glass or decorative art glass is permitted.
- c. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.
- d. Flat roof lines are permissible.

3. Techniques:

- a. Windows should be set to the inside of the building face wall to maintain compatibility with structures within the Town.
- b. All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme to maintain compatibility with structures within the Town.

9.5 SHOP-FRONT COMMERCIAL AND OFFICE BUILDINGS

A. Description. The shop-front building is a small-scale structure that can accommodate a variety of uses. The structure is typically less than 15,000 square feet of gross leasable area and located in the Town Center area as designated on the Town's adopted Comprehensive Plan. A group of shop-front buildings can be combined to form a mixed-use neighborhood center. Individual shop-front buildings can be used to provide some small-scale commercial service, such as a convenience store or restaurant, in close proximity to homes.

B. Building & Parking Placement

1. Buildings will range from 10' to 18' behind the street curb-line.
2. Setbacks should be used in a manner that encourages pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.
 - a. Corners: Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor residential street may be less than the front dimension.
2. Building facades shall be generally parallel to frontage property lines. Buildings in all locations should relate the principal façade to the sidewalk and public space of the street.
3. Parking shall be located primarily to the rear of the building; side-yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.
4. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas.
5. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.
6. Trash containers shall be located in a rear parking area.
7. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen or fence.
8. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale. The building's design shall promote pedestrian activity and pedestrian-driven commerce. The sidewalk shall be an extension of the street level businesses' operations. As such, pedestrians should be able to preview businesses' merchandise and/or dine from the sidewalk. Business activities shall

not impede on the required pedestrian travel widths and shall not encroach more than 5 feet into the sidewalk.

9. Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

C. Building Height, Encroachments and Pedestrian Access.

1. Maximum building height shall be no less than 2 stories and a maximum height of 45'.
2. Balconies, bay windows, arcades, awnings and porches at an upper level and their supports are permitted and encouraged within the sidewalk as shown by the un-shaded area. Encroachments affixed to the building and horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade.

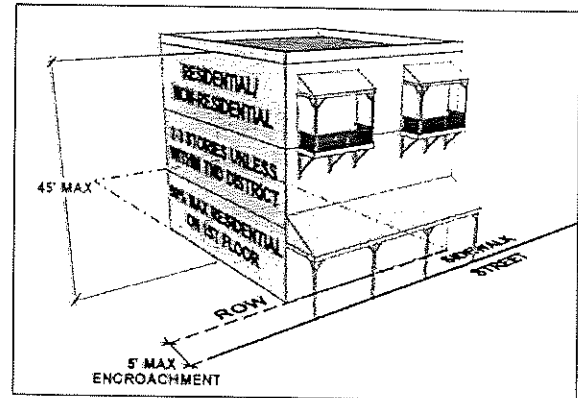


Figure 9.5

3. Encroaching canopies should cover the entire sidewalk within the permitted distance shown by the un-shaded area.
4. Primary pedestrian access into the building shall be from the street frontage line. Secondary access may be from parking areas (indicated by smaller arrows).

D. Architectural Standards.

1. Principles:

- a. To perpetuate the unique building character of the Town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment.
- b. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Vinyl siding shall not comprise a street fronting building face to maintain compatibility with structures within the Town.
- c. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment to maintain compatibility with structures within the Town.
- d. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration to maintain compatibility with structures within the Town.

- e. Drive-through customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street to maintain compatibility with structures within the Town.
- f. Trailers (mobile and/or manufactured units) may not be used as permanent workplace buildings.

2. Configurations:

- a. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below the “lighter” material and the “heavier” material can cover the first floor only (i.e. brick below wood siding) to maintain compatibility with structures within the Town.
- b. Street level windows adjacent to public sidewalks shall be un-tinted to maintain compatibility with structures within the Town. Tinted glass with a minimum visual transmittance factor of 35 is permitted in all other instances. Mirrored or reflective glass is not permitted in any location.
- c. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

3. Techniques:

- a. Windows should be set to the inside of the building face wall to maintain compatibility with structures within the Town.
- b. All rooftop equipment shall be screened from view from public rights-of-way by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme to maintain compatibility with structures within the Town.

9.6 GENERAL COMMERCIAL & OFFICE BUILDINGS

A. Description. This building type generally comprises fast food retail, drive through banks, motels and other highway dependent uses. These structures are typically 15,000 square feet of gross leasable area or more. These regulations are designed to bring these building types into a framework of Town streets and provide for an aesthetically pleasing suburban environment.

B. Building & Parking Placement

1. Buildings will be 12' to 115' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings on the same street within 500 feet of the proposed building may permit a larger setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas.
4. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.
5. Trash containers shall be located in the rear parking area.
6. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites.
7. Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

C. Building Height, Encroachments and Pedestrian Access.

1. Building height is limited to 50 vertical feet.
2. Pedestrian access to the building may be from the side and shall not be from the rear. If the primary pedestrian access is from the side of the building, secondary pedestrian access must be from the front. However, primary pedestrian access to the building may be from the front.
3. Drive-through, gasoline and fuel pumps, and auto-oriented service facilities shall be located to the rear of the building.
4. Entrance canopies (for motels, etc.) shall be oriented towards the primary street.
5. Typical vehicular circulation movement is indicated by thin line arrows.
6. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment.

D. Architectural Standards.

1. Principles:

- a. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Metal paneling may not comprise a street fronting building face to maintain compatibility with structures within the Town, exception to this provision applies where the building frontage is located within business or employment centers within the Industrial (IND) district on local streets not visible from designated thoroughfare(s) upon the approved thoroughfare plan.
- b. All walls not visible from a public right-of-way may be constructed of cinder block, brick, wood or vinyl siding, or metal paneling.
- c. Buildings in all locations should relate a principal facade to the sidewalk and public space of the street.
- d. Corners: Setback at street corners will generally replicate frontage conditions.
- e. Trailers (mobile and/or manufactured units) may not be used as permanent highway buildings.

2. Configurations:

- a. Two wall materials may be combined horizontally on one façade. The “heavier” material should be below the “lighter” material (i.e. brick below wood siding) to maintain compatibility with structures within the Town.
- b. Street level windows should be un-tinted to maintain compatibility with structures within the Town. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.

3. Techniques:

- a. All rooftop equipment shall be screened from view from public rights-of-way by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme to maintain compatibility with structures within the Town.

E. Massing and Rhythm

- 1. To ensure a consistent scale and compatible character of each and every building, massing and rhythm shall be considered in the site design. A single large dominant building mass shall be avoided in new buildings and, to the extent reasonable and feasible, in development projects involving changes to the mass of existing buildings.
- 2. Horizontal masses shall not exceed a height-width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements. Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and not merely for cosmetic purposes.

F. Scale and Roofline

- 1. The scale of buildings must be such that street edges are defined and relate to human proportions. This scale can be achieved through the use of architectural

detailing on the first floor of buildings so that larger buildings are broken up into smaller units, by maintaining height limits, by using large picture windows along front facades and by using plantings around the buildings.

2. A range of roof forms is acceptable as long as they are compatible with the architectural character, scale, and height of surrounding buildings.

G. Fenestration

1. Fenestration includes the structural openings to buildings, including doors and windows, to intuitively guide people toward their destination and improve emergency response.
2. All buildings shall have their principal entrance opening to a street, square, plaza, or sidewalk. Access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface.
3. A minimum of fifty percent (50%) of the length and twenty five percent (25%) of the surface of the primary structure(s) shall be in public entrances or windows. No more than fifty (50) percent of the surface of the building shall be windows.

H. Access

1. Structures should be sited so that the primary access is from the street front sidewalk leading to the parking area. In the event that a structure is located on a U.S. or State Numbered Highway, the Administrator may permit the primary access to be located facing the parking area when this option is deemed not to impede public safety and found aesthetically desirable.
2. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access which may be provided.
3. Doors shall be recessed into the face of the building to prevent doors from operating outward into and/or obstructing the public sidewalk. An entryway shall not be less than fifteen (15) square feet.

I. Articulation

1. To improve distinction of buildings and various building spaces along long walls viewed from sharp angles and at long distances, the following standards shall apply:
 - a. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding twenty (20) feet.
2. All building walls must include at least two of the following:
 - a. change in plane,
 - b. change in texture or masonry pattern,
 - c. windows, or
 - d. Include an equivalent aspect that subdivides the wall into proportions such as an articulated base with a height no more than ten (10) feet.

3. In the event that actual doors and windows are not feasible because of the nature of the use of the building, side or rear walls that face walkways should include false windows and door openings defined by the following:
 - a. Frames,
 - b. Sills,
 - c. lintels, or
 - d. Proportioned modulations of the wall.
4. All sides, including the rear, of the building shall include materials and design characteristics consistent with those on the front.
5. Use of inferior or lesser quality materials on side or rear walls is prohibited except for areas where public access is prohibited by the proprietor.
6. In the event that canopies, awnings or other similar appurtenances are used, the following standards shall apply:
 - a. Such appurtenances shall be constructed of materials designed to full-fill the principles of the standards herein.
 - b. Any appurtenance may extend from the building up to eighty (80%) percent of the width of the sidewalk area or nine feet, whichever is less.
 - c. In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with maintenance of bio-retention pits with street trees for stormwater management, or maintenance of street lights or street signs.
 - d. A minimum overhead clearance of seven (7) feet from the sidewalk shall be maintained.

J. Materials

1. All buildings shall be constructed of durable fire retardant and wind resistant materials to prevent hazards to persons and/or property. These materials include brick, either plain or painted, horizontal fiber-cement siding, wood shingle, stone, or concrete-based stucco. All trim materials shall be stone, cast stone, cast concrete, or painted wood.
2. It is recommended that the primary structure be neutral in color, i.e. light grays, browns, beiges, whites or earth tones and not of colors that are distractive to motorists or cause concern among proximate proprietors of diminished property value or customer discomfort. The trim may be of various contrasting colors to that of the primary structure.
3. Where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles (with natural texture and color), ribbed metal, or shingles.
4. Finish materials of buildings, signage, gasoline pump canopies and other accessory structures, shall be compatible with the architectural character of the principal structure(s) through compliance with the following guidelines:

- a. all buildings, including gasoline pump canopies, shall utilize a consistent architectural style;
- b. differing buildings, businesses, or activities within the same development may be distinguished by variations;
- c. Sides and backs of buildings shall be as visually distinguishable as the front through the design of roof lines, architectural detailing, and landscaping features. Non-public and restricted access areas may be exempted from this provision upon review by the Administrator.

ARTICLE 10
USES WITH ADDITIONAL DEVELOPMENT STANDARDS

<u>Section</u>	<u>Page #</u>
10.1 Permitted Uses with Additional Development Standards	10-2
10.2 Special Uses with Additional Development Standards	10-25

ARTICLE 10

USES WITH ADDITIONAL STANDARDS

10.1 PERMITTED USES WITH ADDITIONAL DEVELOPMENT STANDARDS

10.1.1 Purpose. Certain uses provide services and benefits for residents of and visitors to the Town of Wilson's Mills. The convenient location of these uses is necessary to their success and the function of the community. Due to the potential impacts of these uses, certain additional standards are necessary to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require additional standards and establishes the standards they must meet.

10.1.2 Standards Established. The following Uses with Additional Standards and the standards they must meet are hereby established.

10.1.3 Accessory Dwelling Units.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards.

1. One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single-family zoning district.
2. The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.
3. Home occupations may be located within the Accessory Dwelling Unit.
4. The maximum gross floor area for the Accessory Dwelling Unit shall be 900 SF or 40% of the gross floor area of the principal structure, whichever is less.
5. The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply:
 - a. The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling).
 - b. Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the

Accessory Dwelling Unit is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit, but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.

6. One (1) parking space may be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.
7. The design and construction of the accessory structure housing the Accessory Dwelling Unit shall be compatible with the design and construction of the principal dwelling unit.
8. The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an Accessory Dwelling Unit is prohibited.
9. The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.

10.1.4 Automobile/Vehicle Repair Services (Major and Minor).

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards.
 1. Vehicles awaiting repair shall not be parked in public right-of-way.
 2. No outdoor automobile/boat work areas are to be located in front yard setback area.
 3. All outdoor automobile/boat work areas and/or vehicle storage areas shall be screened from adjacent uses with a six (6) foot tall opaque fence and a type D buffer (see Article 11); plantings shall be on the exterior side of the fence.

10.1.5 Automobile Towing and Storage Service.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards.
 1. No more than 110 automobiles per acre of storage area shall be stored at an automobile towing and storage service at a time.
 2. The automotive storage area must be screened with a six-foot-tall opaque fence and a type C buffer (see Article 11); plantings shall be on the exterior side of the fence.
 3. No outdoor disassembly or salvaging is permitted.

10.1.6 Bank, Credit Unions, Financial Services.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards.
 - 1. Drive-through facilities shall be located at the rear of the building
 - 2. No more than 2 drive-through lanes shall be permitted
 - 3. Drive-through facilities shall be screened from adjacent uses with a type D buffer (see Article 11).
 - 4. ATM may be located at side or front of building only if a walk-up facility.

10.1.7 Reserved

10.1.8 Bed-and-Breakfast Inn (Tourist Home).

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards
 - 1. Bed-and-Breakfast Inn establishments (Tourist Homes) shall be located a minimum of 500 feet from other Bed-and-Breakfast Inn establishments (Tourist Homes). In calculating the 500-foot distance between Bed-and-Breakfast Inn establishments (Tourist Homes), measurements shall be taken from the closest property line of the existing Bed-and-Breakfast Inn establishment (Tourist Home) lot to the closest property line of the lot of the proposed Bed-and-Breakfast Inn establishment (Tourist Home). Existing, legally established Bed-and-Breakfast Inn establishments (Tourist Homes) that do not meet this separation requirement of 500 feet are permitted to expand within the subject property to the maximum limits allowed under this chapter, as long as all applicable development standards are met.
 - 2. The owner shall reside on the property a majority of the calendar year.
 - 3. The maximum number of guest rooms provided by the Bed-and-Breakfast Inn establishment (Tourist Home) shall be fourteen (14).
 - 4. Accessory structures shall not be utilized for guest accommodation purposes as part of a Bed-and-Breakfast Inn establishment (Tourist Home).
 - 5. The length of stay of any guest shall not exceed thirty (30) successive calendar days, with a minimum interval between stays of ninety (90) days.
 - 6. No home of less than 3,000 heated square feet shall be used for a Bed-and-Breakfast Inn establishment (Tourist Home).
 - 7. Parking shall be located on the same lot on which the Bed-and-Breakfast Inn establishment (Tourist Home) is located, at the rear of the lot and

screened with a type C buffer (see Article 11) from adjacent properties and from the street except where separated from adjacent properties by a minimum of seventy-five (75) feet.

8. Signage shall be limited to a single Pole Sign, subject to the regulations of Article 17. The sign shall be located in the front yard and, if lit, shall be indirectly lighted.
9. Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
10. Activities and functions at the Bed-and-Breakfast Inn establishment (Tourist Home) shall be provided for overnight guests only and shall be limited to breakfast and an afternoon and/or evening refreshment. No commercial activities other than providing lodging for registered guests shall be permitted.

10.1.9 Car Wash.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. Building(s) shall be at least 75 feet from any interior side or rear property line which adjoins property either zoned for or abutting a residential use.
2. A minimum six-foot-high opaque fence and a type A buffer shall be provided adjacent to all property zoned for residential uses, with the plantings on the exterior side of the fence.
3. All washing operations shall be contained in a building.
4. Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles where these services are offered on the site. These areas shall not conflict with on-site circulation patterns.
5. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
6. Hours of operation shall be between 8:00 a.m. and 8:00 p.m. when directly adjoining developed residentially zoned property.
7. Adequate provision shall be made for the safe and efficient disposal and/or recycling of waste products and runoff.

10.1.10 Cemetery or Mausoleum.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a religious institution.
2. Principal access must be from a collector street or higher capacity street.
3. Tombstones, crypts, monuments, burial plots and mausoleums must be located at least 25 feet from any street right-of-way or from abutting property.
4. Buildings for maintenance, management, rent and/or sale of cemetery plots must conform to a building type permitted in the zoning district.

10.1.11 Religious Institutions

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. Churches, synagogues, and other places of worship shall meet the standards for civic building and lot types.
 2. Accessory uses such as religious institution offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries, mausoleum, and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted and shall meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such. Tombstones, crypts, monuments, burial plots and mausoleums in accessory cemeteries shall be located at least 25 feet from any street right-of-way or 16 feet from abutting property.
 3. Religious institution accessory uses which are not permitted as principal uses in a zoning district shall adhere to the following restrictions:
 - a. No merchandise or merchandise display shall be visible from outside the building; and
 - b. Signage shall be limited to a single Pole Sign, subject to the regulations of Article 17. The sign shall not be located in the front yard and, if lit, shall be indirectly lighted.

10.1.12 Business Associations, Non-profits, Civic Clubs or Lodge.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards

1. Activities and events at the club or lodge shall occur between the hours of 8:00 AM and 1:00 AM.
2. Access shall be from a collector or higher capacity street.

10.1.13 Reserved

10.1.14 Day Care Center for Children or Adults (6 or more).

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. A Day Care Center must meet a permitted building and lot type for the district in which it is to be located.
 2. Day Care Centers for children must provide play space in accordance with the regulations of North Carolina Division of Child Development
 3. The outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.
 4. There is no limit on the hours of operation of a Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

10.1.15 Day Care Center (less than 6 persons as Home Occupation).

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. The Day Care Center, Home Occupation operation must be located within the residential dwelling unit occupied by the operator of the service.
 2. Preschool instruction and daytime care is limited to five (5) persons not related to the operator.
 3. Day Care Center, Home Occupations for children shall provide play space in accordance with the regulations of the North Carolina Division of Child Development.
 4. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.
 5. No chain link fences shall be permitted in the front yard. Chain link and similar fencing materials located in the side and rear yards shall be planted on the exterior side with evergreen shrubs minimum 3 feet in

height and 6 feet on center at installation, or be obscured by a comparable screening treatment.

