

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 Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section 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 herein.

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 required in Article 13. The walkway may also connect to the driveway; however, the driveway shall not be deemed as an alternative to required walkway.
- (B.) To enable clear passage along public sidewalks, all structures with driveway access from the street shall provide a minimum twenty-five (25) foot setback measured from the street right-of-way line to the garage door, superseding any and all conflicting specifications of this Ordinance.

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:
- (1.) 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.
 - (2.) Single or double bay side-loading off-street parking spaces, whether enclosed or not, shall be permitted for the end unit of an attached house provided the minimum required off-street parking space(s), whether enclosed or not, is recessed at least 1.5 feet behind the primary plane of the conditioned space of a residential structure.
- 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.
- 12.3-7 Location of Detached Garages. Detached garages may only be placed in the established rear or side yard within the defined *Building Envelope*.
- 12.3-8 Storage of Vehicles on Street. Vehicles shall not be parked on the street for extended periods such that they appear to be stored on the street. The *Planning, Zoning & Subdivision Administrator*, at their discretion, may require removal of vehicles that appear to be stored on the street in the interest of protecting the public safety and welfare.
- 12.3-9 Parking of Commercial Vehicles. Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets, or within the required front yard setback on private property in single-family residential districts (SFR-1, SFR-2, or SFR-3) except in the rear yard of the primary structure. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, service vehicles, and similar vehicles which deliver goods or services.
- 12.3-10 Parking of Unlicensed Vehicles. Provisions for parking unlicensed vehicles in residentially zoned districts shall be as follows:
- (1.) No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted

outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title of the vehicle.

- (2.) No unlicensed motor vehicle shall be permitted outside of any premises (i.e., on the street).
- (3.) Vehicles described in paragraphs (1) and (2) are not permitted to be located within any established setback or any established side yards which abut a street or any required side yards as mandated by these regulations or any street right-of-way. If stored in the rear yard, the vehicle(s) must be a minimum of five (5) feet off the rear property line.
- (4.) Vehicles described in paragraphs (1) and (2) are not permitted on vacant or undeveloped parcels.
- (5.) Vehicles described in paragraphs (1) and (2) are not permitted on public streets or public right of way.

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 and subject to the penalty provisions of Article 23.

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 agricultural-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 PARKING OF OVER SIZE VEHICLES IN RESIDENTIAL DISTRICTS

In order to maintain both safety and the visual appeal of residential areas, over size vehicles such as recreational vehicles (RV's), watercraft and accessories, towing trailers, and commercial vehicles, as per Section 12.3-9, shall not be parked or stored on the street in residential districts. RV's shall be licensed motor vehicles in order to be occupied and remain on a lot for up to ninety (90) days, but not more than twice per year.

12.11 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 *Planning, Zoning & Subdivision 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 *Planning, Zoning & Subdivision 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, see 11.6-4. 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:
- (1.) Overflow parking facilities for religious institutions, private clubs, lodges, or other similar nonprofit organizations.
 - (2.) Parking areas for agricultural uses in the Agricultural (AG) District.
 - (3.) Parking areas for manufacturing and industrial uses in the Industrial (IND) District provided they are constructed with an all-weather surface.
 - (4.) 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 *Planning, Zoning & Subdivision 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 ten (10) feet by nineteen (19) 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 shall provide PEV charging stations within designated parking spaces for a minimum number equal to four percent (4%) of all guest rooms. Restaurants shall 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%) where 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 stacking spaces 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

Other		
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 Storage of Vehicles on Street. Vehicles shall not be parked on the street for extended periods such that they appear to be stored on the street. The *Planning, Zoning & Subdivision Administrator*, Code Enforcement Officer, or Chief of Police at their discretion, may require removal of vehicles that appear to be stored on the street in the interest of protecting the public safety and welfare. In the event provisions of this section conflict with the provisions of a Street, Traffic and Parking Ordinance; the Street, Traffic and Parking Ordinance shall prevail.
- 12.13-8 Shared and Remote Parking
- (A.) Shared parking. The *Planning, Zoning & Subdivision 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

(B.) 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

(C.) 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

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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 built to the standards identified in this section are eligible for consideration by the Town Council for acceptance into Town maintenance.

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 Ordinance 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 only where topographical configurations offer no practical alternatives for future connections or through traffic. The location of streets as may be shown in the *Town Plan 2040* and adopted area plans, per Section 1.5 of this Ordinance, shall govern connectivity designs. 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 Pedestrian Scaled. Be designed as the most prevalent public space of the Town and, thus, scaled to the pedestrian harmonious with bicycles and motor vehicles.

