



# **WILSON'S MILLS DEVELOPMENT ORDINANCE**

Adopted: December 16, 2019

Amended: July 1, 2022

**WILSON'S MILLS DEVELOPMENT  
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## ARTICLE 1 PURPOSE AND AUTHORITY

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**ARTICLE 1**  
**PURPOSE AND AUTHORITY, OFFICIAL ZONING MAP**

**1.1 TITLE**

This Ordinance shall be known and may be cited as the “Wilson’s Mills Development Ordinance” or “WMDO.”

**1.2 ENACTMENT AND REPEAL**

**1.2.1 Enactment.** This Ordinance is hereby enacted and shall be the Development Ordinance for the Town of Wilson’s Mills, hereinafter “the Town” and its extraterritorial jurisdiction. This Ordinance supersedes the “Wilson’s Mills Zoning Ordinance” adopted and effective on July 10, 2006, together with amendments thereto, the “Wilson’s Mills Subdivision Ordinance” adopted and effective on September 11, 2006, together with amendments thereto, the “Wilson’s Mills Flood Damage Prevention Ordinance” adopted and effective on November 29, 2004, together with amendments thereto which are each hereby repealed in its entirety.

**1.2.2 Effective Date.** This Ordinance shall become effective upon adoption on December 16, 2019.

**1.3 PURPOSE**

**1.3.1 General Purpose.** It is the purpose of this Ordinance to promote the health, safety, and the general welfare of the residents of the Town of Wilson’s Mills jurisdiction through the stated regulations of this Ordinance which include provisions to regulate use of buildings and land, land development, planned development, manufactured housing, development of subdivisions, signs, offstreet parking and loading, planting yards, watershed protection, and flood damage prevention.

**1.3.2 Implementation of Land Use Plan and Comprehensive Master Plans.** This Ordinance shall be used to implement the Town’s Officially Adopted Comprehensive Land Use & Master Plan as amended.

**1.4 GUIDING PRINCIPLES**

The guiding principles reflected in this Ordinance are founded in the “Town Plan 2040 Comprehensive Land Use & Master Plan” herein after referred to as “Comprehensive Plan” adopted December 16, 2019 including subsequent amendments adopted by the Town Council of the Town of Wilson’s Mills.

## **1.5 RELATIONSHIP TO LAND USE AND COMPREHENSIVE MASTER PLANS**

Per NCGS 160D-604 & NCGS 160D-605, the administration, enforcement, and amendment of the Wilson's Mills Development Ordinance shall be carried out consistently with plans and documents comprising the "Comprehensive Land Use & Master Plan." New comprehensive planning documents or small area plans adopted by the Town Council are automatically incorporated into this Ordinance. See Section 1.3.2 of this Article.

## **1.6 JURISDICTION**

The provisions of this Ordinance shall apply to all the territory encompassed in the Town of Wilson's Mills, North Carolina, and its extraterritorial jurisdiction (ETJ) as now or hereafter fixed, as depicted on the Town's Official Zoning Map on file at the Wilson's Mills Town Hall. This map is hereby incorporated and made a part of this Ordinance.

## **1.7 AUTHORITY**

This Ordinance is adopted pursuant to portions of one or more of the following authorities in NCGS: Chapter 160A (Cities and Towns), Chapter 160D (Local Planning and Development Regulation), Chapter 113A (Pollution Control and Environment), Chapter 121 (Environmental Controls), Chapter 133 (Public Works), and Chapter 136 (Roads and Highways). This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

## **1.8 CONFLICT OR INCONSISTENCY WITH OTHER LAWS, COVENANTS, DEED RESTRICTIONS, OR AGREEMENTS**

**1.8.1 Relation of this Ordinance to Other Regulations.** This Ordinance is not intended to abrogate any other law, ordinance, or regulation. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than standards imposed by any other law, ordinance or regulation, the provisions which are more restrictive or which impose higher standards or requirements shall govern. In cases where reference is made to the North Carolina General Statutes, or any provision thereof, said reference shall be to the current language of said statute or provision. Whenever a process is prescribed by this Ordinance, and said process contains requirements in addition to those prescribed by state law, the process prescribed in this Ordinance shall be deemed supplemental; state law shall control.

**1.8.2 Conflicting Provisions of this Ordinance.** In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance in applying them to an individual use or structure, the more restrictive

provision shall apply. However, the regulations for overlay districts set forth in this Ordinance shall control in the event of any conflict between those regulations and regulations which are set forth in the underlying district. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, or map contained herein, the text shall control.

**1.8.3 Conflicts with Covenants, Deed Restrictions, etc.** This Ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern.

**1.8.4 Effect on Existing Agreements.** This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, or permits previously adopted or issued pursuant to law.

## **1.9 SEVERABILITY**

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

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect, impair, or invalidate the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

## **1.10 INTERPRETATION OF ORDINANCE**

**1.10.1 Minimum Requirements; Greater (More Stringent) Restrictions Govern.** In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements unless specifically stated otherwise. If any federal or state law or other ordinance or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority, the regulations imposed by that authority shall govern.

**1.10.2 Responsibility for Ordinance Interpretation.** The Administrator is responsible for day-to-day interpretations of this Ordinance, except where otherwise specified. Upon written request, the Administrator shall deliver such interpretations in writing within a reasonable timeframe (typically within 30 days). The Administrator is authorized to confer with other agencies and staff, including seeking legal counsel.. Appeals of these administrative interpretations are heard by the Board of Adjustment.