6. A Day Care Center, Home Occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

10.1.16 Dormitories.

- A. Zoning District where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. Must be located on the campus of secondary or post-secondary school.
 2. The dormitories must be administered and/or managed by the secondary or postsecondary school on whose campus they are located.

10.1.17 Drive-through Window as Principal or Accessory Use.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. Drive-through service window, stacking lane(s), and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street.
 2. Drive-through service window, stacking lane(s), and circulation are treated as components of on-site parking for the purposes of buffering.
 3. The length of on-site stacking lane(s), taken together, shall be a maximum of 200 feet if window access is provided directly from a major or minor arterial; a maximum of 100 feet if window access is provided directly from a street of lesser capacity.
 4. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage around and escape from the outermost drive-through service lane.
 5. Buffering is not required for walk-up service accessories such as depositories and ATM's.
 6. One drive-through service window and/or automated service device may be permitted.

10.1.18 Food Trucks

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:

1. Must be approved and inspected by the Johnston County Health Department
2. The maximum time permitted property shall before two (2) consecutive days per individual property.
3. A zoning compliance permit must be issued by the Administrator.

10.1.19 Golf Driving Range.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. Fencing, netting, or other control measures shall be provided around the perimeter of the driving range to prevent balls from leaving the area unless on site buffering is provided to prevent balls from entering any adjacent and/or occupied and/or improved property.
 2. The hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

10.1.20 Raceway (Go-Cart, Motorcycle, &/or Automobile).

- A. Zoning District where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards.
 1. A minimum separation of 30 feet, fully vegetated, shall be provided between any use area and any abutting property line. The vegetation shall form a permanent semi-opaque screen between the use area and adjacent property.
 2. Any use area shall be located a minimum of 200 feet from any residential or mixed-use district.
 3. The site shall be screened from view at street(s) within 200 feet of the use area by a masonry wall or a solid wood fence, planted on the exterior side with a semi opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence.
 4. The hours of operation will be no earlier than 8:00 a.m. and no later than 8:00 p.m.

10.1.21 Home Occupation.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:

1. No display of goods, products, or services, or other advertising shall be visible from outside the dwelling, except that home occupations shall be allowed one pole sign in accordance with the provisions of Article 17, and such sign shall not be illuminated.
2. Home occupations shall be principally conducted by residents of the dwelling. However, a maximum of one full-time equivalent non-resident of the dwelling may be employed as part of the home occupation.
3. On premise retail sales shall not be a component of the home occupation.
4. A maximum of 25 percent of the gross floor area of the dwelling unit may be used for the home occupation. If the home occupation is housed in an accessory structure, the square footage of the accessory structure shall not exceed 25 percent of the square footage of the principal structure (home).
5. Only one vehicle principally used in connection with the home occupation shall be parked or stored on premise. Such a vehicle shall not display any signage designed to be visible beyond the property boundaries.
6. No equipment or process shall be used in connection with the home occupation that creates noise, vibrations, glare, fumes, odors, or electrical interference off premises.
7. Instruction in music, dancing, art, or similar subjects shall be limited to no more than five (5) students at one time.
8. The home occupation shall not materially increase the traffic that is found in its vicinity when the use is not in operation. Pursuant to this, a maximum of six individuals per day may visit the home occupation with the exception of the instruction occupations.

10.1.22 Junked Motor Vehicle Storage as Accessory Use.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. Any vehicle meeting the definition of "motor vehicle, junked" shall be stored or placed in the side or rear yard of the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residential, mixed use, or civic zoned property. Total screening shall be provided by placement of the vehicle behind a building and/or by plant materials, fences, berms, or a combination thereof with a minimum height of six (6) feet.

2. Open storage of more than one such vehicle shall require classification as a junkyard, salvage yard, auto parts use and shall meet the standards for such use as set forth elsewhere in this Article.
3. More than one such vehicle may be stored within a completely enclosed building.

10.1.23 Kennels or Pet Grooming (Outdoor).

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 400 feet from abutting property located in a residential or mixed-use district.
 2. The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with a type B buffer (see Article 11).

10.1-24 Multi-Family Development.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 1. The multi-family development shall not exceed a total of seventy-two (72) dwelling units without separation of parcels by a public street or park.
 2. All parking for the multi-family development shall be located behind the building. The parking area shall be screened from adjacent properties and from the street with a minimum of a type C buffer (see Article 11).
 3. The buildings in the multi-family development shall be architecturally compatible with single family structures on the street on which the multi-family building is proposed. Elements that shall be incorporated into the design of the multi-family building to ensure architectural compatibility are:
 - a. The multi-family building shall be constructed of building materials similar to those used on single family structures on the street.
 - b. The roof pitch of the multi-family building shall be the same as that of the single-family structures on the street.
 - c. The fenestration of the multi-family building by location and size of windows and doors shall be similar to that of the single-family homes on the street.

- d. Color renderings of the proposed building must be submitted with the application to ensure architectural compatibility.
4. No multi-family building shall be located closer than 36 feet to an existing multifamily building or development. The distance shall be measured along centerline of streets from the edge of the property proposed for development to the closest edge of the property on which the existing multi-family building or development is located.

10.1.25 Assisted Living Facility.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. The facility shall provide centrally located shared food preparation, food service, and dining areas.
2. Common recreation, social, and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit.
3. All facilities shall be solely for the use of residents and their guests.
4. Facilities for administrative services and limited medical services for the exclusive use of the resident shall be located on the site.

10.1.26 Parks, Sports and Recreation Facilities (Outdoor).

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
2. All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.
3. Lighting, with the exception of lighting for ball fields and tennis courts, shall be full cut-off fixtures.

10.1.27 Special Events and Temporary Structures.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards: See Article 15

10.1.28 School, Elementary or Secondary.

- A. Zoning District where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. Minimum lot size:
 - a. Kindergarten (only): One acre.
 - b. K-12: Two acres.
 - 2. Minimum setback standards:
 - a. Front: Twice that for permitted uses in the respective zoning district.
 - b. Side: 25 feet.
 - c. Rear: 25 feet.
 - 3. Parking and active recreation areas shall not be located within the required building setbacks.

10.1.29 Reserved

10.1.30 Temporary Construction Storage and/or Office.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards: See Article 15

10.1.31 Veterinary Service with Outdoor Kennels.

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 400 feet from abutting property located in a residential or mixed-use district.
 - 2. The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with a type B buffer (see Article 11).

10.1.32 Wireless telecommunication facilities, microcell. (Per NCGS 160D Part 3)

- A. Zoning Districts where additional standards below apply: All zoning districts
- B. Standards
 - 1. Microcellular wireless telecommunication facilities are permitted on buildings and other existing structures (other than off-premise signs) which do not require an increase in height to accommodate the facility. Electric distribution poles may be extended in height in residential zoning districts to the lesser of 20 feet above the vegetative canopy in the vicinity of the site as determined by the Administrator, or 80 feet in

height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.

2. All antennas associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be flush-mounted against the side of the building or structure and camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted.
3. Antennas associated with a microcellular wireless telecommunication facility mounted on a utility pole must be mounted atop the pole or flush mounted against the sides of the pole, and shall be colored to match or complement the color of the utility pole and shall be mounted in as unobtrusive a manner as possible.
4. Antennas associated with a microcellular wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
5. Equipment enclosures associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be mounted inside the building or structure, attached to an exterior surface, or placed underground or on a concrete pad on the ground outside the building or structure. If mounted on an exterior surface, the enclosures shall be colored or camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted. If placed on a concrete pad on the ground, the enclosures shall be screened so as to make them unobtrusive.
6. Equipment enclosures associated with a microcellular wireless telecommunication facility mounted on a utility pole, must be mounted on the utility pole; provided, however, if combiners are used to allow co-location by sharing of an antenna or antenna array and pole-mounting of equipment enclosures cannot be accommodated on the pole, the combiner and additional equipment enclosures may be placed underground or on a concrete pad on the ground. If placed on a concrete pad on the ground, such additional equipment enclosures shall be screened so as to make them unobtrusive.

7. All cabling and wiring connecting antennas, equipment enclosures, and other components of a microcellular wireless telecommunication facility shall be colored or concealed in a manner as to render them unobtrusive.
8. Microcellular wireless telecommunication facilities located in a local historic district or on a historic landmark shall require a certificate of appropriateness from the historic resources commission.
9. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
10. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
11. As part of its application each applicant for a microcellular wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility upon abandonment or cessation of operations. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town for all costs it incurs to perform any work required of the applicant by the agreement that the applicant fails to perform. A \$5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.
12. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the

costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' written notice of its intention to do so to the permittee at its last known address.

10.1.33 Wireless telecommunication facilities, concealed. (Per NCGS 160D Part 3)

A. Zoning Districts where additional standards below apply: All zoning districts.

B. Standards:

1. Concealed wireless telecommunication facilities are permitted on buildings and alternative structures (other than off-premise signs and telecommunication towers).
2. For purposes of this section, antennas mounted on an electric transmission tower shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten feet above the top of the supporting structure nor more than two feet from the sides of the structure. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad and screened so as to make them unobtrusive.
3. For purposes of this section, antennas mounted on an electric distribution tower, street lighting pole or traffic light pole shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten feet above the top of the supporting structure nor more than two feet from the sides of the structure, and equipment enclosures associated with the facility occupy less than 60 cubic feet. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground on a concrete pad. Electric distribution poles may be extended in height in R/MST zoning district to the lesser of 20 feet above the vegetative canopy in the vicinity of the site as determined by the Administrator or 80 feet in height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.
4. Panel antennas associated with concealed wireless telecommunication facilities may not exceed eight feet in height. If flush-mounted on the

side of a building or alternative structure, antennas shall be camouflaged to match or complement the color and architectural treatment of the surface. Antennas extending above the roof line of a building shall be concealed behind an RF-transparent parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building or structure. Such parapet walls or facades shall not extend more than ten feet above the roof line. Where a parapet wall is at least eight feet in height, omnidirectional (whip-type) antennas may extend above the parapet wall by a distance equal to the height of the parapet wall.

5. Antennas associated with a concealed wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
6. Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, except as provided in subsection 10.1-33(B)(4) above, equipment enclosures shall be screened so as to make them unobtrusive.
7. All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication facilities shall be colored or concealed in a manner as to render them unobtrusive.
8. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
9. Applicants for concealed wireless telecommunication facilities shall first be encouraged to consider properties owned by the Town or Johnston County, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.
10. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that

it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

11. As part of its application, each applicant for a concealed wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within 180 days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Wilson's Mills for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A \$5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.
12. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' written notice of its intent to do so to the permittee at its last known address.

10.1.34 Wireless Telecommunication Facility, Co-located. (Per NCGS 160D Part 3)

- A. Zoning districts where additional standards below apply: All zoning districts.
- B. Standards:
 1. Application fees for a co-located wireless telecommunication facility shall be as established by the Town of Wilson's Mills.

2. Wireless telecommunication facilities may be co-located on any structure which hosts one or more existing permitted and approved wireless telecommunication facilities provided, however, that the proposed co-located wireless facility must meet equipment enclosure and antenna size restrictions for the type of facility and zoning district in which the existing facility was approved (i.e., microcell and concealed wireless telecommunication facilities). The structure on which the wireless telecommunication facilities are to be located may be improved, rehabilitated, or altered structurally to accommodate the proposed co-location, provided that the height of a nonconforming structure is not increased and provided further that the proposed co-location complies with all other requirements of this chapter and other applicable laws and regulations.
3. Where co-location is proposed by use of a combiner (allowing two or more commercial wireless service providers to share a common antenna or antenna array), an equipment enclosure which houses only the combiner and amplifiers may exceed the maximum permitted dimensions for other types of equipment enclosures up to a maximum of 70 cubic feet.
4. Antennas associated with a co-located wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
5. Co-located wireless telecommunication facilities shall be designed to meet the following standards:
 - a. Use of dual-band/multi-band antennas (to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands) or by using combiners (to allow antenna sharing by users of the same frequency band) is encouraged in order to minimize the height of support structures and the visual impact of multiple co-located antennas or antenna arrays.
 - b. Antennas associated with a co-located wireless telecommunication facility shall be mounted so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
 - i. Compact dual-polarized antennas in a cylindrical unicell arrangement extending less than two feet from the structure, and mounted atop the tower;
 - ii. Panel antennas flush-mounted against the tower; and

- iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
- c. No co-located wireless telecommunication facility located on a telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.
- d. All equipment enclosures and other improvements accessory to a co-located wireless telecommunication facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure shall exceed 12 feet in height. Ground mounted equipment shall be screened from view with a row of evergreen trees and/or shrubs planted in a landscape strip with a minimum width of five feet, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- e. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
- f. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence may be topped with barbed wire. The Administrator may require as a condition of approval that the fencing be screened by appropriate landscaping or other means, or may waive or modify the fencing requirement if he/she determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
- g. Signage at any ground-based portion of a co-located wireless telecommunication facility site shall conform to the following provisions:
 - i. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and

an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.

- ii. Equipment hazard warning and informational signs are permitted.
 - iii. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.
6. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
7. As part of its application, each applicant for a co-located wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the co-located facility within 180 days of the abandonment or cessation of operations of the co-located facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Wilson's Mills for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A \$5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement when a separate equipment shelter is constructed to house the equipment for the co-located wireless telecommunication facility. A \$3,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement when the equipment for the co-located telecommunications facility is housed in an existing equipment shelter. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the co-located facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless

telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

8. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' written notice of its intention to do so to the permittee at its last known address.
9. Co-located wireless telecommunication facilities shall not be constructed unless the facility owner has general liability coverage of at least \$1,000,000.00. The owner of a co-located wireless telecommunication facility shall provide the Town with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the Town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.
10. Modifications shall be permitted upon existing telecommunications tower facilities as of October 1, 2013 provided, they do not exceed any of the following criteria:
 - a. Increase in vertical height of the greater of either: 1) ten percent (10%), or 2) the height of one additional antennae array with separation from the nearest existing array of not more than twenty (20) vertical feet; provided the maximum height of 200 vertical feet is not exceeded.
 - b. Addition of an appurtenance protruding the greater of either: 1) more than twenty (20) feet, or 2) more than the width of the wireless support structure at the elevation of the appurtenance, unless: (i.) necessary to shelter an antenna, and/or (ii.) necessary to connect the antenna to the tower via cable
 - c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet; provided all applicable minimum yard area, buffering and screening provisions are maintained.

10.1.35 Pawnshops

- A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:

1. The owner shall comply with all applicable portions of NCGS Chapter 66, Article 45, Part 1: Pawnbrokers and Cash Converters.
2. Hours of operation: 8:00 A.M. until 8:00 P.M.
3. No outdoor storage or display of merchandise or goods.
4. No window tinting.
5. Five hundred (500) feet of separation between pawnshops, measured in a straight line between front door entrances (inclusive of rights of way).
6. No pornographic or sexually explicit material sales on site.

10.1.36 Manufactured Dwelling/Home (unit on individual lot).

- A. Zoning District where additional standards below apply: All zoning districts when replacing an existing manufactured dwelling per Article 22.5-2, and new installations.
- B. Standards:
 1. Manufactured Dwellings (Homes) on individual lots, not within a Manufactured Dwelling (Home) Park, shall be multi-sectional.
 2. Single-wide Manufactured Dwellings (Homes) shall not be permitted on individual lots.
 3. The Manufactured Dwelling (Home) shall to the construction standards of the United States Department of Housing and Urban Development (HUD) and bear the HUD tag and/or data plate.
 4. The manufactured dwelling (home) shall have the towing apparatus, wheels, axles, and transporting lights removed.
 5. The manufactured dwelling (home) shall be set-up in accordance with the standards established by the North Carolina Department of Insurance for permanent installations.
 6. A continuous masonry foundation shall be installed under the perimeter, unpierced except for required ventilation, access and utility purposes.
 7. A permanent front porch of at least thirty-two (32) square feet in area shall be constructed within eight (8) inches of the finished floor elevation and be fully underpinned with masonry, equal to the permanent foundation in item 10.136(B)(5) above, to completely conceal the area beneath the porch and the Manufactured Dwelling (Home).
 8. The front of the Manufactured Dwelling (Home) shall be parallel to the front property line, except on corner lots.

10.1.37 Outdoor Storage.

- A. Applicability: See Article 8 – Table of Permitted Uses

B. Exclusions include licensed motor vehicles titled to a resident and/or occupant of the property, provided such vehicles are not in violation of the provisions of this Article.

C. Standards:

1. In all zoning districts where storage of bulk materials, inventory, customer owned property, and/or equipment is stored outdoors more than three (3) consecutive calendar days the site shall:
 - a. consist of a minimum of five (5) acres;
 - b. provide for the screening and buffering along all site perimeter of the area designated for Outdoor Storage on an approved site plan with a Type D Buffer Yard, except where the site abuts an adjacent Zoning District requiring the provision of a Buffer Yard in accordance with Table 11.1 appearing in Article 11 of this Ordinance.

10.1.38 Light Industry.

A. Standards

1. Off-Site Impacts: No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.
2. Environmental Hazards: All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular Access: Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

10.1.39 Heavy Industry.

A. Standards

1. Location: All such uses must be located a minimum distance of 500 feet from the SFR, RMST, MS, CIV, and MU 1&2 districts and any parallel conditional district to those districts.
2. Environmental Hazards: All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular Access: Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

10.2 SPECIAL USES REQUIRING ADDITIONAL STANDARDS

10.2.1 Purpose. Certain uses may wish to locate in the Town of Wilson's Mills and its area of jurisdiction, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these uses, they must meet certain standards to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require standards and establishes the standards they must meet. A Special Use Permit must be granted for these uses in accordance with the procedures set forth in Article 7.