13.2-3 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 in the Main Street District

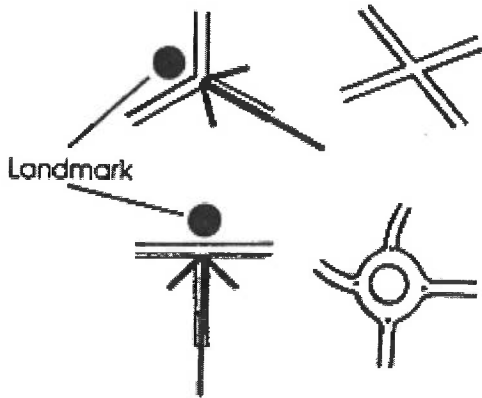
(MS) shall be as designated for the specific location in the *Town Plan 2040* and adopted area plans, per Section 1.5 of this Ordinance. Sidewalks are not required in the Agricultural District (AG) to protect water quality, except as provided in Section 13.6-1. Sidewalks may be located in the street right-of-way, on private or public property, or in common areas. All sidewalks not located within the public right-of-way shall have a public access easement permitting public use of the sidewalk.

- 13.2-4 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 Subsection 11.6-3 and the Town of Wilson's Mills *Technical Standards & Specifications Manual*.
- 13.2-5 Public Streets. Be public. Private streets are permitted on a limited basis only in accordance with standards set forth in Subsection 2.2(C) of 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.
- 13.2-6 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.
- 13.2-7 Street Lights. Be illuminated by streetlights located on at least one side and at all intersections, with exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Streetlights 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 streetlight fixtures shall be 180 linear feet measured along the street centerline. The height of streetlight fixtures shall be 14 vertical feet in residential areas. Streetlight 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. Streetlights 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. Streetlights 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 Duke Energy or equivalent.

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. The location of streets as may be shown in the *Town Plan 2040* and adopted area plans, per Section 1.5 of this Ordinance, shall govern block size design. Block size and configuration shall be in accordance with the provisions of Section 16.23(I) 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 Article and Article 11 of this Ordinance, the *Planning, Zoning & Subdivision Administrator* may approve greater block lengths.

13.5 STREET PLAN

The layout of streets should provide structure to the neighborhoods. The location of streets as may be shown in the *Town Plan 2040* and adopted area plans, per Section 1.5 of this Ordinance, shall govern the location of street design. 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. The location of streets as may be shown in the *Town Plan 2040* and adopted area plans, per Section 1.5 of this Ordinance, shall govern the level of service and design

of streets. 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 and sidewalks are required on both sides of public streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways except that sidewalks on one side of the road directly abutting residential lots of less than 1.2 acres may be permitted in the Agricultural District (AG) to protect water quality. 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, as illustrated by the *Town Plan 2040* and/or adopted area plans, per Section 1.5 of this Ordinance. Generally, canopy trees shall be planted at a spacing not to exceed 62'-0" on center. Where overhead utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted not more than 31'0" on center.
- 13.6-2 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 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 and restrictions made a part of development shall not restrict vehicle types in conflict with adopted Town policies.

13.6-5 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 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 16.2-7, Street Design 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

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ARTICLE 14

FLEXIBLE DEVELOPMENT STANDARDS

14.1 PURPOSE

The purpose of this section is to provide the *Planning, Zoning & Subdivision Administrator* with limited authority to allow deviations from the minimum development standards for setbacks, lot area, and lot dimension as otherwise set forth in this land development 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 *Planning, Zoning & Subdivision Administrator* and, in applying these standards, the *Planning, Zoning & Subdivision Administrator* may establish conditions to ensure that the circumstances which warranted the application of the flexible development standards are maintained. Decisions by the *Planning, Zoning & Subdivision Administrator* shall be in writing and may be appealed to the Board of Adjustment by following the procedures for zoning appeals as provided in Article 6.

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 *Planning, Zoning & Subdivision Administrator* shall maintain appropriate records to ensure compliance with this provision. The following flexible development standards may be approved by the *Planning, Zoning & Subdivision Administrator*:

- 14.3-1 Setbacks. The *Planning, Zoning & Subdivision 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 of Record* does not meet the dimensional standards established for the zoning district in which it is located;
 - (2.) the *Lot of Record* 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 in the applicable block face.
- (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 *Planning, Zoning & Subdivision 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 *Planning, Zoning & Subdivision 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

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15.3	Special Events and Temporary Structures Allowed.	2

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 *Planning, Zoning & Subdivision Administrator* shall issue a permit only upon finding that the proposed special event and/or temporary structure(s) satisfies the following requirements:

- (1.) The special event and/or temporary structure is permitted under subsection 15.3 below.
- (2.) The property contains sufficient space to support the special event and/or temporary structure.
- (3.) 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.
- (4.) 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.
- (5.) Adequate sanitary facilities, utility, drainage, refuse management and similar necessary facilities and services will be available to serve employees, patrons and/or participants.
- (6.) Security personnel and safety precautions are provided.
- (7.) All permits required by applicable construction codes have been made and occupancy approved by the agency charged with enforcing such regulations.
- (8.) 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.
- (9.) 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.