10.2.2 Special Uses Established. The following Uses Requiring Additional Scrutiny and the minimum standards they must meet are hereby established.

10.2.3 Adult Establishment.

A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. No lot containing an adult use shall be located within a 1,200-foot radius of any lot containing another adult use.
2. No lot containing an adult use shall be located within a 1,200-foot radius of any residential or mixed-use zoning district.
3. No lot containing an adult use shall be located within a 1,200-foot radius of any dwelling unit, church or place of worship, school, library, licensed childcare center, public recreation center, or public park or playground.
4. The required distance shall be measured from the closest edge of the property occupied by an adult use to the closest edge of the property occupied by a protected use, zone, or by another adult use. Provided, however, that if an adult use 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 use.
5. No more than one adult establishment may be located within the same structure or on the same lot.
6. In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.
7. Except for permitted business identification signage, 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 adult use.

10.2.4 Agriculturally Based Business Facility.

A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. The facility shall be located on a lot or parcel of no less than four (4) acres and is not included in the Bona Fide Farm exemption.
2. The facility may include agricultural, horticultural, vintner, brewing, bottling, packaging, research, manufacturing, production, and/or public venues for interactive participation and/or consumption operations of products for human consumption.
3. Accessory activities may include entertainment venues, tasting rooms/bars, retail outlets, distribution facilities, and/or restaurant services in accordance with applicable laws.
4. Minimum 300-foot distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.

10.2.5 Reserved.

10.2.6 Asphalt Paving Plant.

A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. The facility shall be located on a lot of no less than five (5) acres.
2. Access shall be from a collector or higher classification street. No trucks traffic shall be permitted on surrounding residential streets.
3. A minimum of a type A buffer (see Article 11) shall be located around the perimeter of the property on which the asphalt plant is located.
4. All operations other than parking shall be located a minimum of 1,000 feet from any residential or mixed-use zoning district.

10.2.7 Equestrian Facility.

A. Zoning Districts where the standards appearing below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. The facility will not be in conflict with the purpose and objectives set forth in this ordinance for the zoning district in which the facility is located.
2. The facility shall be located on a lot of no less than five (5) acres.
3. Outdoor riding rings may be provided as part of the facility.
4. Minimum 300-foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.

10.2.8 Group Care Facility.

- A. Zoning Districts where the standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. No such facility shall be located within one-half (1/2) mile of an existing group care facility unless located within the Civic (CIV) district and/or specifically approved within a Traditional Neighborhood Development Overlay (TNDO) district.
 - 2. The facility shall be limited to no more than thirty (30) persons.

10.2.9 Junkyards and/or Salvage Yards, Auto Parts.

- A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. The minimum area required to establish a salvage yard shall be five (5) acres.
 - 2. A six-foot-tall opaque fence of uniform construction and a type A buffer shall be placed around the perimeter of the use; plantings shall be on the exterior side of the fence.
 - 3. No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business.

10.2.10 Manufactured Dwelling Park.

- A. Zoning Districts where standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. Minimum area: Five (5) acres.
 - 2. The minimum number of spaces shall be 15 and the maximum number of spaces shall be 180.
 - 3. Minimum setback: 70 feet from all public rights-of-ways and property lines.
 - 4. No more than one manufactured dwelling or recreational vehicle, towed or self-propelled, shall be parked or set-up on any one space.
 - 5. Access standards:
 - a. No space shall have direct vehicular access to a public street;
 - b. All spaces shall directly abut a private street in the park;
 - c. Each space shall have adequate access, with a minimum access width of 20 feet.

6. Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the park shall be provided and shall consist of at least:
 - a. A play lot for preschool children (2-5) containing a minimum size of 1,200 square feet within 500 feet of every space; and
 - b. One or more playgrounds for school-age children (5-12), teens and adults, containing a minimum of one acre per 40 spaces;
 - c. Recreation areas shall not be in an area used for septic tank fields.
7. There shall be no sales of manufactured dwelling and recreational vehicles in the park, other than units established and previously occupied for a minimum of 90 consecutive days on-site.
8. Drainage and Grading:
 - a. The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the park.
 - b. Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured dwelling or recreational vehicle pad.
 - c. The surface slope of the stand or pad shall not exceed 3%.
 - d. No banks, except along drainage ditches, shall have a slope steeper than three feet to one foot (3:1).
9. Garbage and Refuse Disposal: All refuse shall be stored in conveniently located, leak-proof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. Racks or concrete platforms shall be provided on which to store containers for refuse. The containers, racks, and/or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. All refuse shall be collected at least weekly, or more often if the need is indicated.
10. Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:
 - a. Name, address and space number of each occupant;

- b. The date the manufactured dwelling or recreational vehicle entered the park;
 - c. The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, makes, and type of vehicle.
 - d. The operator shall keep the register available at all times for inspection by the Administrator, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
- 11. Park Manager Residence: A single-family detached dwelling may be provided for the manager of the park.
- 12. Pre-existing Dwellings: Pre-existing dwellings on the site may remain provided they occupy approved spaces.
- 13. Design Requirements Applicable to Manufactured Dwelling Parks: The following design requirements apply to Manufactured Dwelling Parks:
 - a. Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of 6,000 square feet and shall have a width of at least 45 feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of 40,000 square feet and shall have a width of least 120 feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.
 - b. Each Manufactured dwelling space shall contain:
 - i. a manufactured dwelling stand consisting of a properly graded and compacted surface no less than 13 feet by 60 feet;
 - ii. a patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of 240 square feet in area;
 - iii. a hard surface walkway a minimum of two feet wide leading from the patio to the parking space or road;
 - c. Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained.
 - d. Construction and Design of Private Streets:
 - i. Private entrance, collector, and interior streets with no parking or minor cul-de-sac streets with no parking shall meet the minimum

- design standards for private streets as set forth in the Town of Wilson's Mills Technical Standards and Specifications Manual;
- ii. One-way minor streets with no parking (acceptable only if less than 500 feet total length and serving less than 15 manufactured dwelling stands) shall have a 20-foot minimum right-of-way with 12-foot minimum paved surface;
 - iii. all private streets shall have signage in accordance with Town standards for safety and identification;
 - iv. Private streets shall be lighted at night with cut-off fixtures meeting the standards of the Town for streetlights.
- e. Park Access: If a manufactured dwelling park has more than one (1) direct access to a public street, such access points shall be no less than 200 feet apart and no closer than 300 feet to a public street intersection.
- f. Parking:
- i. Two parking spaces, a minimum of 9 feet by 18 feet, shall be provided within each manufactured dwelling space;
 - ii. All parking spaces shall be paved or covered with four inches (4") of crushed stone;
 - iii. No parking shall be allowed on private entrance and collector streets.
- g. Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- h. Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be or removed from the manufactured dwelling park.
- i. Utilities Installation: Each manufactured dwelling located within a park shall comply with the current North Carolina Regulations for manufactured dwelling in both manufacture and installation and must be inspected to assure compliance prior to occupancy.
- i. All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.
 - ii. Placement of utilities serving the manufactured dwelling stand shall comply with the NC Building Code for Plumbing.
 - iii. Minimum electrical service of 200 ampere, 120-240 volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

- iv. Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.
- v. Each manufactured dwelling park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Johnston County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.
- vi. Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Johnston County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.
- j. Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.
- k. Manufactured Dwelling Design Standards: Each manufactured dwelling shall have a roof pitch of at least 5 feet of rise for each 12 feet of horizontal run and a minimum width of 12 feet.

10.2.11 Petroleum Products, Fuel Oil Sales (including bio-fuel) Storage and/or Transfer Facilities.

- A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses
- B. Standards:
 - 1. Minimum lot area shall be five (5) acres.
 - 2. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Wilson's Mills.
 - 3. The use shall be buffered from adjacent properties and public streets with a type B buffer (see Article 11).

10.2.12 Sewage Treatment Plant.

- A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. Minimum site area shall be ten (10) acres.
 - 2. All buildings, lagoons, outdoor treatment areas, and other facilities shall be located at least 1,000 feet from residential and mixed use zoned property.
 - 3. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Wilson's Mills.
 - 4. Use shall be managed and operated by a municipality, county, or other governmental entity.

10.2.13 Shooting Range, Indoor.

- A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. Access shall be controlled to prevent unregulated entrance to firing area.

10.2.14 Wireless Telecommunications Towers (per NCGS 160D Part 3)).

- A. Zoning Districts where the standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. The applicant for a special use permit for a telecommunication tower shall bear the burden of demonstrating by substantial evidence in a written record that a bona fide need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunication tower.
 - 2. Telecommunications transmission towers in the Main Street (MS) district must be a monopole design that does not exceed one-hundred and fifty (150) feet in height from average adjacent grade.
 - 3. Telecommunication towers proposed on properties under the ownership or control of the North Carolina Department of Transportation shall simulate typical highway lighting towers in height and appearance and shall be clustered amongst or near such towers so as to be unobtrusive. If due to topography, existing vegetative canopy, or other local conditions, the Town Council determines that a tower disguised as a coniferous tree is a preferable aesthetic alternative to a simulated lighting tower, it may

require such camouflage treatment as a condition of approval. If any portion of a telecommunication tower located on such properties is used to mount cameras, instruments, sensors or antennas for governmental use, and the same structure supports or incorporates commercial wireless telecommunication facilities, the governmental use shall be deemed incidental or accessory to the commercial use and the entire facility shall be treated as a commercial use for purposes of this section.

4. It is the policy of the Town to encourage co-location and the use of existing structures where appropriate. In furtherance of that policy objective, the following provisions shall apply to an application for a special use permit for a telecommunication tower:
 - a. A special use permit for a telecommunication tower shall not be approved unless the tower is designed structurally, electrically, mechanically and in all respects to accommodate at least three users. An application shall not be deemed complete until the applicant submits:
 - i. A letter of intent agreeing to make all of its wireless telecommunication facilities (including existing facilities) within the Town available to providers of functionally equivalent services at commercially reasonable fair market value rates; and
 - ii. A copy of an executed lease for the proposed tower site that allows colocation or leasing or subleasing to other providers of functionally equivalent services.
 - b. Applicants are encouraged to meet co-location requirements by using dual band/multi-band antennas to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands or by using combiners to allow antenna sharing by users of the same frequency band.
 - c. A special use permit application for a telecommunication tower shall not be approved if an electric transmission tower is located above, or no less than 25 feet below, the ground elevation of and within the search radius and/or ring of a proposed telecommunication tower, unless the applicant can demonstrate one or more of the following:
 - i. That sufficient easements or other interests in real property cannot be obtained to accommodate the wireless telecommunication facility;
 - ii. That the electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;

- iii. That the applicant is unable to gain sufficient ingress and egress to the electric transmission tower;
 - iv. That the existing use of the electric transmission tower would interfere with the operations of the applicant as documented by a qualified and licensed North Carolina engineer and the interference cannot be prevented;
 - v. That the planned equipment would exceed the structural capacity of the electric transmission tower as documented by a qualified and licensed North Carolina professional engineer, and the electric transmission tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - vi. Electric transmission towers may be increased in height to that allowed for telecommunication towers in the district in which the electric transmission tower is located if the Town Council determines such height extension is preferable to placement of a new telecommunication tower in that area.
- d. A special use permit application for a telecommunication tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved telecommunication towers, buildings or alternative structures more than 30 feet in height (after first considering electric transmission towers) within a one-quarter mile (1,320 foot) radius of the proposed telecommunication tower due to one or more of the following reasons:
- i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment on the towers, buildings or alternative structures, as documented by a qualified and licensed North Carolina engineer, and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate

the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.

- iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon existing or approved towers, buildings or alternative structures.
 - e. Antennas associated with a wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
 - f. No wireless telecommunication facility shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the FCC.
- 8. All telecommunication towers must comply with FCC and FAA regulations.
 - 9. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licenses to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
 - 10. As part of its application, each applicant for a telecommunication tower shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within 180 days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Wilson's Mills for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A \$5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

11. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days written notice of its intention to do so to the permittee at its last known address.
12. All telecommunication towers shall comply with FAA lighting requirements. In addition, in a specific instance, the Town may impose lighting requirements for a tower that is not required by FAA regulations to be lit.
13. Except as otherwise provided herein, minimum setbacks for telecommunication towers shall be in accordance with the setback requirements set forth in the development standards for the district in which the location of the tower is proposed. In addition, telecommunication towers must be set back from any residentially zoned or residentially used properties a distance equivalent to one-half the height of the tower being erected. The Town Council may reduce the setback requirement upon a showing by the applicant that there are special physical circumstances or conditions affecting the proposed site such that the strict application of the setback requirement would not allow the most effective use of the proposed site to minimize the visual impact of the wireless telecommunication facility.
14. Telecommunication towers shall be buffered from adjacent properties with a buffer which, at a minimum, meets the requirements of a Type B buffer as described in Article 11 of this ordinance, regardless of adjacent zoning district classifications or uses.
15. No telecommunication tower shall be located:
 - a. On top of buildings; or
 - b. In a locally or nationally designated historic area or property or on a nationally or locally designated historic structure or building. Nor shall a telecommunications tower be located such that it adversely impacts the historic integrity of a locally or nationally designated historic area, property, or structure.
16. In cases where an applicant is required to perform an environmental assessment (EA) or an environmental impact statement (EIS) under the National Environmental Policy Act or the National Historic Preservation Act, such EA or EIS shall be submitted as part of its application for a

special use permit. An application for a special use permit will not be deemed complete until any required EA or EIS has been submitted to the Town.

17. Telecommunication towers shall not be constructed unless the company erecting the tower has general liability coverage of at least \$1,000,000.00. The owner of a telecommunication tower shall provide the Town with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the Town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.
18. Telecommunication towers shall be designed to meet the following standards:
 - a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. The Town Council may condition approval on the use of specific concealment techniques where it determines that doing so is necessary or desirable.
 - b. Guyed towers are prohibited. Commercial wireless telecommunication transmission towers shall be of a monopole design unless the Town Council determines that an alternative design would better blend in to the surrounding environment.
 - c. Use of dual-polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated), dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna), and use of combiners (allowing antenna sharing by providers using the same frequency band) are encouraged.
 - d. Antennas shall be mounted on telecommunication towers so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
 - i. Compact dual-polarized antennas in a cylindrical uni-cell arrangement extending no more than two feet from the sides of the supporting structure and mounted atop the tower;
 - ii. Panel antennas flush-mounted against the tower;
 - iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

- e. No telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.
 - f. All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed 12 feet in height. Ground mounted equipment shall be screened from view with a minimum "B" buffer (see Article 11), except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
19. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
20. Telecommunication towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence shall not be topped with barbed wire. The Town Council may require as a condition of approval that the fencing be screened by appropriate landscaping or other means. The Town Council may waive or modify the fencing requirement if it determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
21. Telecommunication towers shall have a flat gray or galvanized finish.
22. No telecommunication tower shall be permitted that exceeds 200 feet in height.
23. Signage at any telecommunication tower site shall conform to the following provisions:
- a. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.
 - b. Equipment hazard warning and informational signs are permitted.

- c. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.
- 25. The Town Council may require any other conditions deemed necessary or desirable to ameliorate the impact of the tower on the adjacent properties and uses. Such conditions shall include, but are not limited to: the height of the tower; the construction or type of tower; lighting; and co-location of the antennas and facilities of different parties on a single tower.
- 26. Modifications shall be permitted upon existing telecommunications tower facilities as of October 1, 2013 provided they do not exceed any of the following criteria:
 - a. Increase in vertical height of the greater of either: 1) ten percent (10%), or 2) the height of one additional antennae array with separation from the nearest existing array of not more than twenty (20) vertical feet; provided the maximum height of 200 vertical feet is not exceeded.
 - b. Addition of an appurtenance protruding the greater of either: 1) more than twenty (20) feet, or 2) more than the width of the wireless support structure at the elevation of the appurtenance, unless: (i.) necessary to shelter an antenna, and/or (ii.) necessary to connect the antenna to the tower via cable.
 - c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet; provided all applicable minimum yard area, buffering and screening provisions are maintained.

10.2.15 Electronic Gaming Operations

- A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
 - 1. Separation from Residential Zoning - Electronic Gaming Operations (whether principal uses, or accessory to another use) shall be located no closer than 500 feet in any direction from any property zoned for residential use.
 - 2. Separation from Certain Uses - No Electronic Gaming Operation shall be located within 1,500 feet in any direction from any other Electronic Gaming Operation, or from any cemetery, Group Living facility, religious institution, public or private childcare center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.

3. Major Gateway Setbacks - All Electronic Gaming Operations shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile inward from the Town limit line. For the purposes of this standard a major gateway is identified as an entry way into the zoning jurisdiction along any of the following transportation corridors:
 - a. US 70
4. Measurement - All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures.
5. Hours of Operation, Access and Visibility - No Electronic Gaming Operations shall engage in business prior to 10:00 a.m. or after 12:00 midnight. During hours of operation, electronic gaming operations shall be open for direct, unobstructed access by police, fire and emergency response personnel. All entrance doors shall remain unlocked while patrons are on the premises. All Electronic Gaming Operations terminals, computers, machines, and/or gaming stations shall be open and visible from the exterior front of the establishment.
6. Signage - Signage shall meet all the requirements of Article 17. Sign Regulations and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulated, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the electronic games shall be displayed prominently within the establishment.
7. Parking - Parking shall be provided at the rate of one (1) space per full time employee and one (1) space per gaming terminal and/or electronic gaming machine in the establishment and in accordance with Article 12 Off-street Parking, Stacking and Loading Areas.
8. Maximum Number of Terminals - The maximum number of terminals, computers, machines, and/or gaming stations permitted within an Electronic Gaming Operation is twenty (20).

10.2.16 Hazardous Industries

- A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. Minimum Building/Parking Lot/Storage Area Setbacks:

- a. The minimum building/parking/storage area setbacks shall be as follows:
 - i. From any arterial or collector street right-of-way – 500 feet
 - ii. From any local street right-of-way – 500 feet
 - iii. From an interior lot line adjacent to a school or day care facility – 500 feet
 - iv. From an interior lot line adjacent to a residential zoning district – 500 foot
 - v. From an interior lot line adjacent to a non-residential zoning district – 250 foot.

2. Building Height Requirements:

- a. The maximum building height for a structure adjacent to a residential or commercial zoning district shall be no greater than 40 feet
- b. The maximum building height for a structure adjacent to an industrial zoning district – no height restrictions.

3. Additional Requirements:

- a. Any such hazardous industry facility shall be serviced by a public water and wastewater system.
- b. Any such hazardous industry facility shall be enclosed with a security fence of adequate height and structure that would reasonably prohibit access to the site by the general public. All security gates and/or gate houses shall be set back a minimum of 50 feet from the public right-of-way line.
- c. All Chemical Bulk Storage Structures and/or Areas housing the storage of bulk liquid and/or hazardous or toxic materials shall be set back from any property line a minimum of 550 feet.
- d. There shall be no industry created noise more than 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
- e. There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
- f. There shall be no industry created air pollution including:
 - i. No noxious odors; no noxious, toxic or corrosive gases or fumes.

- ii. No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, and approved density scale equivalent to the Ringelmann Chart shall be used.
- iii. No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of the Oversight Board.
- iv. There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III.
- vii Miscellaneous Prohibitions:
 - (1) Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.
 - (2) In any industrial unit or accessory all operations and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure. Exemption: Outside storage of bulk or large raw materials which are fireproof if enclosed by a security fence with provisions for visual inspection and where screened from public view in its entirety from adjacent properties and public streets/roadways.
- g. Operations and Closure Plans Required:
 - i. An emergency operations plan shall be developed and be on file at the Town of Wilson's Mills and Johnston County Emergency Management Offices and reviewed for update annually. An operations plan shall be submitted to include:
 - (1) The date of commencement of operations and their expected duration;
 - (2) Proposed hours and days of operation;
 - (3) A complete description of operation, including source of materials, method of compaction, type of sealing proposed to be used, types and number of equipment to be used and disposal of by-products;
 - (4) Any phasing schedule of operations and relationship among phases,

- (5) Operating practices to be followed to ensure compliance with regulations of this ordinance, and;
- (6) Complete assessment by the local Fire Department in conjunction with local emergency management agencies that all necessary equipment, training, and personnel are available at the emergency response level to adequately handle all emergency scenarios.
- ii A closure plan shall be prepared and submitted in accordance with United States Environmental Protection Agency (USEPA) guidelines as part of the application for a zoning map amendment to establish the HIO district.
- h. Hazardous Chemical Notification and Inventory Reporting
 - i. EPCRA Section 311-312 applies to any facility at which a hazardous chemical, as defined by the Occupational Safety and Health Act, is present in an amount exceeding a specified threshold. These facilities must submit -- to the SERC, LEPC, and local fire department -- material safety data sheets (MSDSs) or lists of MSDSs and hazardous chemical inventory forms (also known as Tier I and II forms). This information helps the local government respond in the event of a spill or release of the chemical.
- j. Emergency Notification and Agriculture
 - i EPCRA requires businesses that store threshold amounts of chemicals that are subject to OSHA's Hazardous Communication Standard to submit information -- including facility point of contact and the Material Safety Data Sheets (or a list of those chemicals) -- to state and local authorities in order to facilitate emergency planning and response. Annual reporting to state and local authorities is required for all covered facilities that have those chemicals in amounts above threshold. Hazardous chemicals used in routine agricultural operations and fertilizers held for resale by retailers is excluded.
- k. Toxic Chemical Release Inventory Reporting:
 - i EPCRA Section 313 requires manufacturing facilities included in SIC codes 20 through 39 to submit an annual toxic chemical release report if they have 10 or more employees and if they manufacture, process, or use specified chemicals in amounts greater than threshold quantities. This report,

commonly known as Form R, covers releases and transfers of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.

ARTICLE 11
LANDSCAPE REQUIREMENTS & TREE PROTECTION

<u>Section</u>	<u>Page #</u>
11.1 Purpose	11-2
11.2 Administration	11-2
11.3 Applicability	11-2
11.4 Exemptions	11-3
11.5 Landscape Plan Procedure	11-3
11.6 Landscape Requirements	11-5
11.7 Reforestation of Slopes Steeper than 3:1	11-10
11.8 Tree Conservation and Protection	11-11
11.9 Tree Credits	11-13
11.10 Public Trees and Trees Interfering with Public Space Maintenance and Protection	11-16
11.11 Hazard Trees	11-17
11.12 Species Selection and Planting Techniques	11-18
11.13 Maintenance of Regulated Planting Spaces	11-20
11.14 Regulation of Tree Care Professionals	11-21
11.15 Enforcement	11-22

ARTICLE 11 LANDSCAPE REQUIREMENTS & TREE PROTECTION

11.1 PURPOSE

This Article establishes minimum standards for the design of landscapes so as to improve the community aesthetically, economically, and environmentally. The requirements are intended to enhance the quality of life through sustainable urban forest practices and increase the benefits trees provide, including, but not limited to the following.

- A.** Absorption of carbon dioxide and returning oxygen
- B.** Reduction of soil erosion and increase in rainwater infiltration
- C.** Provision of shade for cooling
- D.** Screening of noise, dust, glare, and visual intrusions
- E.** Reduction of storm-water runoff
- F.** Reduction of risk for both wildfires and structure fires
- G.** Maintenance and improvement of Town appearance and aesthetics
- H.** Provision of habitat for wildlife
- I.** Preservation, protection and enhancement of the natural environment

11.2 ADMINISTRATION

The Administrator shall be responsible for administering and enforcing the provisions of this section.

11.3 APPLICABILITY

The provisions of this article shall apply to the following:

- 11.3.1** All new major subdivisions with four (4) or more new lots, all new non-residential developments, and all new multi-family developments with four (4) or more units except for those projects listed under Section 11.4 - Exemptions below.
- 11.3.2** Changes in use, expansions, and new buildings for already existing residential, nonresidential, or mixed-use developments as per the following:
 - A.** Changes in use to a higher intensity, such as a change from residential to commercial. The requirements shall be applicable to the entire lot;
 - B.** All non-residential expansions of buildings, except the first three thousand (3,000) square feet of gross leasable area. The requirements of this article shall be applicable only to the expansion area;
 - C.** Expansions exceeding 50 percent of the pre-expansion floor area must bring the entire site into compliance, super-ceding 11.3.2.B;
 - D.** Renovations with a total cost exceeding 50 percent of the appraised value of the building as established by the Johnston County Tax Office. The value of

any expansions or reconstruction of such structures over a three-year period shall be considered in calculating the 50 percent threshold.

- 11.3.3** Vehicular use areas shall be subject to the landscape requirements as outlined under the Parking Lot Landscape Requirements as follows:
- A.** Any new parking lot with six (6) or more spaces;
 - B.** Expanded portions of existing parking lots which are less than 50 per cent of the total vehicular use areas shall landscape the area included in and around the expansion;
 - C.** Expansions exceeding 50 percent of the paved area must bring the entire vehicular use area into compliance with the Parking Lot Landscape Requirements;
 - D.** Existing unpaved parking lots which are paved or existing paved lots which are demolished and repaved must bring the entire vehicular use area into compliance with the Parking Lot Landscape Requirements.

11.4 EXEMPTIONS

The provisions of this Article shall not apply to the uses and activities listed below.

- 11.4.1** Properties within and abutting the Main Street (MS) District shall be exempt from the buffer and tree conservation area requirements but are still required to meet the street trees and parking lot landscaping requirements;
- 11.4.2** Property lines abutting utility easements in excess of sixty (60) feet in width and all railroad rights-of-way;
- 11.4.3** Tree removal on an area of three thousand (3,000) square feet or less, after the Administrator has determined that such a removal is not associated with a forthcoming development proposal and will not be inconsistent with any plan previously approved by the Town; however, watershed and/or soil erosion requirements may still apply if triggered;
- 11.4.4** Property covered by an active forestry management plan prepared by a North Carolina Registered Forester, provided that documentation has been furnished to the Administrator.

11.5 LANDSCAPE PLAN PROCEDURE

- 11.5.1 Landscape Plan Approval Required.** An applicant must receive approval of a landscape plan from the Administrator prior to grading or before site work may begin.
- 11.5.2 Installation of Plant Materials Required.** Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.
- 11.5.3 Performance Guarantee In lieu of Installation of Plant Materials.**

- A. If at the time of a request for a Certificate of Compliance, the required planting areas are not complete the developer may provide a performance guarantee in accordance with N.C.G.S. 160D-804, guaranteeing the installation of the plant materials if the following conditions are met:
1. Plant materials are unavailable,
 2. Completion of the planting areas would jeopardize the health of the plant materials, or
 3. Weather conditions prohibit completion of the planting areas.

The Performance Guarantee shall be in an amount equal to 125 percent of the estimated cost of the installation of the required plant materials, as determined by the Town. The Administrator may accept a valid contract assignable to the Town containing a ninety-day (90) termination and/or cancellation notice to the Town by any party exercising such action incorporated therein for the remaining materials and turn-key installation, as a form of cost estimation. The performance guarantee shall secure the installation of the plant materials as shown on the approved landscape plan. The performance guarantee shall remain in full force and effect until such time as the installation of plant materials is completed, inspected, and accepted by the Town of Wilson's Mills. Failure to maintain the required performance guarantee shall result in the revocation of the approval of the site development plan and any permits issued as a result of the plan approval. The performance guarantee shall be renewed by the applicant unless all parties, including the Town, agree not to renew it at least sixty (60) days prior to its scheduled expiration date.

- B. Failure to initiate installation of the plant materials within one year of the date the performance guarantee was accepted by the Town of Wilson's Mills may result in the Town, at its sole discretion, directing and/or installing the plant materials, with the cost to be paid from the performance guarantee. The performance guarantee shall, if requested by the Town, pay all or any portion of the performance guarantee to the Town up to the amount needed to complete the installation of the plant materials based on an estimate by the Town as described in 11.5.3.A above. The Town at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required plant installation. The Town shall return to the developer any funds not spent in completing the plant installation, less reasonable administrative, professional and legal services cost resulting from the failure of the developer. Default on a project does not release the developer from responsibility for the completion of the plant installation. The Town may release a portion or all of any performance guarantee as the plant installation is completed and approved by the Town. In the event the amount of the performance guarantee on hand is insufficient to pay for completion of the plant installation, the property owner shall pay to the Town of Wilson's Mills

the total amount of the insufficiency. If the Town is not re-paid in full, the amount of the insufficiency shall be the basis for a claim against the property and constitute a lien on the property in favor of the Town upon filing with the Register of Deeds.

11.6 LANDSCAPE REQUIREMENTS

The following buffer yards are hereby established and shall be required where applicable:

- A. Type A Buffer Yard:** A high-density screening buffer to substantially block visual contact between adjacent uses with a minimum of 90% opacity.
- B. Type B Buffer Yard:** A medium-density screening buffer to partially block visual contact between uses with a minimum of 60% opacity.
- C. Type C Buffer Yard:** A low-density screen intended to partially block visual contact between uses with a minimum of 60% opacity.
- D. Type D Buffer Yard:** A peripheral planting strip intended to separate uses, provide vegetation in densely developed areas, and to enhance the appearance of individual properties.

11.6.1 Buffering and Screening of Different Districts. Buffer yards, in accordance with section 11.6 above, to separate development in certain districts from adjacent districts are specified in Table 11.1 below. The buffer yards are required on the sides and rear of property being developed abutting the identified adjacent district. The following buffer yards shall be provided when property in an identified development district abuts one or more of the identified adjacent districts. To determine the required buffer yard for a development, first identify the development district in which the development is to be located. Then identify the adjacent district abutting the proposed development to determine the type buffer yard applicable to the project.

Table 11.1 BUFFER YARD CHART for NON RESIDENTIAL DEVELOPMENT		
DEVELOPMENT DISTRICT	ADJACENT DISTRICT	BUFFER YARD REQUIRED
"AG", "IND",	All other districts	Type A
"MU 1&2", "C-70", "CP", VSR"	"SFR", "RMST", "CIV", "TNDO"	Type B
"MS", "CIV"	"SFR", "RMST"	Type C
"VSR"	"MS", "MU 1&2", "C-70", "CP"	Type C
"MS", "C-70", "CP"	"MU 1&2", "IND"	Type C

"SFR", "RMST", "TNDO"	All other districts	Type C
"MU 1&2"	"MS", "C-70", "CP", "VSR"	Type D

Plantings shall be provided in buffer yards as indicated in Table 11.2 below:

Table 11.2 PLANTING RATES						
Buffer Yard Type	Average Width (ft.)	Minimum/Maximum Width (ft.)	Evergreen Tree Rate per 100 lf	Canopy Tree Rate	Understory Tree Rate	Shrubs Rate
Type A Yard	40	35/65	8	4/100 lf 25 feet on center	10/100 lf 10 feet on center	33/100 lf 3 feet on center
Type B Yard	30	25/50	6	3/100 lf	5/100 lf	25/100 lf
Type C Yard	20	15 /40	4	2/100 lf	3/100 lf	17/100 lf
Type D Yard	5	5/10	0		2/100 lf	18/100 lf

A. Buffer Yard Alternative Standards and Conditions.

1. The minimum buffer width for all buffer yards except the Type D yard may be reduced by 30% with the use of an opaque wall or fence constructed of masonry, stone or pressure treated lumber providing such reductions do not disturb the Critical Root Zone (CRZ) of existing trees.
2. The wall or fence should be a minimum of five (5) feet in height. The wall or fence shall be set back from the property line a minimum of five (5) feet and shall be planted with half the required plantings, including all types of shrubs and trees required, on the outside of the wall or fence (facing the adjacent property).
3. Understory trees shall be substituted for canopy trees at the rate of two (2) understory trees for every canopy tree to be planted within fifteen (15) feet of an overhead utility line.
4. Canopy trees may be substituted for shrubs at the rate of one (1) canopy tree for eight (8) shrubs and understory trees may be substituted for shrubs at the rate of one (1) understory tree for five (5) shrubs if approved by the Administrator.

- B. Location of Buffer Yard.** Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements, electric utility easements below overhead lines, and in drainage maintenance and utility easements upon approval by the Administrator.
- C. Setback Less Than Buffer Yard.** If the required building setback is less than the required buffer yard width, the building setback shall reduce the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
- D. Encroachments Permitted in Required Planting Yards.** The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:
 - 1. Cornices, steps, canopies, overhanging eaves and gutters, windowsills, bay windows or similar architectural features, at-grade patios, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line or handicap ramps except for porches and landings.
- E. Obstructions.** Landscaping shall not be placed in the sight visibility triangle which would obstruct the view of motorists using any street, driveway, or parking aisle.

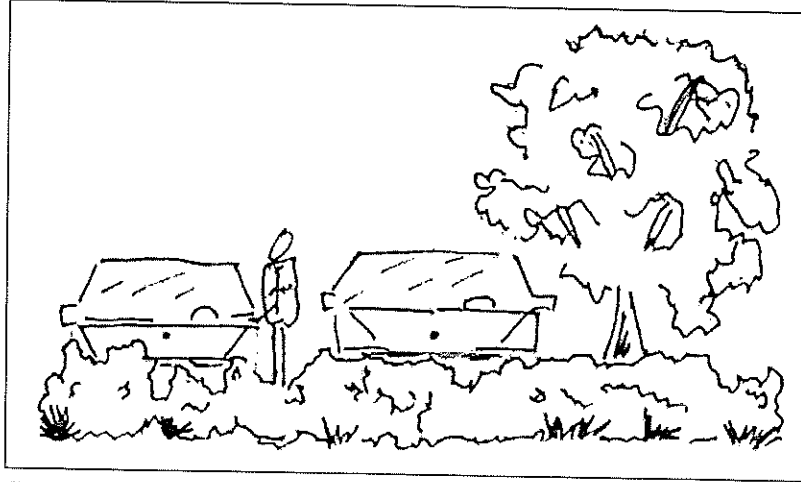
11.6.2 Screening of Dumpsters, Outdoor Storage, and Utility Structures. All dumpsters, loading docks, outdoor storage areas over 40 square feet, and utility structures must be screened if they are visible to adjacent public or private streets or any adjacent properties. Screening of a dumpster shall not be required in the Industrial District, unless the dumpster is located within one hundred (100) feet of an existing nonindustrial land use. Screening options include:

- A.** A single opaque material wall or fence with a minimum height of 6 feet.
- B.** A combination of opaque materials, berming, and/or evergreen landscaping spaced at 8 feet on center that provides the required screening effect. The combination of opaque materials, berming, and/or evergreen landscaping shall have a minimum height of 6 feet within three (3) years of planting.
- C.** The wall(s) of a principal or accessory structure may also count for screening.
- D.** Chain-link fencing with woven slats of opaque material is not acceptable.

11.6.3 Street Trees. Street trees are required along all street frontages for all new developments described in Sections 11.3.1 and 11.3.2, unless accepted in Section 11.4. Trees are required at the following rate:

- A.** One large maturing tree required for every 80 linear feet of street frontage. If overhead utilities are present, planting of one small maturing tree for every 40 linear feet of property abutting a street is required.

- B. Where the street abuts a parking lot over 3,000 square feet in area and located within 50 feet of the edge of the pavement, shrubs shall be planted at the rate of one deciduous or evergreen shrub for every 5 linear feet of vehicular use area abutting the street in addition to the required street trees. The shrubs must achieve a minimum height of three feet at maturity.