TABLE 15.1 – Special Events & Temporary Structures

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”, “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”, “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”, “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”	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”, “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”, “MS”, “CIV”, “C-70”, “CP”	No	Sidewalks must have a minimum 5’-0” travel-way clear of obstructions 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:

- (1.) 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:
- (a.) Each container shall be in compliance with any applicable sign regulations.
 - (b.) 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.
 - (c.) 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.

- (2.) 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:
- (a.) All activities and uses shall be limited to the dates and hours of operation specified in the permit.
 - (b.) Traffic control shall be arranged by the operators of the event in accordance with the requirements of the Town of Wilson's Mills Police Department and/or the Johnston County Sheriff's Office, as applicable.
 - (c.) 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.
 - (d.) 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.
 - (e.) 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 of Wilson's Mills Police Department shall have the right to order the event to be closed.
- (3.) 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 *Planning, Zoning & Subdivision Administrator* as a temporary structure, subject to the following:
- (a.) There is no more than one temporary real estate sales office in the development.
 - (b.) 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 *Planning, Zoning & Subdivision Administrator*. The request shall be submitted to the *Planning, Zoning & Subdivision Administrator* at least 30 days prior to the expiration of the special event/temporary use permit.
 - (c.) No sleeping quarters are permitted within the model home or sales office during the period for which the structure is used for sales.
- (4.) Temporary portable office. A temporary portable office may be placed on a property to serve as the following:

- (a.) 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.
 - (b.) 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 *Planning, Zoning & Subdivision Administrator*.
- (5.) 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.

ARTICLE 16
SUBDIVISIONS

16.1	Subdivision Regulations	1
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ARTICLE 16
SUBDIVISIONS

16.1 SUBDIVISION REGULATIONS

16.1-1 Purpose.

The regulations for the subdivision of land set forth below are established to promote orderly growth and development; provide for suitable residential and nonresidential subdivisions with adequate streets and utilities and appropriate building sites; provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities; provide for the dedication or reservation of rights-of-way or easements for streets, utilities, and other purposes; and provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

16.1-2 Exempt land divisions.

- (A.) Divisions of land exempt. In accordance with N.C. Gen. Stat. sec.160D-802, the following divisions of land are not included within the definition of "subdivision", and are not subject to the Town's subdivision regulations:
- (1.) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Wilson's Mills as shown in this Ordinance
 - (2.) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved
 - (3.) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors
 - (4.) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town, as shown in this Ordinance
 - (5.) The subdivision or recombination of land by public utilities.
- In case of a conflict between this description of exempt subdivisions and state law (N.C. Gen. Stat. sec. 160D-802, or any successor statute), state law shall control.*
- (B.) Planned communities. In accordance with the North Carolina Planned Community Act (Chapter 47F of N.C. Gen. Stat.), Planned communities are not included in the definition of "subdivision" and are not reviewed or recorded as such.

Those developments meeting the criteria established by the Act will undergo a site plan review as described in Article 7 of this Ordinance. Planned communities shall be reviewed against and held to those standards established for substantially similar developments and shall comply with the following standards established by the Act:

- (1.) Consist of more than 20 dwelling units or provides a declaration that the development is a planned community.
 - (2.) Be exclusively residential.
 - (3.) Establish a home owners association (HOA).
 - (4.) The developer shall demonstrate adequate provision for perpetual maintenance of the private infrastructure and common areas associated with the development by the homeowners' association.
- (C.) Determination and certification of exemption. The determination of whether a division of land is exempt from the definition of subdivision shall be made by the *Planning, Zoning & Subdivision Administrator*, upon application of the property owner or agent, with supporting documentation (maps, plats, etc.), as needed. Upon a determination by the *Planning, Zoning & Subdivision Administrator* that the proposed subdivision is exempt, a certificate of exemption shall be issued, and the subdivision shall not be subject to the Town's subdivision regulations.
- (D.) Effect of certification of exemption. Divisions of land found to be exempt from the definition of subdivision are not required to meet the Town's subdivision regulations. However, a building or zoning permit may only be issued with respect to a lot that has been created by an exempt division if said lot meets the standards for development set forth elsewhere in this Ordinance. Where a regulation is contained both in this article and elsewhere in this Ordinance, although the regulation need not be met prior to property division and recordation, the lot in question must comply with said regulation before either a zoning or building permit may be issued for the property.
- (E.) Platting Required. A subdivision plat meeting the requirements of NCGS 47-30 shall be prepared for all exempt subdivisions. The plat shall identify the subdivision as being exempt from the requirements of this ordinance and shall be submitted to the *Planning, Zoning & Subdivision Administrator* for review. Following their review of the subdivision plat, the *Planning, Zoning & Subdivision Administrator* shall sign it and provide a copy to the applicant. The signed plat shall be recorded by the applicant in the office of the Register of Deeds of Johnston County within thirty (30) days of being signed by the *Planning, Zoning & Subdivision Administrator*.