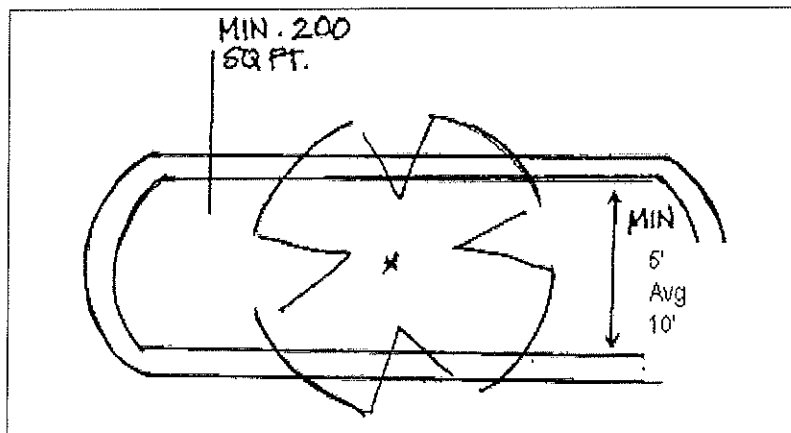


- C. Street trees may be evenly spaced or spaced to accommodate existing site features.
- D. Street trees shall be a minimum of fifteen (15) feet apart and a maximum of ninety (90) feet apart. No street tree shall be located more than twenty-five (25) feet from the edge of pavement.
- E. Street trees shall be planted in the planting strip within the public right-of-way. In the Main Street (MS) and Mixed-Use (MU 1&2) Districts, the trees may be placed in tree pits with grates that are a minimum of sixteen (16) square feet.
- F. **Existing Trees:** See Section 11.9 for information regarding credits for preservation of existing trees.
- G. No more than fifteen (15) percent of the street-planting yard may be used for walkways serving individual lots, except in the MS, and MU 1&2 districts. Parking, merchandise display, and off-street loading are prohibited in the street-planting yard.

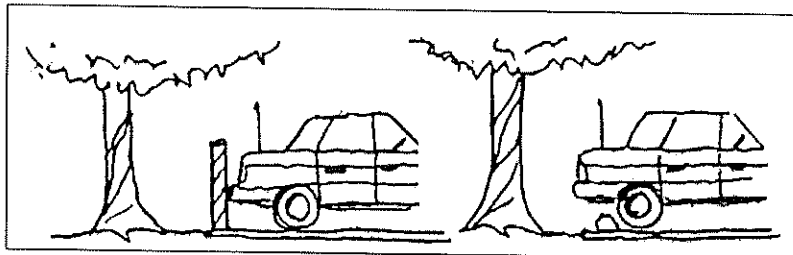
11.6.4 Parking Lot Planting Areas.

- A. **Applicability.** Parking lot landscaping buffers shall be required to separate parking areas from adjacent uses for new and/or expanding parking lots with six (6) or more spaces. Required canopy trees and shrubs shall be located within the parking lot and adjacent to parking spaces in planting areas between rows of parking spaces, at the end of parking bays, in tree islands, and/or around the periphery of the parking lot. The following buffer requirements shall apply to parking lots with six (6) or more spaces:

1. A minimum of a type D buffer shall be provided for all parking lots with six (6) or more spaces.
 2. A type C buffer shall be provided along any edge of a parking lot with a minimum of six (6) spaces and occupying less than 1/2 acre that abuts an AG, SFR, or RMST zoning district.
 3. A type C buffer shall be provided along all edges of any parking lot with a minimum of six (6) spaces and occupying less than 1/2 acre that is located within an AG, SFR, or RMST zoning district.
 4. A type D buffer shall be provided along any edge of a parking lot with a minimum of six (6) spaces and occupying 1/2 acre or more that abuts an AG, SFR, or RMST zoning district.
 5. A type D buffer shall be provided along all edges of any parking lot with a minimum of six (6) spaces and occupying 1/4 acre or more that is located within an AG, SFR, or RMST zoning district.
- B. Planting Rate.** For every fifteen hundred (1,500) square feet of vehicular use area (VUA), one (1) deciduous tree and four (4) shrubs must be planted. At least seventy-five (75) percent of the trees shall be large maturing species. Trees and shrubs must be planted within fifteen (15) feet of the VUA to meet the requirement.
- C. Existing Trees.** See Section 11.9 for information regarding credits for preservation of existing trees in parking lots.
- D. Reduction in Parking Requirements.** To allow an existing development to retrofit parking to conform to the landscaping regulations, or for an existing or new development to preserve trees within or adjacent to a parking lot, the number of required off-street parking spaces may be reduced by the Administrator by up to ten (10) percent.
- E. Tree Islands and Medians.** When more than four trees are required in a lot with interior rows, fifty (50) percent of the trees and shrubs must be planted in islands or medians located within the parking lot. The planting islands or medians shall be a minimum size of 200 square feet with no dimension smaller than five (5) feet and an average width of ten (10) feet.

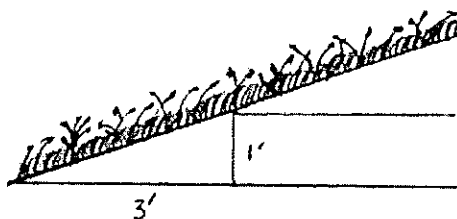


- F. Multiple Parking Bays.** When there are more than 4 bays of parking, an interior island with an average width of ten (10) feet and a length equivalent to the parking bay shall be constructed. The median should be located in such a way as to enhance pedestrian circulation within the development, leading to the entrance or to an adjacent sidewalk and/or walkway.
- G. Perimeter Parking.** All continuous runs of fifteen (15) or more parking spaces shall be interrupted by a tree island.
- H. Grouping.** Shrubs and trees may be grouped or clustered in the required planting yards, except for the perimeter landscaping adjacent to parking lots, outside storage, access drives, and loading and unloading areas. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one (1) row of evergreen shrubs or evergreen understory trees in all Type A planting yards used in parking areas.
- I. Plant Protection.** Whenever planting areas are adjacent to parking lots or drives, such areas shall be protected from damage by vehicles, lubricants, or fuels. Curbing or some other structural barrier is required to be placed around trees within five feet of a car bumper. Allowances may be made if rain gardens are incorporated into the planting area. Trees and shrubs in islands should be set back at least three feet from the curb to allow for the operation of car doors.



11.7 REFORESTATION OF SLOPES STEEPER THAN 3:1

- 11.7.1 Tree Cover Required.** Areas having slopes steeper than 3:1 must be reforested to provide tree cover over the entire area.



The following standards apply:

- A. Reforestation shall include a minimum of one (1) tree per two hundred (200) square feet of surface area and shall be made up of a mixture of deciduous hardwood and evergreen trees that are a minimum of twelve (12) inches high at planting and approved by the.
- B. The trunk of any required tree shall be no closer than ten (10) feet from any other existing tree.

11.8 TREE CONSERVATION AND PROTECTION

11.8.1 Purpose of Tree Conservation Area. The purpose of the Tree Conservation Area (TCA) is to encourage the preservation of healthy trees that are four (4) inches or greater in diameter at breast height (DBH).

11.8.2 Tree Conservation Area Determination. The TCA shall be provided in accordance with the chart below. If trees of four (4) inches or greater DBH exist within or partially within these areas, such trees must be saved to the extent possible. The area will be designated a TCA and shall not be disturbed except as allowed herein below in Table 11.3.

Table 11.3 – Tree Conservation Area (TCA)

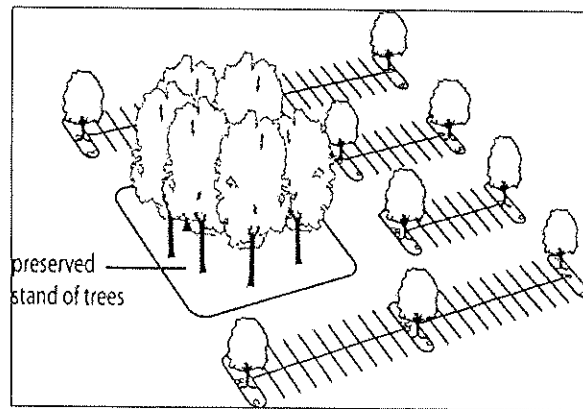
Size of Parcel	TCA Required to Include
0 – 55,000 sq. ft.	One percent (1%) of lot area and located within the required planting yard
55,000 sq. ft. – 5 acres	One and one-half percent (1.5%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yards
5.01 – 10 acres	Three percent (3%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yard or within fifteen (15) feet of the side and rear property lines, whichever is greater
Greater than 10 acres	Six percent (6%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yard or within twenty-five (25) feet of the side and rear property lines, whichever is greater

11.8.3 Tree Conservation Area Selection.

- A. In selecting which existing tree stands are to be designated as Tree Conservation Area (TCA), the landowner shall give due consideration to

building, parking lot, driveway, street, and utility location as they relate to the practicality of preservation and shall use the following tree preservation priority list:

1. Existing stands of mature hardwoods as highest priority, then
2. Existing stands of younger hardwoods, then
3. Existing specimen trees (as determined by the Administrator), then
4. Existing stands of hardwoods and pine mix, and lastly
5. Existing stands of pine trees. Preservation of a single pine tree is not typically encouraged.



- B. If it is necessary to pick among two or more stands of trees within a category listed above, then Tree Conservation Areas adjacent to the following priority list shall be used in order of significance:
1. Type A buffer yards, as a first priority, then
 2. Type B buffer yards, then
 3. Type C buffer yards, then
 4. Type D buffer yards, then
 5. Street tree yards, and lastly
 6. Vehicular use areas
- C. **Smaller Trees:** Trees less than four (4) inches DBH within the TCA may be preserved at the landowner's option and counted toward buffer yard, street tree, or vehicular use area requirements.

11.8.4 Tree Conservation Flexibility Standards. Flexibility can be granted in the following circumstances:

- A. **Trees in Sensitive Areas:** If there are trees that meet the TCA requirements on other areas of the site (riparian buffers, stream corridors, floodplains, etc.), the landowner may request that the required TCA be designated around such trees instead of the usual locations.
- B. **Stream Buffer Credits:** Properties falling under the Stormwater Management Control Requirements, which are required to maintain an undisturbed stream buffer, may use some of or the entire buffer to satisfy the

required TCA, provided that the undisturbed stream buffer contains trees that are a minimum of four (4) inches in DBH.

- C. Land Dedication:** Land dedicated to the Town that is contiguous to the property being developed may be used towards the tree preservation requirement, if the dedicated land contains trees that are a minimum of four (4) inches in DBH.
- D. Reforestation Credits:** In situations where TCA requirements cannot be met based on site conditions and when approved by the Administrator, reforestation efforts on the property can be used to satisfy up to fifty (50) percent of the required TCA.
- E. Reduction in the Amount of TCA Required for Specimen Tree Preservation Within the Lot:** To allow developers the flexibility to manipulate the location of required Tree Conservation Areas, and to encourage the preservation of certain specimen trees or tree stands within developed lots rather than just at the periphery, the Administrator may, at their or their discretion, allow the developer the right to reduce the total amount of required TCA using the following table:

Table 11.4

DBH of Existing Specimen Tree(s) in Inches	Allowable Reduction in TCA
8 – 12	5 % reduction
13 – 20	10% reduction
21 – 30	25% reduction
31+	40% reduction

- F. Modifications:** The Administrator shall have the authority to allow reduced buffer yards or to modify the buffer yard requirements to allow for a greater TCA in another area or make other exceptions, which meet the cause and intent of this section. Additionally, if the Administrator concludes that due to existing unusual or unique site characteristics, preserving some or all required trees in the TCA(s) would create an undue or unreasonable hardship, the protection of some or all of required trees in the TCA(s) may be waived.

11.9 TREE CREDITS

- 11.9.1 Buffer Yards.** All trees of appropriate size and type preserved in the Tree Conservation Area (TCA) that are within the buffer yard shall be credited toward meeting all or part of the buffer yard requirements. The protection of tree stands, rather than individual trees, is strongly encouraged.
- 11.9.2 Street Trees.** Existing preserved trees may count toward up to 100% of the street tree requirement, providing there is no more than 65' between trees.
- 11.9.3 Parking Lots.** For new, expanded, or rebuilt parking lots where trees are being preserved adjacent to the parking lot in order to meet the parking lot planting requirements, trees preserved in a TCA and within fifteen (15) feet of the parking lot may be used to satisfy up to fifty (50) percent of the required number of parking lot trees. Non-TCA trees located within the parking area may count towards up to 100% of the requirement. Trees in the TCA counted toward planting yard requirements may not count for required parking lot trees.
- 11.9.4 Tree Health.** No credit will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations. Trees should have a life expectancy of greater than ten (10) years and have a relatively sound and solid trunk with no extensive decay, major insect, or pathological problems. For the purposes of determining the health or condition of any tree, the Administrator may defer to a qualified expert with the cost of the expert to be reimbursed by the applicant.
- 11.9.5 Tree Replacement.** Except for storm damage, the death of any tree used for preservation credit within two (2) years of site development shall require the landowner to plant new trees equal to the number of credited trees. After two (2) years any trees that were used for preservation credit that die shall be replaced.
- 11.9.6 Calculation of Credit.** Credits are to be given in accordance with the chart below.

Table 11.5 – Tree Credits

DBH of Existing Tree(s) in Inches	Number of Trees Credited
4" – 6"	1
7"-12"	2
13"-18"	3
19"-24"	4
25"+	5

11.9.7 Protection of Existing Trees. To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

A. Critical Root Zone. To preserve existing trees within the designated TCA, the Critical Root Zone (CRZ) of the trees shall be preserved. The CRZ includes a radius around the tree equal to, or at least, one foot for every one inch of DBH. It is recommended to preserve the entire CRZ of each preserved tree.

1. If the entire CRZ cannot be preserved, tree roots must be cut prior to the grading of the site and no closer than 10 feet from the tree trunk.
2. Disturbance within the CRZ will be allowed only on one side of the tree(s) to be saved and only with prior approval by the Administrator.
3. Construction site activities such as parking, material storage, dirt stockpiling, concrete washout, and other similar activities shall not be permitted within the TCA.
4. The same land uses can encroach in the TCA as established in the Buffer Yards Section 11.6 provided there is no disturbance to the CRZ of the preserved trees.
5. Changes that significantly raise the grade of soil adjacent to the TCA shall be avoided.
6. Utility line trenches and similar uses shall avoid the TCA. Due to certain site conditions, where disturbance within the TCA is unavoidable, underground tunneling or directional boring of utilities is preferred and allowed on one side only. Trenching shall be used only as the last alternative and root-pruning equipment specifically designed for that purpose shall be used. The Administrator shall be notified prior to this type of activity and an on-site meeting shall be performed to ensure compliance. See the Town of Wilson's Mills Technical Standards & Specifications Manual for trenching detail.
7. Protective fencing shall be installed around the TCA prior to any tree disturbing activities. Such fences shall be at least four (4) feet high and shall consist of orange polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed, and the Administrator has approved its removal. See the Town of Wilson's Mills Technical Standards & Specifications Manual fencing detail.
8. The TCA should be designated as such with "Tree Conservation Area" signs (in both English and Spanish) posted visibly on the outside of the fenced-in area. Signs may not be posted on the trees.

B. Tree Removal within the TCA. Trees less than four (4) inches DBH not being preserved, undergrowth and plant material in poor condition may be

removed from the TCA. No roots shall be removed from the TCA. Stumps may be removed only by grinding. All requests for tree removal within the TCA must have prior approval by the Administrator pursuant to the provisions of this chapter. Any tree within the TCA, including the CRZ, which the landowner chooses to remove or that must be removed due to poor health or impractical means of preservation shall be removed in a manner that is in accordance with standard arboricultural practice (Per American National Standards Institute (ANSI) Standards) so as to cause as little disturbance or harm to those trees intended to be saved as practical. However, in an emergency situation due to storm damage; to alleviate an immediate hazard to the health, safety, and welfare of the citizens; or to repair property damage, prior approval for tree removal in previously approved designated areas is not required.

11.10 PUBLIC TREES AND TREES INTERFERING WITH PUBLIC SPACE – MAINTENANCE AND PROTECTION

The following standards are hereby established for the maintenance and protection of public trees:

- 11.10.1 Approved Personnel.** No person except an authorized employee or contractor of a public utility or other approved public personnel shall cut, prune, or remove any living tree on or in a public highway, right-of-way, public park, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property.
- 11.10.2 Owner Responsibility for Private Trees Interfering with Public Space.** Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not significantly obstruct the view of any street intersection and so that there shall be a clear space of thirteen (13) feet above the street surface or eight (8) feet above the sidewalk surface. Said owners shall remove all dead, diseased or unsafe trees, or broken or decayed limbs that constitute a nuisance to the safety of the public. The Town shall have the right to prune any tree or shrub on private or public property when it constitutes a public safety hazard, interferes with pedestrian traffic or the visibility of any traffic control device, sign, or sight triangle.
- 11.10.3 Placement of Materials Around Plants.** No person shall pile building or other material around any tree or shrub in a public right-of-way in any manner that will injure such tree or shrub.
- 11.10.4 Paving Adjacent to Trees.** No person shall pave or place gravel, soil, or other such material within eight (8) feet of any tree on public property, unless approved by the Administrator.

- 11.10.5 Dumping of Deleterious Matter.** No person shall dump, pour or spill any oil, pesticide, or other deleterious matter upon any tree or tree space in any public rights-of-way, or keep or maintain upon any public rights-of-way, any receptacle from which any oil, pesticide, or other deleterious matter leaks or drips onto any soil, parking area, or concrete gutter so as to injure any tree on any public property.
- 11.10.6 Disposal of Materials on Public Places.** No person shall use parks, sidewalks, utility easements, or other public places to dump grass clippings, tree trimmings, rocks or other organic refuse. This shall not apply to properly placed yard waste that is intended for pickup by Town of Wilson's Mills Public Services or Solid Waste crews.
- 11.10.7 Decoration, Posting and/or Advertising on Public Trees.** No person shall decorate a tree or shrub in any public right-of-way, neutral ground, park, sight triangle or sidewalk, either with or without lights, or place advertising material, posters, political placards, rope, or wire on trees in public properties.
- 11.10.8 Planting of Street Trees.** No part of this section is intended to prohibit the planting of street trees by adjacent property owners within tree planter strips, providing that the selection and location of said trees is in accordance with planting specifications set forth in this section and that any such planting conducted under utility lines shall be limited to planting material taken from the list of recommended small-maturing trees in this Ordinance.

11.11 HAZARD TREES

The following standards are hereby established for trees and shrubs determined to be hazardous.

- 11.11.1 Removal of Trees.** The Administrator may order the removal of any tree, shrub, or part thereof on private or public property, which is unsafe or injurious to sewers or other public improvements, structures, or to the general public.
- 11.11.2 Right to Enter upon Property.** The Administrator or their designee may enter upon public or private property in the Town to spray or otherwise treat any tree infected or infested by any parasite, insect, or disease to prevent the breeding or scattering of any parasite or animal pest and to prevent danger to persons or property or to trees planted on Town property.
- 11.11.3 Owner Notification and Opportunity to Correct.** Prior to exercising the authority conferred by this section, the Administrator shall give the owner notice and an opportunity to correct the condition by requesting that corrective action be taken. The request shall be in writing and sent via First Class Mail to the owner of the property in question and shall be acted upon within twelve (12) days (or a lesser period of time if an imminent threat to life or property exists)

from the date of the receipt of the request. If, after twelve (12) days, the owner has not corrected the condition or undertaken action that would lead to a timely correction of the condition, the Administrator may enter upon the property, perform the work necessary to correct the condition, and bill the owner for the actual costs incurred. If the property owner fails to pay the bill for such work within thirty (30) days of such notice, the amount of the bill and any collection costs, including attorney's fees and court costs, incurred shall become a lien against the subject property and shall be collected in the same manner provided for the collection of delinquent taxes. In situations involving an immediate threat to public health, safety, or welfare, the Town may act without prior notification to the property owner.

11.12 SPECIES SELECTION AND PLANTING TECHNIQUES

In order to ensure that landscaping required by this article is suitable and is planted in the correct manner, the following selection and planting techniques are hereby established.

11.12.1 Plant Species: Species used in required planting yards and parking lots shall be of a locally adapted nature. Other species may be approved by the. See the Town of Wilson's Mills Technical Standards & Specifications Manual for: "recommended", "not recommended" and/or "prohibited species."

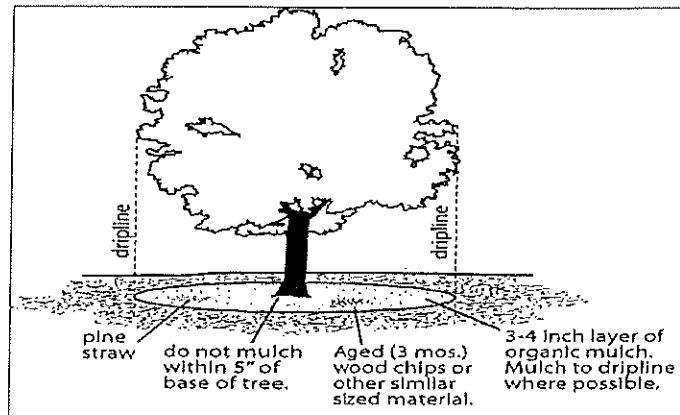
11.12.2 Plant Size: Specific plant sizes are listed below:

- A. Canopy Tree Size:** When mature, a canopy tree should have a minimum height of forty (40) feet and have a minimum crown width of thirty (30) feet. Canopy trees must be a minimum of two (2) inches in caliper, measured six (6) inches above grade, when planted.
- B. Understory Tree Size:** When mature, an understory tree must have a minimum height of twenty-five (25). Understory trees must be a minimum of one and one half (1.5) inches in caliper measured six (6) inches above grade at the time of installation.
- C. Shrub Size and Type:** All shrubs approved for landscaping of vehicle use areas, loading and unloading areas, and outside storage areas shall be evergreen, with a minimum size of eighteen (18) inches, spread or height, when installed and reach a minimum height of thirty-six (36) inches and a minimum spread of thirty (30) inches. Such shrubs shall be planted using required planting techniques and located parallel to the edge of parking lots, access drives, loading and unloading areas, and outside storage areas. Required shrubs in other locations, outside of the areas listed above, may be evergreen or deciduous and shall be three (3) gallon in size as per American National Standards Institute (ANSI) standards at the time of installation.

11.12.3 Planting Techniques

The following soil preparation techniques shall be used for all required landscape areas:

- A. Soil preparation for the entire landscape yard includes the addition of organic amendments tilled to a depth of eight (8) to twelve (12) inches.
- B. All plantings in landscape yards shall be mulched, including interior parking lot islands less than five hundred (500) square feet, to a depth of three to four (4) inches. The mulch shall be free of trash and maintained weed free



thereafter. The sketch below and Figure 2 herein, illustrate these principles.

- C. Earthen basins are to be constructed around the installed plants.
- D. Plants, as required by this section, are to be grouped together where possible.
- E. For establishment and survival, plants shall be watered by the landowner or contractor for the first year after planting.

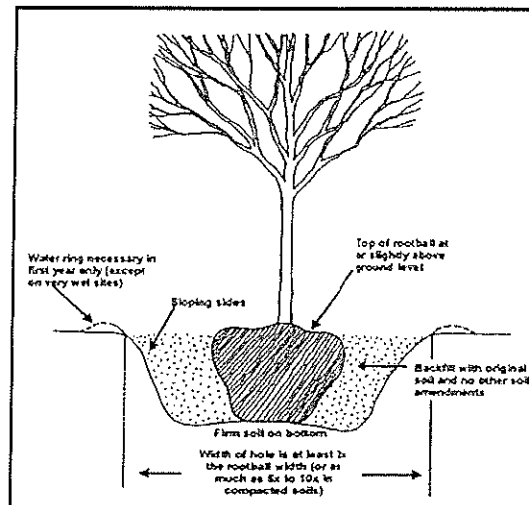
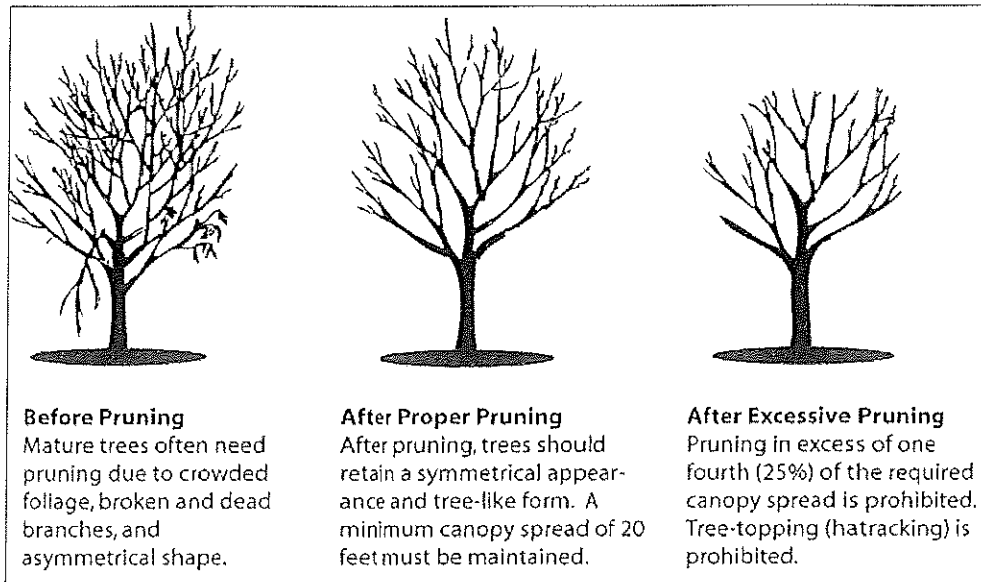


Figure 2. Recommended Tree Planting Method

11.13 MAINTENANCE OF REGULATED PLANTING SPACES

- 11.13.1 Owner Responsibility.** The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Any dead, unhealthy, or missing plants (preserved or planted) shall be replaced with new plant material equal to the number of credited plants planted or preserved, subject to the provisions of this Ordinance. The replacement plant material shall be sized according to the requirements of this section and shall conform to the initial planting rates and standards. The replacement plant material shall be planted within one hundred eighty (180) days of the date that dead, unhealthy, or missing plants are identified. Regulated spaces include those physical areas in which trees and landscape materials are required by this section.
- 11.13.2 Failure to Maintain.** Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall (where such fence or wall is considered a required portion of the landscape as outlined by this section) shall constitute a violation of this Ordinance and shall be subject to the provisions in Section 11.18, Enforcement, if not replaced within 30 days of notification.
- 11.13.3 Destruction by Natural Event.** In the occurrence of a natural event which destroys a large quantity of vegetation, the owner or lessee shall have 180 days to replant. Replaced plant material must be in compliance with the minimum size, spacing and quantity standards of this section.
- 11.13.4 Irrigation.** It is suggested that drip irrigation, which includes drip misters, be used for required landscaping planting beds during the required establishment period. After establishment, supplemental watering can be reduced and used on an as needed basis. Traditional spray irrigation is prohibited except for turf areas.

11.13.5 Pruning. All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the (ANSI) standards. Topping is not an acceptable pruning practice. Topping is the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. The Administrator may require the removal and replacement of any tree(s) located in required planting yards or TCA's that have been topped or excessively trimmed.



11.13.6 Use of Pine Straw Mulch. No pine straw mulch shall be placed, kept, or stored within twenty feet of buildings with combustible exterior construction or on common areas within residential developments. This provision shall not apply to individual lots for one- and two-family dwellings as defined in North Carolina Residential Building Code.

11.14 REGULATION OF TREE CARE PROFESSIONALS

The following standards are established for tree care professionals working within the Town of Wilson's Mills and its jurisdiction.

11.14.1 Town-Owned Lands.

- A. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees or trees within Town owned public rights-of-way without first applying for and procuring a Tree Disturbance Permit. Such a permit will only be granted to individuals, businesses, or companies who employ a Certified Arborist to perform or supervise all tree work.
- B. In order to receive a Tree Disturbance Permit, applicants must first sign an affidavit agreeing to abide by ANSI 300 Standards for tree care. Specifically, the "topping" of trees shall be prohibited except in cases where

the top of the tree has been injured beyond repair by a storm or related incident.

- C. Before any permit shall be issued, each applicant must first file evidence of possession of liability insurance and workman's compensation insurance, in the minimum amounts as required by the Town of Wilson's Mills, indemnifying the Town or any person injured or damage resulting from the pursuit of such endeavors as herein described.
- D. The Administrator is authorized to suspend or revoke the right of any person or business to perform work for the Town of Wilson's Mills that engages in work practices that do not comply with tree care standards as specified in this section and the related ANSI Standards.

11.15 ENFORCEMENT

Enforcement of the standards and requirements set forth in this article shall be in accordance with Article 23 – Administration & Enforcement.

ARTICLE 12
OFF-STREET PARKING, STACKING, AND LOADING AREAS

<u>Section</u>	<u>Page #</u>
12.1 Off-Street Parking, Stacking, and Loading Space Required	12-2
12.2 Paving and Maintenance	12-2
12.3 Standards for Parking in Residential Districts	12-2
12.4 Access	12-4
12.5 Use for No Other Purpose	12-4
12.6 Requirements for Change in Use	12-4
12.7 Accessible Spaces	12-4
12.8 Bicycle Parking	12-5
12.9 Overflow Parking	12-5
12.10 Parking of Over Size Vehicles in Residential Districts	12-5
12.11 Off-Street Parking Lots and Access Areas for Non-residential Development	12-5
12.12 Off-Street Parking Requirements and Bicycle Alternative as an Incentive	12-9
12.13 Off-Street Parking Exceptions	12-14
12.14 Loading Spaces	12-16

ARTICLE 12
OFF-STREET PARKING, STACKING, AND LOADING AREAS

12.1 OFF-STREET PARKING, STACKING, AND LOADING SPACE REQUIRED

When any building or structure is erected, modified, and/or enlarged the requirements of this Article shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Article shall apply only to such enlargements, modifications or increases in capacity. In cases of mixed occupancy, the minimum number of off-street parking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.

12.2 PAVING AND MAINTENANCE

All parking, stacking, and loading facilities shall be permanently paved and maintained by the owners or occupants as long as the use they serve exists, except as provided in section 12.3 below.

12.3 STANDARDS FOR PARKING IN RESIDENTIAL DISTRICTS

12.3.1 Medium and Low-Density Lots.

A. To enable emergency access to occupant area on Lots of Record equal to or greater than sixty (60) feet in width, but less than 120 feet in width, established after July 1, 2018, single-family and two-family (duplex) dwellings shall provide a minimum 4'0" width concrete walk-way connecting the front access entry of the dwelling(s), beginning at the bottom step to the back-of-curb, and intersecting the public sidewalk. The walkway may also connect to the driveway; however, the driveway shall not be deemed as an alternative to required walk-way.

12.3.2 High Density Lots. To enable emergency access to occupant area on Lots of Record less than sixty (60) feet in width, alley access by a "privately maintained public access and utility easement" is required if on-site parking is provided except as provided in Section 12.3.4 below.

12.3.3 Front or Side Entry Parking on High Density Lots. To enable emergency access to occupant area on Lots of Record less than sixty (60) feet in width, attached and detached single-family homes may be permitted to have front or side entry parking access if the following conditions are met:

A. For attached single-family homes, the minimum required off-street parking space(s), whether enclosed or not, may not abut one another unless connected to an alley in a privately maintained public access and utility easement.

12.3.4 Parking on Residential Streets. Parking shall be allowed along all residential streets except along alleys, designated bike lanes, within eight (8) feet of a driveway apron, within 15 linear feet of a fire hydrant, and areas specifically signed for no parking.

12.3.5 No Parking in Right-of-Way. In no case shall minimum required off-street parking spaces(s), whether enclosed or not, extend into the public right-of-way, or into an easement for a public sidewalk on private property, except within the MS District.

12.3.6 On-Street Parking Meeting Residential Parking Requirement. On-street parking at the lot front may be counted toward all or part of the parking requirement of a dwelling unit provided the standards of sub-section 12.3.5 above are satisfied.

12.4 ACCESS

All parking, stacking, and loading facilities shall have paved vehicular access to a public street. Exception is made for single family residential dwellings in the AG district beyond the public road right-of-way.

12.5 USE FOR NO OTHER PURPOSE

Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. Use of land designated for and providing parking, loading, and/or stacking for other purposes shall be considered a violation of this Ordinance.

12.6 REQUIREMENTS FOR CHANGE IN USE

If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent (5%) in the required number of parking spaces or fewer than five (5) spaces, no additional off-street parking shall be required.

12.7 ACCESSIBLE SPACES

Accessible spaces for the physically handicapped shall be provided as required by the North Carolina Building Code.

12.8 BICYCLE PARKING

All non-residential uses, except agricultural and agriculturally based businesses, and all multi-family residential uses, including condos and townhomes with shared parking, shall include bicycle parking spaces in the amount, at a minimum, equal to 5% of the parking

spaces required for automobiles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include bike rack(s) and/or locker(s).

12.9 OVERFLOW PARKING

Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be used with pervious ground cover where such cover can sustain the traffic and use volumes; but if not, these areas shall be constructed of any dust-free, compacted, pervious ground cover where levels of use exceed the pervious material's capability to maintain a dust free condition. The owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of pervious ground cover; gravel and pavement are examples of impervious surfaces.

12.10 OFF-STREET PARKING LOTS AND ACCESS AREAS FOR NON-RESIDENTIAL DEVELOPMENT

Off-street parking is required to meet the needs of the employees, clients, and/or customers of the principal use. Due to the potential for parking areas to use a large percentage of a development site, efforts should be made to accurately estimate the parking needs of the principal use. Strategies such as shared parking and remote parking should be used to maximize the use of existing parking available in the area in which a use is to be located. Parking areas shall be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. The following standards shall therefore be met.

12.11.1 Location of Parking Lots. Parking lots shall be placed behind buildings where practical; persons who wish to vary from this standard will have to appeal to the Administrator. Side of the building parking will be permitted only as indicated by Building Type and shall be measured along the build to line. Off-street parking is not permitted in front of the primary building facade, except where specified in an adopted street section, detailed as a public plaza, or as approved by the Administrator as part of site plan review and approval.

- 12.11.2 Limitation on Uninterrupted Areas of Parking.** Uninterrupted areas of parking lot shall be limited in size. Large parking lots shall be broken by buildings and/or landscape features. See Figure 12.11.2 below:

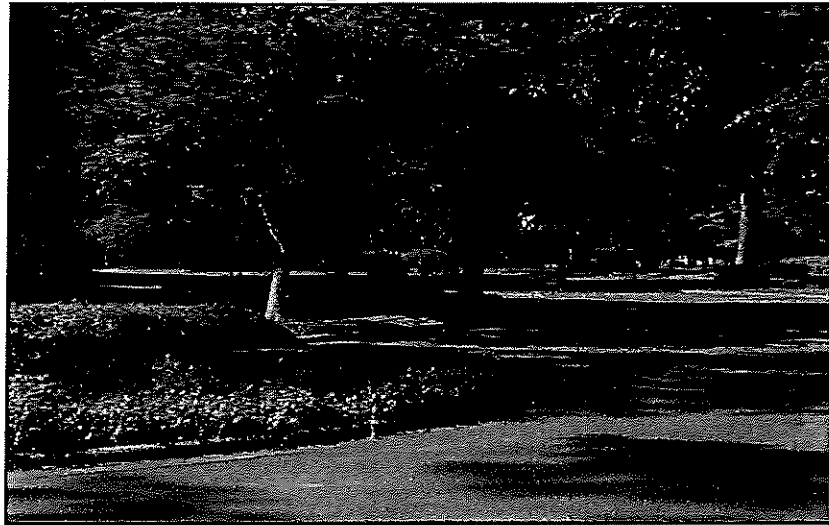


Figure 12.11.2: Example of parking lot broken up by landscaping.