16.1-3 Coordination with Other Requirements.

When applications for other approvals are required for the subdivision, applications

for these approvals may be submitted simultaneously with the initiation of the subdivision approval process to reduce the time required to secure all necessary approvals. Application forms as required for other approvals may be obtained from the *Planning, Zoning & Subdivision Administrator*.

16.1-4 Submittal.

Applications for subdivision approval shall be submitted to the *Planning, Zoning & Subdivision Administrator* and must include plats with all information as required by this Ordinance. Application for subdivision shall be filed in accordance with Article 7 of this Ordinance.

16.1-5 Approval Required.

- (A.) Date of compliance. After the effective date of this Ordinance, no plat for the subdivision of land within the planning and regulation jurisdiction of the Town of Wilson's Mills shall be filed, accepted for recording, or recorded, nor shall the clerk of superior court order the recording of a plat until it has been submitted to the *Planning, Zoning & Subdivision Administrator* and approved as set forth herein. The signature of the *Planning, Zoning & Subdivision Administrator* on the plat shall signify conformance with the requirements set forth in this chapter unless documented to be in error.
- (B.) No conveyance without approval. No real property lying within the planning and regulation jurisdiction of the Town of Wilson's Mills shall be subdivided until it conforms to all applicable sections of this Article. Violations of this Article shall be subject to the penalties set forth in Article 23. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this chapter.
- (C.) Pre-sale contracts. In accordance with N.C.G. S. 160D-807, the provisions of this section shall not prohibit any owners or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:
 - (1.) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owners to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 - (2.) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease

may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

(3.) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

(4.) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register or deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds in accordance with N.C.G. S. 160D-807.

16.1-6 Designation of approval agency.

The Town of Wilson's Mills Planning Department is designated as a planning agency for the purposes of N.C. Gen. Stat. sec. 160D-803. The *Planning, Zoning & Subdivision Administrator* or their designee shall be authorized to sign the plat signifying final approval of subdivisions.

16.1-7 Violations.

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the Town's jurisdiction, subdivides their land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall also be deemed guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the

courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to G. S. 160D-403 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct per N.C.G.S. 160D-807.

16.1-8 Dedication and acceptance of public areas.

- (A.) Rights-of-way and easements. The approval of a final plat constitutes dedication but does not constitute acceptance by the Town of Wilson's Mills or the public of the right-of-way of each public street and easement shown on the plat. The approval of a plat does not constitute acceptance for maintenance of other improvements in the right-of-way such as street paving, utility lines, drainage facilities or sidewalks. When located within the corporate limits of the Town of Wilson's Mills, such dedications may be accepted only by resolution of the Wilson's Mills Town Council or by their designee following inspection and approval to ensure compliance with specifications established by the Town or by the Town exercising control over and maintaining these areas. Until the offer of dedication is accepted by the Town in either of these manners, the developer shall be responsible for maintenance of those areas.
- (B.) Open space. Land designated as public open space or a park on a plat, in accordance with Article 21 of this Ordinance, shall be considered to be offered for dedication, but not accepted until the Wilson's Mills Town Council, or their designee, has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner or by an association representing owners of lots within the subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Wilson's Mills Town Council.
- (C.) Sites for public facilities. Where a school or other public site is shown on an approved plat recorded with the Register of Deeds, the site shall either be dedicated for public purpose at the option of the property owner or reserved for acquisition by the Johnston County School Board for a period not exceeding eighteen (18) months from the date of approval of the preliminary subdivision plan.

16.1-9 Required improvements.

Improvement requirements shall be fulfilled, or their complete performance guaranteed to an amount of 125% of the reasonable estimated cost of completion, in accordance with North Carolina General Statute 160D-804(g), Performance Guarantees, before a final plat shall be approved by the *Planning, Zoning & Subdivision Administrator* for recording.

(A.) Street and utility construction.