- 12.11.3 Enclosure of Parking Lots.** Parking lots shall be enclosed by tree planting and/or building walls(s). Plantings shall be in accordance with the provisions of Article 11. For small lots (thirty-six spaces or less), landscaping shall be required at the perimeter; for large lots (more than thirty-six spaces), landscaping shall be at the perimeter and placed to break the lot into parking areas of no more than thirty-six spaces.
- 12.11.4 Pedestrian Corridors.** Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building(s). These corridors should be delineated by a paving material which differs from that of vehicular areas and planted to provide shade and an edge. Small posts or bollards may be used to define/protect the pedestrian corridors. The minimum width of the sidewalk or pedestrian corridor shall be five (5) feet, with vehicle encroachment calculated as extending two (2) feet beyond curb or wheel stop.
- 12.11.5 Driveway Width.** To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should be no wider than 24 feet. Driveways connecting to state roads shall meet the requirements of the NC Department of Transportation.
- 12.11.6 Interconnection of Parking Lots.** To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected. When

vehicular connections are not practical, pedestrian walkways shall be provided to enable pedestrian connections between parking lots.

- 12.11.7 Paving of Parking Lots.** All commercial driveway and parking areas shall be paved with asphalt, concrete, pervious pavement and/or pavers, or brick pavers except for areas used for overflow, special events, and peak parking. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement and/or pavers, or brick pavers. Paving shall not be required for.
- A.** Overflow parking facilities for religious institutions, private clubs, lodges, or other similar nonprofit organizations.
 - B.** Parking areas for agricultural uses in the Agricultural (AG) District.
 - C.** Parking areas for manufacturing and industrial uses in the Industrial (IND) District provided they are constructed with an all-weather surface.
 - D.** Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface. For paved parking areas, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Administrator that such system is not practical for storm drainage and/or water quality purposes. Access drives shall be paved and maintained free from defects from the curb-line to a point at least ten (10) feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
- 12.11.8 Minimize Dust and Erosion.** All parking areas shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.
- 12.11.9 Marking of Parking Spaces.** All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.
- 12.11.10 Wheel Guards or Curbs Required.** All parking spaces abutting the perimeter, or a landscape island shall be provided with wheel guards or curbs located so that no part of the parking vehicle will extend beyond the property line or encroach into a required planting area.
- 12.11.11 Reduction in Number of Spaces.** Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Article except as provided for in Section 12.6 (Requirements for Change in Use).
- 12.11.12 Parking Space Dimension.** The minimum size for parking spaces shall be eleven (11) feet by twenty (20) feet as shown in the Wilson's Mills Technical Standards & Specifications Manual.

12.11.13 Plug-in Electric Vehicle (PEV) Charging Stations. Hotels and/or motels may provide PEV charging stations within designated parking spaces for a minimum number equal to four percent (4%) of all guest rooms. Restaurants may provide a PEV charging station within a designated parking space.

12.11.14 Lighting and Illumination. All light fixtures (freestanding, flood, or any other form of light fixture) shall be provided with full cut-off fixtures, visors, or any other suitable directional control to direct light either downward or directly on the appropriate building. Wall pack lighting is not permitted.

No light fixture shall create any glare or spillover lighting effects on any residential properties or streets.

Freestanding light fixtures along all public residential street systems and all internal privately maintained street systems shall not exceed nineteen feet in total mounted height and shall consist of a decorative fixture that shields the source of light away from neighboring properties. Residential streets shall utilize the Open Traditional design on a 12' black finished type "A" fiberglass pole.

Lighting located within parking lots may not exceed thirty-three feet in total mounted height. Parking lot lighting shall consist of a fixture that shields the source of light away from neighboring properties and direct the illumination to the ground's surface.

Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and unnecessary lighting.

Lighting levels for canopies and awnings of commercial facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the businesses. Lighting fixtures mounted on canopies shall be recessed so that the light's lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained. Canopies shall be constructed of non-light-emitting material.

12.12 OFF-STREET PARKING REQUIREMENTS AND BICYCLE ALTERNATIVE AS AN INCENTIVE

While on-street parking can contribute substantially to everyday parking needs, sufficient off-street parking must also be provided to serve the particular needs of the building(s).

The following minimum and maximum requirements for off-street parking are set forth in Table 12.1 to ensure the provision of adequate off-street parking while preventing the development of parking areas that are under used.

Minimum required parking spaces can be reduced by twelve percent (12%) were fully enclosed bicycle lockers are provided on a one-for-one exchange ratio, except for single family detached dwellings.

For any use not specifically listed in Table 12.1, the parking, stacking and loading requirements shall be those of the most similar use characteristic.

Table 12.1

Type of Land Use	Off-street Parking Spaces to be Provided:	
	Minimum	Maximum
<u>Residential</u>		
Accessory dwelling unit	1	2
Dwellings, multi-family with 2 bedrooms or less	1 per unit	2 per unit
Dwellings, multi-family with 3 bedrooms or more	2 per unit	3 per unit
Dwellings, single-family with 2 bedrooms or less	1 per unit	not applicable
Dwellings, single-family with 3 bedrooms or more	2 per unit	not applicable
<u>Public Facilities and Institutions</u>		
Ambulance services, fire stations, police stations	1 per employee on largest shift	not applicable

Family care homes, group homes, including Assisted living /Adult care/Child care/Nursing/Shelter facilities	1 per employee on largest shift, plus 1 space per 6 clients	not applicable
Churches, Synagogues, and places of worship	1 space for each 5 seats or each 40 sq. ft. of floor area available for movable seats	1 space for each 3 seats or each 30 sq. ft. of floor area available for movable seats
Civic facilities	1 per 350 sq. ft.	1 per 250 sq. ft.
Colleges and universities	1 per 3 employees, plus one space per 3 full-time students not residing on campus	1 per 1 employee, plus one space per each 1 full-time student not residing on campus
Hospitals	1 per 4 in-patient or outpatient beds plus 1 space per 2 employees on largest shift	1 per 3 in-patient or outpatient beds plus 1 space per 1 employee on largest shift
Medical, dental, or related offices	1 per examining room plus 1 space per 2 employees	1.3 per examining room plus 1 space per employee
Schools (kindergarten, elementary, middle, and high)	1 per 0.5 classrooms, plus 1 space per 5 students for high schools	1 per 0.33 classrooms, plus 1 space per 4 students for high schools
<u>Office, Business, and Industrial Uses</u>		
Banks & financial institutions	1 per 350 Sq. ft. gross floor area	1 per 200 sq. ft gross floor area

Barber shops and salons	1 per 0.5 operator stations, plus one space per 2 employees on shift of greatest employment	1 per 0.33 operator stations, plus one space per 2 employees on shift of greatest employment
Batting cages, driving ranges, miniature golf, shooting ranges	1 per 1.5 cages, tees, or firing points	1 per 1 cage, tee, or firing point
Bed and breakfast establishments, tourist home, boarding house	1 per room, plus 1 space for the resident manager/owner and 1 for each employee	not applicable
Car wash (full service)	2 spaces in manual drying area plus 1 space per 2 employees on shift of greatest employment plus stacking for 20 vehicles	3 spaces in manual drying area plus 1 space per employee on shift of greatest employment plus stacking for 30 vehicles
Car wash (self service)	1 staking space per wash bay	not applicable
Clubs, lodges	1 per 350 sq. ft.	not applicable
Convenience stores with gas pumps	1 per 350 sq. ft. (spaces at gas pumps are not recognized as parking spaces)	not applicable
Delivery services	1 per 2 employees on largest shift plus 1 per vehicle used in operation	not applicable
Drive through (not otherwise classified)	1 per 2 employees plus stacking for 3 vehicles at each window or machine	not applicable
Equipment rental and leasing establishments	1 per 350 sq. ft.	not applicable

Flea markets; open air sales	1 per 0.5 acre of site area plus 1 per 2 employees on largest shift	not applicable
Funeral establishments	1 per 4 seats of largest public room	not applicable
Furniture sales, floor covering sales	1 per 1500 sq. ft. gross floor area	not applicable
Health and fitness facilities, similar indoor recreation	1 per 200 sq. ft.	not applicable
Hotels and motels	1 per 2 guest rooms, plus additional spaces as required for other uses within the hotel/motel	1 per 1 guest room, plus additional spaces as required for other uses within the hotel/motel
Kennels or pet grooming	1 per 500 sq. ft. of sales, grooming, or customer waiting area plus 1 space per 2 employees on largest shift	1 per 350 sq. ft. of sales, grooming, or customer waiting area plus 1 space per 1 employee on largest shift
Live-work unit	1 per residential unit plus each 350 sq. ft. of office/business space	2 per residential unit plus each 250 sq. ft. of office/business space
Manufacturing, assembly or finishing operations	1 per 2 employees on shift of greatest employment, plus 1 space per 400 sq. ft. of retail sales or customer service area	1 per 1 employee on shift of greatest employment, plus 1 space per 200 sq. ft. of retail sales or customer service area
Motor vehicle, motorcycle, or recreational vehicle sales or display rental; manufactured home sales	1 per 20,000 sq. ft. of display area plus 1 space per 2 employees on largest shift	1 per 5,000 sq. ft. of display area plus 1 space per employee on largest shift

Office	1 per 350 sq. ft.	1 per 200 sq. ft.
Repair and service businesses providing on-site services	1 per 350 sq. ft.	1 per 200 sq. ft.
Repair and service businesses providing offsite services	1 per 2 employees	1 per 1 employee
Restaurants, bars, night clubs (plus 11 spaces for stacking if drive-through service is proposed)	1 per 4 seats, plus one space per 2 employees on shift of greatest employment	1 per 2 seats, plus one space per 1 employee on shift of greatest employment
Retail sales	1 per 350 sq. ft.	1 per 200 sq. ft.
Self-service storage facilities	1 per 30 storage units, plus one space per 2 employees on shift of greatest employment	1 per 15 storage units, plus one space per 1 employee on shift of greatest employment
Servicing, packaging, and storage of commodities	1 per 2 employees on shift of greatest employment	1 per 1 employee on shift of greatest employment
Theaters, stadiums, arenas, and sports courts	1 per 4 seats	1 per 3 seats
Vehicle service stations and auto repair garages (area at gas pump is not recognized as parking spaces)	1 per 3 service bays, plus one space per 2 employees on shift of greatest employment	1 per 1 service bay, plus one space per 1 employee on shift of greatest employment
Veterinary services	1 per 1 employee, plus 2 spaces per doctor	1 per 1 employee, plus 4 spaces per doctor
Warehouses, wholesale, and distributive businesses	1 per 2 employees on shift of greatest employment, plus one space per 350 sq. ft. of area open to the public	1 per 1 employee on shift of greatest employment, plus one space per 200 sq. ft. of area open to the public

<u>Other</u>		
Amusement parks, fairgrounds, skating rinks	1 per 850 sq. ft. of activity area	1 per 200 sq. ft. of activity area
Athletic fields	1 per 2,500 sq. ft. of field	1 per 1000 sq. ft. of field
Equestrian facility	1 per 5 stalls	1 per 1 stall
Golf courses	1 per 4 tees	1 per tee
Tennis Courts	1 per 3 courts	1 per court

12.13 OFF-STREET PARKING EXCEPTIONS

The following exceptions to the off-street parking requirements of section 12.11 shall be permitted.

- 12.13.1 Existing Buildings in the MS District.** In the Main Street (MS) District, existing buildings that were legally constructed as of January 1, 2016 without the provision of on-site parking shall be construed conforming as to parking. Such buildings are eligible for change of use permits, and for building up-fits. Addition(s) to an existing building in the Main Street (MS) District shall be required to satisfy the standards and specifications of this Article for new building addition(s) only.
- 12.13.2 Parking Reduction in MS District.** In the Main Street (MS) District, the off-street parking requirements of this Article shall be reduced 50% for all uses where shared and/or remote parking provisions are made in accordance with Sub-section 12.13.8 below.
- 12.13.3 Fee in Lieu in MS District.** In the Main Street (MS) District, uses may provide a fee in lieu of providing any or all of the off-street parking required by this Article. This fee shall be in the amount determined by the Town of Wilson's Mills and based on the cost of providing parking (including land costs, development costs, and maintenance costs) in the Main Street (MS) District. Such fee(s) shall be used by the Town for the provision and maintenance of parking in the Main Street (MS) District. Any fee collected in lieu of providing the required parking for a particular business or use shall be held in a separate fund and used to provide or maintain parking that can be used by clients, customers, employees, and others frequenting that business or use. Such parking shall be located within a reasonable distance (not more than 1,350 feet

as measured along pedestrian ways) of the business or use providing the fee in lieu.

12.13.4 On-Street Parking for Multi-Family Residential Buildings. Residential buildings meet or contribute to meeting parking requirements with on-street parking if the fronting street is specifically designed to meet the parking needs of the residential buildings.

12.13.5 Parking on Streets in Residential Districts. Parking shall be allowed along all streets in residential districts except along alleys, designated bike lanes, and areas specifically signed for no parking. Vehicles shall park so as not to block access to intersections and driveways to properties.

12.13.6 No Off-street Parking Facilities in Street Right-of-Way. In no case shall off-street parking extend into the public street right-of-way, or into an easement for a public sidewalk on private property.

12.13.7 Shared and Remote Parking Shared parking.

A. Shared Parking. The Administrator may approve the joint use of up to 100 percent of the required parking spaces for two or more uses located on the same parcel or adjacent parcels; provided that the developer can demonstrate that the uses will not overlap in hours of operation or in demand for the shared spaces. Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. Should the use(s) change such that the new use(s) overlap in hours of operation or in demand for the shared spaces, the shared parking approval shall become void. Parking facilities meeting the requirements of this Article shall then be provided for each use. Parking agreements shall be for a minimum of five (5) years, shall run with the property, and shall be recorded in the office of the Register of Deeds for Johnston County. A sidewalk or other pedestrian way shall connect the shared parking area to the uses for which parking is being provided.

B. Remote parking. If the required number of parking spaces for any use cannot be reasonably provided on the same lot on which the principal use is located, such parking space may be provided, for up to a maximum of 50% of the required parking, on any land within 750 feet walking distance of the property on which the principal use is located, provided that the standards and specifications for the district in which the remote parking space is located permit the principal use which the parking spaces serve and, provided further, that no crossing of a major thoroughfare is required to travel from the use to the remote parking spaces, unless the pedestrian may

access the remote parking by crossing said thoroughfare at a signalized crosswalk. Uses that cannot provide the remaining 50% of the required parking on-site must pay a fee-in-lieu or otherwise comply with the off street parking requirements. Any remote parking spaces located on a different parcel than the use for which the remote parking spaces serve shall be guaranteed by a written agreement between the owner of the remote parking area and the owner of the use located on a different parcel and served by the remote parking area. Parking agreements shall be for a minimum of five (5) years, shall contain a provision that the agreement runs with the property, and is binding on all parties, their heirs, and assignees. The agreement shall be recorded in the office of the Register of Deeds for Johnston County.

12.14 LOADING SPACES

Off-street loading spaces shall be provided to allow for delivery, loading, and similar activities to occur in a safe, designated area that will not impede the flow of traffic or block pedestrian or vehicular access.

12.14.1 Location. Off-street loading spaces shall be located on the same zone lot as the use they serve except in the Main Street (MS) District where spaces may be off-site and shared with other uses provided the cumulative number of spaces required for combined uses meets the requirements of Section 12.14.4 herein.

12.14.2 Minimum Size. The minimum size for off-street loading space(s) shall be 250 square feet with a minimum width of eleven (11) feet.

12.14.3 Arrangement. All off-street loading spaces shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from street or maneuvering on right-of-way shall be permitted, except in the Main Street (MS) District.

12.14.4 Minimum Number of Loading Spaces Required.

A. Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (sq. ft.)	Number of Spaces
1 – 10,000	0
10,001 - 50,000	1
50,001 – 125,000	2
For each additional 125,000 square feet or fraction there of	1 additional

Office buildings and hotels:

Gross Floor Area (sq. ft.)	Number of Spaces
0 - 100,000	1
For each additional 100,000 square feet or fraction thereof	1 additional

Industrial and wholesale operations:

Gross Floor Area (sq. ft.)	Number of Spaces
0 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
For each additional 90,000 square feet or fraction thereof	1 additional

**ARTICLE 13
STREETS**

<u>Section</u>	<u>Page #</u>
13.1 General	13-2
13.2 Street and Associated Infrastructure Standards	13-2
13.3 Intersections	13-3
13.4 Blocks	13-4
13.5 Street Plan	13-4
13.6 Street and Associated Infrastructure Design	13-5

ARTICLE 13 STREETS

13.1 GENERAL

Streets shall be designed to suit their functions. Many streets have purposes other than vehicular traffic. As an alternative to current N.C. Department of Transportation Road standards, the following street standards are provided for non-state-maintained streets within the Town of Wilson's Mills and for streets proposed to be maintained by the Town upon annexation.

Streets in Wilson's Mills are public spaces and integral components of community design. A hierarchical street network accommodates a variety of uses, including bicycle, pedestrian, motor-vehicle and transit routes. All streets shall connect to help create a comprehensive network that enables the efficient movement of automobiles, bicycles, and pedestrians. In order for this street network to be safe for motorists, bicyclists and pedestrians, design elements must consistently be applied to calm vehicular traffic throughout the Town.