- (1.) Construction Plans. Construction plans for all street, sidewalk, water, sanitary sewer, and stormwater facilities shall be submitted to the Town of Wilson's Mills either concurrent with or following preliminary plat approval. The street and utility construction plans for each subdivision, or portion thereof, shall include all improvements lying within or adjacent to the subdivision as well as improvements to all streets, sidewalks, stormwater facilities, and water and sanitary sewer lines lying outside the subdivision which provide service to the subdivision. No final plat shall be approved or a Certificate of Occupancy issued until all improvements have been installed and approved or a performance guarantee, as specified in section 16.1-9(B) of this Ordinance, accepted.
 - (2.) No construction without plan approval. No improvement to or new construction of street, sidewalk, water, sanitary sewer, and stormwater facilities shall be permitted until the street and utility construction plans for such improvements/construction have been reviewed and approved by the Town of Wilson's Mills and appropriate governmental agencies. These agencies may include, but shall not be limited to, the Division of Water Quality of the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the Division of Environmental Management of the North Carolina Department of Environment and Natural Resources, or their successors.
 - (3.) Inspection of construction. All construction undertaken pursuant to approved street and utility construction plans shall be inspected and approved by the Town of Wilson's Mills and/or the appropriate governmental agencies.
- (B.) Guarantee in lieu of construction of improvements. In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may provide a performance guarantee in accordance with North Carolina General Statute 160D-804(g). The performance guarantee shall be in an amount equal to 125% of the estimated cost of the installation of the required improvements, as determined by the Town. The performance guarantee shall secure the completion of construction of the improvements shown on the approved preliminary plat and as detailed within the approved construction plans. The performance guarantee shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed 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 preliminary plat and any permits issued as a result of the preliminary plat approval. The performance guarantee shall be automatically renewed unless all parties agree not to renew it at least sixty (60) days prior to its scheduled expiration date. A temporary construction easement permitting the Town of Wilson's Mills or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements is

required to be provided with the performance guarantee. The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the Town. The temporary construction easement shall bind to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the Town. Said temporary construction easement shall be recorded at the office of the Johnston County Register of Deeds, with recording fees to be paid by the applicant/landowner.

- (C.) Failure to perform. Failure to initiate construction of the improvements within one year of the date the performance guarantee was accepted by the Town of Wilson's Mills shall result in the Town, at its sole discretion, constructing the improvements, with the cost to be paid from the performance guarantee. The guarantor institution shall, if requested by the Town, pay all or any portion of the funds to the Town up to the amount needed to complete the improvements based on an estimate by the Town. The Town may spend such portion of said funds necessary to complete all or any portion of the required improvements. The Town shall return to the developer any funds not spent in completing the improvements. Default on a project does not release the developer from responsibility for the completion of the improvements. In the event that the amount of performance guarantee on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the Town of Wilson's Mills the total amount of the insufficiency. If the Town is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the Town.

16.1-10 Maintenance of common areas.

Where subdivisions have common areas or facilities serving more than one dwelling unit, the developer shall be responsible for the maintenance of these common areas and facilities. This responsibility may be transferred to another entity, provided the developer prepares a document for recordation showing the transfer of the property and the maintenance responsibilities to a successor. A copy of the recorded document must be provided to the *Planning, Zoning & Subdivision Administrator*. In such case, the successor shall be responsible for the maintenance of the common access and facilities.

16.1-11 Association documents.

Prior to the approval of the final plat for a subdivision, all documents related to the creation and operation of the homeowners' association, property owner's association, and/or any other association created for and/or by the developer, homeowners, or property owners of the proposed subdivision shall be submitted to the Town of Wilson's Mills for review and approval. These documents may include but not be limited to the articles of incorporation for the association, the homeowner association

documents, the property owner association documents, and design standards. The purpose of the review is to ensure that the documents do not contain standards, requirements, or other provisions that conflict with ordinances, regulations, and/or standards of the Town of Wilson's Mills. The Covenants, Conditions and Restrictions shall incorporate the standards established in Subsections 9.7-4 and 9.8-4 related to anti-monotony. The Town shall not be responsible for enforcement of the homeowner association documents.

16.1-12 Recordation of final plat.

A final plat must be recorded in the office of the Register of Deeds for Johnston County in accordance with the process outlined in Article 7 of this Ordinance.

16.1-13 Phased development.

Subdivisions may be designed to be platted and constructed in phases. A plan for phased development must be approved by the *Planning, Zoning & Subdivision Administrator*. The plan for phased development shall provide for the provision of adequate public facilities to support each and any phase independent of the overall subdivision plan. Access and water supply for fire protection shall be present to the extent required by the North Carolina Fire Prevention Code. In approving the phases, the *Planning, Zoning & Subdivision Administrator* may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases to ensure that sufficient public facilities will be in place to support each phase or phases independent of any future subdivision development. Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved as part of the preliminary plat approval process as specified in Article 7 of this Ordinance. The applicant may request, in writing, adjustments of the approved schedule and the *Planning, Zoning & Subdivision Administrator* may grant extensions of up to 12 months for each phase. If the final plat for any phase of the subdivision is not submitted in accordance with the approved schedule, the preliminary plat shall be resubmitted to the *Planning, Zoning & Subdivision Administrator* for review and approval. Such resubmittal shall be in accordance with the requirements of this Ordinance.