Where discrepancies occur between the text of this Article and the Town of Wilson's Mills Technical Standards & Specifications Manual, the Technical Standards & Specifications Manual shall prevail.

13.2 STREET AND ASSOCIATED INFRASTRUCTURE STANDARDS

Streets in the Town of Wilson's Mills shall:

13.2.1 Interconnect. Interconnect within a development and with adjoining development. Cul-de-sacs shall be allowed where topographical configurations offer no practical alternatives for future connections or through traffic. Street stubs shall be provided within developments adjacent to open land to provide for future connections except where environmentally sensitive areas such as wetlands, creeks, steep slopes and conservation areas are vulnerable to harmful impacts by the extension of the street.

13.2.2 Bordered by Sidewalks. Be bordered by sidewalks with a minimum width of five (5) feet on both sides of the street, with the exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Sidewalks are not required in the Agricultural District (AG).

13.2.3 Street Trees. Be lined with street trees located on both sides, with the exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Street trees along streets shall be located in a planting strip as per the standards set forth in this Ordinance and the Town of Wilson's Mills Technical Standards & Specifications Manual.

13.2.4 Public Streets. Be public. Private streets are permitted on a limited basis only in accordance with standards set forth in this Ordinance and when constructed in accordance with the standards set forth in the Town of Wilson's Mills Technical Standards & Specifications Manual. Alleys will be classified as public or private depending on function, according to the street acceptance policy.

13.2.5 Orientation of Buildings. Provide access to principal buildings. The principal building shall front on public streets as specified by the lot and building type standards of Article 9 of this Ordinance.

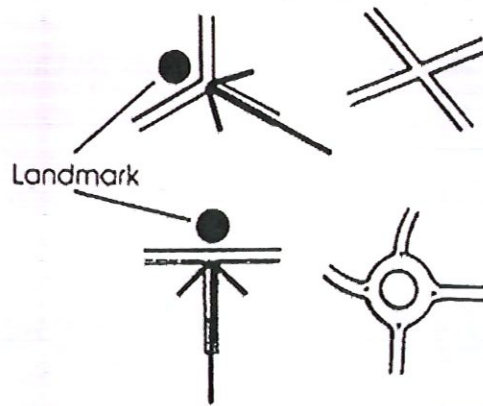
13.2.6 Street Lights. Be illuminated by street lights located on at least one side and at all intersections, with exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Street lights along streets shall be located in a planting strip as per standards set forth in the Town of Wilson's Mills Technical Standards & Specifications Manual. Maximum spacing of street light fixtures shall be 180 linear feet measured along the street centerline. The height of street light fixtures shall be 14 vertical feet in residential areas. Street light fixtures shall not produce direct light into adjacent properties at a height above four (4) vertical feet at the building setback line of residential districts. Street lights within mixed use districts shall not produce a direct light into adjacent properties at a height above 16 vertical feet at the building setback line. Street lights within non-residential districts shall not produce a direct light into adjacent residential properties at a height above six (6) vertical feet at the property line. Residential streets shall utilize the "Open Traditional" design on a black finished type "A" fiberglass pole as provided locally by the utility provider.

13.3 INTERSECTIONS

Segments of straight streets shall be interrupted by intersections designed to:

13.3.1 Reduce Speed. Disperse traffic flow and reduce speeds, thereby eliminating the creation of de facto collector streets with high speed, high volume traffic; and

13.3.2 Terminate Vistas. Terminate vistas with a landmark such as a significant natural feature, a building, a park, or other public space.



Other traffic calming measures such as neck-downs, chicanes, mid-block diverters, intersection diverters, curb bulbs, serial hill crests, and related devices may be specified on a case-by-case basis, based on improving traffic safety and functional appropriateness in the proposed location.

13.4 BLOCKS

Street blocks defined by public streets are the fundamental design elements of neighborhoods. Block size and configuration shall be in accordance with the provisions of Article 16 - Subdivisions of this Ordinance. The block pattern should continue to establish the development pattern at the project edge. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of street connections, lots and public space more consistent with this Ordinance, the Administrator may approve greater block lengths.

13.5 STREET PLAN

The layout of streets should provide structure to the neighborhoods. The formality of the street plan will vary depending upon site conditions and topography. Unique site conditions should be used to create special neighborhood qualities. The street plan for new developments shall reflect the character of the Town of Wilson's Mills and comply with the standards set forth in section 13.2 above.

13.6 STREET AND ASSOCIATED INFRASTRUCTURE DESIGN

Designs should permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds, and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the building types as shown in Article 9 which

have frontage and the relationship of the street to the overall street network. The following specifications apply to street design:

13.6.1 Street trees & sidewalks. Street trees and sidewalks are required on both sides of public streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways except in the Agricultural District (AG). The street tree planting strip shall be a minimum of 8' in width and sidewalks shall be a minimum of 5'-0" in width unless otherwise provided. On commercial streets, sidewalks should be a minimum of 6'-0" in width. A 14' minimum width sidewalk with tree grates or cut-outs is required on "Main Street" within the Main Street (MS) District and on "Main Street" type street cross sections where buildings are constructed adjacent to the public right-of-way as part of a Development Agreement, TNDO District, or within locations specified to be developed in accordance with an Area Plan illustrating such designs as adopted by the Town Council. An 9' minimum width sidewalk with tree grates or cut-outs is required on the first fifty (50) percent of the block depth of all side streets intersecting the "Main Street" segments described above. Generally, canopy trees shall be planted at a spacing not to exceed 60'-0" on center. Where overhead utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted not more than 30'0" on center.

13.6.2 On-street parking. On-street parking is required where building type and use will generate regular parking use and where on-street parking can be accommodated without additional pavement width. For streets that serve workplace and storefront buildings, on-street parking lane(s) are required and should be marked as such. An on-street parking lane on at least one side of the street is required on streets serving attached houses and detached houses with lots less than fifty (50) feet in width. On-street parking must also be provided on specific street segments as may be shown in the Town Plan 2040 and adopted area plans, per Section 1.5 of this Ordinance and on one side of any street adjacent to a square, park or other Open Space. Parallel on-street parking width is 7' - 8' except as may be shown in street segment cross-sections specific to certain street segments shown within the Town Plan 2040 and adopted area plans, per Section 1.5 of this Ordinance. On-street parking should be parallel; angled parking is only permitted as an intentional design element along the main street(s) of the retail centers.

13.6.3 Design speeds. Design speeds shall not exceed 30 miles per hour on any neighborhood, mixed-use and/or non-residential street. Only arterials and Town

boulevards may exceed this design speed. Design speeds for non-residential streets shall not exceed 30 miles per hour on any internal circulation street. Petitioners for acceptance by the Town for public maintenance shall include a request for designation of not more than 25 miles per hour.

13.6.4 Covenants & restrictions. Covenants and restrictions made a part of development shall not restrict vehicle types in conflict with adopted Town policies.

13.6.5 Traffic Control Plans. Traffic control plans showing signage and pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices. The developer is responsible for the initial installation of the devices or markings and the maintenance thereof until a public agency (Town or NCDOT) accepts the street for maintenance.

Design standards and specifications for Town streets are set forth in the Town of Wilson's Mills Technical Standards & Specifications Manual. The street specifications in this manual may only be varied in accordance with the design principles set forth above and as approved by the Town during the site plan or subdivision plat review process appearing in Article 7 of this Ordinance.

13.6.6 Cul-de-sacs. Cul-de-sacs shall have a minimum ten (10) foot wide pedestrian access easement connecting to the nearest public space, street right-of-way, or common open space, and have paved pedestrian connections, where practicable to provide pedestrian access connectivity. See additional cul-de-sac standards in Article 16 - Subdivisions of this Ordinance.

13.6.7 Turn Lanes. Any subdivision on US, NC highways, and State roadways that in subsequent phases will have over 75 lots shall be required to provide turning lanes into the subdivision. The turning lanes must meet minimum N.C. Department of Transportation standards.

ARTICLE 14
FLEXIBLE DEVELOPMENT STANDARDS

<u>Section</u>	<u>Page #</u>
14.1 Purpose	14-2
14.2 Approval of Flexible Development Standards	14-2
14.3 Flexible Development Standards Permitted	14-2
14.4 Variances	14-3

ARTICLE 14

FLEXIBLE DEVELOPMENT STANDARDS

14.1 PURPOSE

The purpose of this section is to provide the Administrator with limited authority to allow modifications from the minimum development standards for setbacks, lot area, and lot dimension as otherwise set forth in this ordinance provided that certain conditions exist. The intent of this section is to promote the orderly and efficient development and redevelopment of property within the Town of Wilson's Mills.

14.2 APPROVAL OF FLEXIBLE DEVELOPMENT STANDARDS

Determination of the applicability of flexible development standards shall be made by the Administrator and, in applying these standards, the Administrator may establish conditions to ensure that the circumstances which warranted the application of the flexible development standards are maintained. Decisions by the Administrator shall be in writing and may be appealed to the Board of Adjustment.

14.3 FLEXIBLE DEVELOPMENT STANDARDS PERMITTED

The cumulative total of any flexible development standard applied to a property by category or location shall not exceed the allowances set forth in this section. The Administrator shall maintain appropriate records to ensure compliance with this provision. The following flexible development standards may be approved by the Administrator:

14.3.1 Setbacks. The Administrator is authorized to approve requests that deviate from required setbacks set forth in Article 8 (Zoning Districts) and Article 9 (Building and Lot Type Standards) of this Ordinance by up to ten percent (10%) of the required setbacks or 30 inches, whichever is greater, upon determination that one or more of the following conditions exists:

- A. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to:
 - 1. the lot does not meet the dimensional standards established for the zoning district in which it is located;
 - 2. the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area.

- B. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirement(s).
- C. The reduction of the front and/or corner side setback allows the structure to meet the average front and/or corner side setback of other existing structures within 300 feet of the subject property.
- D. The placement of the proposed structure will allow for the preservation of significant existing vegetation.

14.3.2 Lot area and lot dimension. The Administrator is authorized to approve requests to permit a reduction of up to ten percent (10%) in the minimum lot area or lot dimensional standards set forth in Article 8 (Zoning Districts) and Article 9 (Building and Lot Type standards), upon finding that the reduced lot area and/or lot dimensions will not inhibit the reasonable use of the lot and that the reduced lot area and/or lot dimensions are in keeping with the historic pattern of development in the area.

14.3.3 Building coverage and frontage. The Administrator is authorized to approve requests to permit a reduction of up to ten percent (10%) in the building coverage and frontage standards set forth in Article 8 (Zoning Districts) and Article 9 (Building and Lot Type Standards) of this Ordinance, upon finding that the reduced building coverage and/or frontage will not adversely impact the development pattern of the street which is the location of the property for which the adjustment is requested.

14.4 VARIANCES

No variances shall be allowed with regard to deviations from development standards that have been approved pursuant to this Article nor shall any deviations from these development standards make void or otherwise modify any variance decision by the Board of Adjustment.

ARTICLE 15
SPECIAL EVENTS AND TEMPORARY STRUCTURES

<u>Section</u>	<u>Page #</u>
15.1 General standards and limitations	15-2
15.2 Requirements for Special Event and Temporary Structure Permits	15-2
15.3 Special Events and Temporary Structures Allowed.	15-3

ARTICLE 15
SPECIAL EVENTS AND TEMPORARY STRUCTURES

15.1 GENERAL STANDARDS AND LIMITATIONS

It is the purpose of this section to provide specific guidelines and standards for special events and temporary structures. A special event or temporary structure allowed in a particular zoning district shall be treated as a use with additional standards and shall comply with all listed requirements for such event or structure as set forth in sections 15.2 and 15.3 below. These standards do not regulate events sponsored by the Town of Wilson's Mills.

15.2 REQUIREMENTS FOR SPECIAL EVENT AND TEMPORARY STRUCTURE PERMITS

The Administrator shall issue a permit only upon finding that the proposed special event and/or temporary structure(s) satisfies the following requirements:

- A. The special event and/or temporary structure is permitted under subsection 15.3 below.
- B. The property contains sufficient space to support the special event and/or temporary structure.
- C. Parking is deemed adequate to accommodate the proposed special event and/or temporary structure in addition to required parking for any permanent use or uses also located at the site.
- D. The special event and/or temporary structure will not create hazardous vehicular or pedestrian traffic conditions and adequate space is provided for access and maneuvering.
- E. Adequate sanitary facilities, utility, drainage, refuse management and similar necessary facilities and services will be available to serve employees, patrons and/or participants.
- F. Security personnel and safety precautions are provided.
- G. All permits required by applicable construction codes have been made and occupancy approved by the agency charged with enforcing such regulations.
- H. Special events are allowed to encroach within required building setbacks, but cannot be located within required buffers, street tree planting strips, or other required landscaped areas. Temporary structures must comply with minimum setback requirements of the zoning districts in which they are located.
- I. The special event and/or temporary structure is in compliance with all other applicable requirements, including applicable setback requirements of Article 8.

15.3 SPECIAL EVENTS AND TEMPORARY STRUCTURES ALLOWED.

The special events and temporary structures may be established in the districts designated in Table 15.1 in accordance with the requirements in Section 15.2 and the additional standards included and/or referenced in Table 15.1 of this Ordinance.

Special Event and/or Temporary Structure(s)	Maximum Duration See note 5.	Maximum Frequency See note 5.	Districts	Permit Required	Additional Standards
Christmas trees, pumpkins or other seasonal material sales/events	45 days	5 per calendar year	"AG", "MU 1&2", "MS", "CIV", "C-70", "CP"	Yes	Not permitted within public right-of-way
Construction containers	During active building permit	During active building permit	All districts	No	See note 1 appearing below this table
Events of public interest on private property	4 days	5 per calendar year	"AG", "MU 1&2", "MS", "CIV", "C-70", "CP"	Yes	See notes 2 & 5 appearing below this table
Market, Tailgate - Fresh Foods	1 day	5 per calendar year	"MU 1&2", "MS", "CIV", "C-70"	Yes	Not permitted within public right-of-way
Model home or real estate sales office	1 year	N/A	"AG", "SFR", "RMST", MU 1&2"	Yes	See note 3 appearing below this table
Outdoor bazaars and retail sales, with temporary structure(s)	7 days	2 per calendar year	"AG", "MU 1&2", "MS", "CIV", "C-70", "CP"	Yes	Not permitted within public right-of-way

Outdoor sidewalk and retail sales, without temporary structure(s)	unlimited	unlimited	"AG", "MU 1&2", "MS", "CIV", "C-70", "CP"	No	Sidewalks must have a minimum 5'-0" travel-way clear of obstructions at all times All products and advertising shall be limited to the area directly in front of the sponsoring vendor during business hours
Temporary portable office	1 year	N/A	All districts	Yes	See note 4 appearing below this table
Storage container, portable on demand (POD)	90 days	2 per calendar year	All districts	No	See note 1 appearing below this table
Yard sales	3 days	3 per calendar year	All districts	No	See Article 17 of this Ordinance for Sign Regulations

NOTES:

A. Construction and storage containers. Construction and storage containers are not intended to be used for long-term on-site storage and any such use in any zoning district other than "Industrial" (IND) is expressly prohibited. Construction containers shall be allowed as a temporary use while a valid building permit is in effect for the construction project. Storage containers shall be allowed as a temporary use when in compliance with the following standards:

1. Each container shall be in compliance with any applicable sign regulations.
2. In residential districts, portable on-demand (POD) storage units may be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, two times per calendar year, provided they are placed in a location where sight visibility is not obstructed. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces.

3. In all non-residential districts, portable on-demand storage units may be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, up to two times per calendar year, provided they are placed on a paved surface and do not obstruct sight visibility. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces. Multiple units may be used at one time.
- B. Event of public interest.** An event of public interest is a special event involving the expected congregation of 100 or more persons at any one event. An event of public interest includes, but is not limited to: picnics, dinner dances, fund raisers, haunted houses, outdoor concerts, auctions, carnivals, fairs, tent revival meetings, and supervised public display of fireworks. An event of public interest shall be subject to the following standards:
1. All activities and uses shall be limited to the dates and hours of operation specified in the permit.
 2. Traffic control shall be arranged by the operators of the event in accordance with the requirements of the Town.
 3. Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way except as allowed by the temporary use permit.
 4. The site shall be cleared of all debris within twenty-four (24) hours after the closing of the event and cleared of all temporary structures within three (3) days after closing of the event.
 5. An approved public safety plan identifying the means by which public safety will be ensured during the conduct of the special event shall be required for an event of public interest. If the public safety plan is violated or if unforeseen circumstances arise that result in the special event becoming a threat to the public health, safety or welfare, authorized personnel from the Town.
- C. Model home or real estate sales office.** A model home sales office shall be allowed within a new residential development of more than eight units or lots, subject to approval by the Administrator as a temporary structure, subject to the following:
1. There is no more than one temporary real estate sales office in the development.
 2. Model home sales office may be approved for a period of up to one year or when all units are sold to resident owners, whichever occurs first. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the Administrator. The request shall be submitted to the Administrator at least 30 days prior to the expiration of the special event/temporary use permit.

3. No sleeping quarters are permitted within the model home or sales office during the period for which the structure is used for sales.
- D. Temporary portable office.** A temporary portable office may be placed on a property to serve as the following:
1. Temporary offices for construction and security personnel during the construction of a development for which the Town of Wilson's Mills has issued either/or a zoning permit and/or approved preliminary plat, and/or a building permit.
 2. Disaster relief and/or emergency management related uses including medical facilities. Temporary portable offices for emergency relief and/or management may be approved for a period of up to one year. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the Administrator.
- E. Required Interval between Events.** A minimum of forty (40) consecutive days are required before recurrence of the same event to qualify as a Temporary Use. Uses found not in compliance with applicable limitations on duration and/or frequency shall be considered permanent and subject to applicable standards and specifications for permanent uses in accordance with this Ordinance.