16.1-14 Warranty Against Defects

(A) Upon completion of construction of new streets, stormwater controls or other required public utilities, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Planning, Zoning & Subdivision Administrator and pass the warranty inspection, the developer shall submit the following to the Administrator:

(1.) A set of acceptable as-built drawings,

- (2.) A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance.
- (3.) A financial guarantee payable to the town equal to at least 25% of the cost of the installation of such improvements as determined by the Administrator.
- (B) Upon approval of these materials and acceptance of the improvements by the town, a 1-year warranty period shall commence. During the 1-year warranty period, the developer shall repair any latent defects that occur. For the purposes of this section, the term “defects” refers to any condition in publicly dedicated facilities, utilities or streets that requires the town to make repairs to such improvements over and above the normal amount of maintenance that they would require. If such defects appear, the warranty may be enforced regardless of whether the facilities, utilities or streets were constructed in accordance with the requirements of this ordinance. At the end of the one-year warranty period, the developer shall request a final inspection. Upon successful completion of all warranty items, the developer shall be released from maintenance responsibilities for the warranted construction.
- (C) Warranty repairs shall be corrected in accordance with the recommendations of the Planning, Zoning & Subdivision Administrator.
- (D) If a developer fails to complete warranty items, future projects of the developer may not be reviewed by the town. In addition, the town shall take appropriate legal action against the developer.

16.2 SUBDIVISION STANDARDS.

16.2-1 General.

All proposed subdivisions shall comply with the standards set forth below.

16.2-2 General Requirements and Compliance with Adopted Plans.

Land shall be subdivided in accordance with good land planning practices and in general conformance with the adopted *Town Plan 2040*, including subsequent amendments adopted by the Council of the Town of Wilson’s Mills, including adequate consideration of the natural topography and drainage features and the type of development proposed. Land shall also be subdivided in compliance with the district standards set forth in Article 8 of this Ordinance. In addition, where land lies within the area of a public water supply reservoir, a proposed highway project or other public project designated by a governmental authority, subdividers shall give notice on the face of the final subdivision plat that land within the subdivision lies within a designated area for public development and may be the subject of future public purchase.

16.2-3 Lot dimensions and standards.

The size, shape, and orientation of lots shall be in accordance with the specifications of this Ordinance for the location of the proposed subdivision and for the type of development contemplated. Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances and shall conform to the following:

- (A.) Conformance to other regulations. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all Town ordinances, including those regulating the location of utility service connections.
- (B.) Area and dimensions of lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in Article 8 and with the lot type standards found in Article 9 of this Ordinance.
- (C.) Frontage. Every lot shall front or abut on a public street, with the exception that there can be up to four lots created off of a private drive, where such private drive meets or exceeds the Town of Wilson's Mills' Private Drive Standards set forth in the Town of Wilson's Mills' *Technical Standards & Specifications Manual*. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.
- (D.) Lot lines and drainage. Lot boundaries shall be made to coincide with natural and pre-existing topography to the extent practicable to avoid the creation of lots that can be built upon only by altering drainage ways. Lot boundary lines shall conform to the following requirements:
 - (1.) The *Lot* boundary lines of either a *Minor Subdivision* or *Major Subdivision* shall not extend into areas equal to or below the Base Flood Elevation (BFE).
 - (2.) The *Lot* boundary lines of either a *Minor Subdivision* or *Major Subdivision* shall not extend into areas designated as a stream *Buffer Zone*.
 - (3.) The *Lot* boundary lines of either a *Minor Subdivision* or *Major Subdivision* shall not extend into areas designated as *Wetlands*.
- (E.) Double and reverse frontage. Double frontage and reverse frontage lots shall not be approved, except where required in unusual circumstances and specifically approved by the *Planning, Zoning & Subdivision Administrator*.
- (F.) Lot boundaries. Lot boundaries must be contiguous with street right-of-way boundaries and shall not extend to the center of public streets or encroach into street right-of-way. Land to be subdivided which has existing property lines extending into street rights-of-way or into streets shall dedicate a street right-of-way as

required by the Town of Wilson's Mills' *Technical Standards & Specifications Manual* for that section of the street located on or adjacent to the property being subdivided.

- (G.) Side lot lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- (H.) Buildable area. Lots or parcels shall not be unreasonably shaped and shall be made to contribute to the buildable area of a lot. Portions of a lot less than 15 feet wide shall be excluded from the minimum lot area. Additionally, portions of a lot that are less than 26 feet wide and longer than 25 feet will be excluded from the minimum lot area.
- (I.) Block dimensions and configuration. Blocks shall be laid out taking into consideration traffic circulation patterns and contemplated use. In conditions exceeding 2.5 dwelling units per acre, excluding common open spaces and public street rights-of-ways, any dimension of a block may range from 250 to 800 linear feet between cross streets. In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets, except within subdivisions with average lots exceeding one acre in size, wherein blocks may be up to 1500 feet.
 - (1.) Length. Blocks shall be not less than 250 feet nor more than 1,500 feet in length as stipulated above, except as deemed necessary to secure efficient use of land or desired features of street pattern by the *Planning, Zoning & Subdivision Administrator*. Where deemed necessary by the *Planning, Zoning & Subdivision Administrator*, a pedestrian crosswalk of at least eight feet in width shall be provided.
 - (2.) Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Zoning standards, Article 8, and Lot Type standards, Article 9), except where fronting on major streets is prevented by topographic conditions, in which case a single tier of lots may be approved. Block width standards do not apply to subdivisions proposed as part of Agricultural (AG) District development.
- (J.) Lots on thoroughfares. Residential lots in subdivisions shall not be entered from major thoroughfare streets.
- (K.) Access requirements for all lots. Each lot in a subdivision shall meet the access standards set forth in this Ordinance, unless specific design alternatives are approved as part of the approval of a Traditional Neighborhood Development Overlay (TNDO) District.
- (L.) Lot area calculation. Areas in the public right-of-way shall not be used to calculate compliance with minimum lot size requirements.
- (M.) Flag lots. Flag lots shall be permitted subject to the following standards:

- (1.) The minimum flagpole width (strip connecting the bulk of the lot to the street) shall be 25 feet or 25% of the minimum required lot width established by the primary general use district, established by Article 8 of this Ordinance, whichever is greater.
- (2.) The maximum flagpole length (strip connecting the bulk of the lot to the street) shall be 200 feet.
- (3.) The total lot area shall be a minimum of 2.5 acres, unless required to be larger by the primary general use district, established by Article 8 of this Ordinance; furthermore, the area of the flagpole within the first 150 linear feet of the street (strip connecting the bulk of the lot to the street) shall not be used in calculating minimum lot area, setbacks, or other dimensional requirements for the zoning district in which the lot is located.
- (4.) Not more than 4% of the total number of lots in a subdivision or development shall be flag lots.

16.2-4 Landscaping and buffering. Landscaping shall be provided in the proposed subdivision as required by Article 11 of this Ordinance. Preservation of existing trees is required in accordance with Article 11.

16.2-5 Open space. Open space as required by Article 21 of this Ordinance and other applicable ordinances and regulations of the Town of Wilson's Mills shall be provided in the proposed subdivision.

16.2-6 Streets and utilities. All streets and utilities must comply with the requirements of all applicable plans adopted by the Town of Wilson's Mills, including, but not limited to, the Town of Wilson's Mills *Technical Standards & Specifications Manual*. Utilities shall be installed underground in all *Major Subdivisions* when new streets are constructed.

16.2-7 Street design. The design of all public streets and roads within the Town of Wilson's Mills shall conform to standards set forth in Article 13 of this Ordinance and the Town of Wilson's Mills *Technical Standards & Specifications Manual*. Where permitted, private streets must be constructed to Town of Wilson's Mills' design standard.

- (A.) Cul-de-Sacs. Cul-de-sacs or other dead-end streets designed to be permanently closed are strongly discouraged and can only be used when it is not feasible to connect to an existing or future street. Cul-de-sacs shall not exceed 500 feet in length and shall be provided at the closed end with a right-of-way radius and a turnaround radius meeting or exceeding the standards set forth in the Town of Wilson's Mills *Technical Standards & Specifications Manual*. The *Planning, Zoning & Subdivision Administrator* may approve

modifications to these requirements on a case-by-case basis, with the justification stated in writing on the final plat.

- (B.) Continuation of Adjoining Street System. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.
- (C.) Stub Streets. Where the property to be subdivided abuts another property that, in the opinion of the *Planning, Zoning & Subdivision Administrator*, could be subdivided in the future, the proposed street layout shall include a public street and right-of-way, meeting the Town's standards for width and grade, which connects the streets in the subdivision to the abutting property. This street and public right-of-way shall be preserved for the construction of a future street providing access to the abutting property. The subdivider shall be responsible for placing a permanent sign(s) within the right-of-way of the stub street stating that it is the location of a future street. Such sign(s) shall be approved by the *Planning, Zoning & Subdivision Administrator* before being placed in said right-of-way.

16.2-8 Naming of streets. All streets shall be named, and signs conforming to Town standards shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets where practical. In no case shall the names of new streets phonetically resemble existing street names. Streets shall be named in accordance with the standards for street naming established by Johnston County and must be approved by Johnston County's emergency address coordinator.

16.2-9 Street construction - property owners' participation. The Town of Wilson's Mills will not accept or adopt any new street, nor will it pave or assist in the construction or pavement of any new street other than streets shown on the map of the streets of the Town of Wilson's Mills known as the Official Powell Bill Map except upon the payment of the full cost and expense of construction or of construction and pavement, as the case may be, and such cost and expense must be actually paid or amply secured per section 16.1-9(B) before the Town will take any action.

16.2-10 Utility and Pedestrian easements. All subdivision plats shall identify easements for the installation of utilities and pedestrian use as follows:

- (A.) Major subdivisions. An appropriate easement, of the width required by the utility company/agency, shall be provided for utilities including, but not limited to, electric service, telephone service, cable television service, sewer (sanitary and/or stormwater) lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be approved by the Town of Wilson's Mills, in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others.

All off-street easements shall be located in/on areas dedicated as Common Open Space and be dedicated for pedestrian use by the public.

- (B.) Minor subdivisions. An appropriate easement, of the width required by the utility company/agency, shall be provided for utilities including, but not limited to, electric service, telephone service, cable television service, sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be approved by the Town of Wilson's Mills, in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others. All off-street easements shall also be granted for pedestrian use by the public.

16.2-11 Water supply for fire protection.

- (A.) Water supply for fire protection shall be provided as required by the North Carolina Fire Prevention Code.
- (B.) Size, type, and installation of hydrants shall conform to the specifications set forth in the North Carolina Fire Prevention Code.
- (C.) The maximum distance between fire hydrants shall be 500' measured by right angles along identified travel way(s).

16.2-12 Storm-water management.

- (A.) Design of the stormwater management system shall be consistent with the Town of Wilson's Mills' storm-water regulations, as contained in the Stormwater Management standards and specifications appearing in Article 19 of this Ordinance.
- (B.) The stormwater management system design shall comply with the specifications set forth in the stormwater section of Article 19 of this ordinance and the Town of *Wilson's Mills Technical Standards & Specifications Manual*.
- (C.) 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.

16.2-13 Flood standards.

- (A.) All subdivision proposals within the Town of Wilson's Mills jurisdiction shall be consistent with the requirements of the Town's flood protection regulations set forth in Article 18 of this Ordinance and with the need to minimize flood damage.
- (B.) All subdivision proposals shall have the public utilities and facilities such as sewerage systems, gas lines, electrical, telecommunications (television, Internet, telephone, etc.), and water systems located and constructed to avoid flood damage.

- (C.) Adequate drainage shall be provided to avoid exposure to flood hazards.
 - (D.) Base flood elevation data shall be provided for subdivision proposals whenever any portion of the project site is located within a designated flood hazard area.
 - (E.) Preliminary and final plats shall note the location of floodplain and floodway boundaries and the 100-year flood (Base Flood) elevation.
 - (F.) If there is a water course or dry branch running through or within 150 feet of the proposed subdivision, the prospective sub-divider shall furnish evidence that residential lots within the subdivision will not be flooded. Lots located in flood plains shall comply with Section 16.2-3(D) of this Article and the flood prevention standards set forth in Article 18.
- 16.2-14 Buffer Strips – Streams. Buffer strips shall be provided along streams as required by the United States Army Corps of Engineers, State of North Carolina, and/or Watershed Regulations set forth in Article 19 of this Ordinance.
- 16.2-15 Electrical, Cabled, Wired and Fiber Optic utilities. Electrical, Cabled, Wired and Fiber Optic utility lines shall be installed underground unless inconsistent with flood protection requirements.
- 16.2-16 Placement of monuments. The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.
- 16.2-17 On-site Wastewater Disposal (Septic Systems).
- (A.) The entire on-site wastewater sewage and/or septic system shall be on property owned or controlled by the person owning or controlling the system. If additional land area is necessary for the perpetual operations, maintenance and repair of on-site sewage disposal, the additional land area shall be combined with the real property upon which said principal use is located.
 - (B.) Plats, as defined by North Carolina G.S. 130A-334, for new lots and/or parcels not served by a public and/or private sanitary sewer system shall be submitted for review, whether subject to subdivision approval or not. Each plat shall identify an approved on-site sewage disposal system and an on-site sewage disposal repair field and/or area. Plats representing locations of on-site wastewater and repair areas shall be submitted with all Minor Subdivision and Major Subdivision Preliminary Plats and appear on all Final Plats approved for recording in the Johnston County Register of Deeds.