## **1.11 RULES OF CONSTRUCTION**

### **1.11.1 Word Interpretation.**

- A.** Words not defined in this Ordinance shall be given their ordinary and common meaning.
- B.** Words used in the present tense include the future tense.
- C.** Words used in the singular number include the plural number and the plural number includes the singular number unless the context of the particular usage clearly.
- D.** The words "shall," "will," and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision.
- E.** The word “may” is voluntary, however the phrase “may not” is mandatory in nature implying an obligation or duty to comply with the particular provision.
- F.** Any act authorized by this Ordinance to be carried out by a specific official of the Town is, by implication, authorized to be carried out by a designee of that official.

**1.11.2 Relationship of this Ordinance to Any Pending Action.** The adoption of this Ordinance shall not affect any action, suit, notice of violation, citation, or proceeding that may be pending at the date this ordinance becomes effective. All rights and liabilities that have been received or created and any violation that has occurred under any previous provisions of the Code of Ordinances of the Town of Wilson’s Mills that have been superseded by this Ordinance are still valid and may be preserved and enforced.

## **1.12 COMPLIANCE**

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified except as authorized by this Ordinance.

No applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments that have received staff approval, Enforcement Officer approval, or a building permit before the effective date of

this Ordinance may proceed in accordance with such approval or permit while such approval or permit remains in effect.

### **1.13 ESTABLISHMENT OF OFFICIAL ZONING MAP**

**1.13.1 Official Zoning Map.** The Town and its extraterritorial jurisdiction, as now or hereafter fixed, is hereby divided into districts, as established in Article 8 of this Ordinance and as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The most current, Official Zoning Map is on file with the Town Clerk and the Administrator at the Wilson's Mills Town Hall in accordance with NCGS 160A-77 and NCGS 160A-78.

**1.13.2 Map Certification and Changes.** The Official Zoning Map shall be attested by the Town Clerk and shall bear the seal of the Town together with the effective date of the adoption of this Ordinance. If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.

### **1.14 INTERPRETATION OF DISTRICT BOUNDARIES**

**1.14.1 Boundary Interpretation.** Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply in the interpretation of area boundaries and the location of lines shown on the map:

- A. Centerline:** Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
- B. Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located. Split zoning of lots should be avoided to the extent possible, with zoning boundaries following lot lines where feasible.
- C. Town Limits:** Boundaries indicated as approximately following the Town limits shall be construed as following the Town limits boundary lines.



- D. Watercourses:** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines and shall be construed to reflect the naturally occurring changes to the location of the watercourse which may occur over time.
- E. Extensions:** Boundaries indicated as parallel to or extensions of street or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, Town limits, or county lines shall be so construed.
- F. Scaling:** In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Hazard Area, Corps of Engineering work maps, if available, shall be used for scaling.
- G. Other:** Where the actual location of existing physical or natural features vary with those shown on the Official Zoning Map, or in other circumstances not addressed in this section, the Board of Adjustment shall have the authority to interpret the district boundaries.

#### **1.15 STATE OF EMERGENCY**

These rules may be temporarily suspended during federal disaster “state of emergency” declarations by the Executive Office of the President and/or Federal Emergency Management Administration (FEMA) and/or during “Imminent Threat Alert” declared by the U.S. Department of Homeland Security by resolution adopted by the Town Council during a regular, continued, special or emergency meeting of the Town Council. The Planning, Zoning & Subdivision Administrator may suspend the application of all or part of these rules during a state of emergency declared either by the Governor of the State of North Carolina, or by the Mayor, upon authorization by Town Council, of the Town of Wilson’s Mills.

Upon the conclusion, lifting, and/or rescinding of the declared “state of emergency” by the authorized federal and/or state official, these rules are reinstated without further action by the Town and shall be in full force and effect. A state of emergency declared by the Mayor, upon authorization by the Town Council, may either state an expiration within such declaration, or rescind the state of emergency by resolution of the Town Council.

#### **1.16 INCORPORATION OF OTHER MAPS, REGULATIONS, OR DOCUMENTS**

1.16.1 All other maps, regulations, or documents referenced herein or necessary in the administration of this Ordinance are hereby incorporated.

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## **ARTICLE 2**

### **GENERAL STANDARDS & SPECIFICATIONS**

#### **2.1 GENERAL REQUIREMENTS**

Upon the adoption of this Ordinance, no structure shall be erected, renovated, rebuilt, or expanded, nor any use be established or expanded in conflict with this article or any of the provisions of this Ordinance.

#### **2.2 STREET FRONTAGE REQUIRED**

Any lot on which a building (or buildings) is to be constructed or new use established shall front upon a public street right-of-way with the following exceptions:

- A.** Any lot for which a residential use has been legally established prior to the effective date of this Ordinance provided the lot is served by a private and exclusive recorded easement of at least (20) feet in width connecting said lot to a public street right-of-way, may be used as if it fronts a street, provided that it is served by a driveway located on said easement. A driveway accessible by Emergency Service Vehicles. must be located on said easement. Lots created under these provisions shall be known as “easement-access lots.”
- B.** Any lot for which a non-residential use has been legally established prior to the effective date of this Ordinance, provided the lot is served by a private, exclusive recorded easement of at least twenty (30) feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- C.** Up to four (4) residential lots may be served by a private street a minimum of (20) feet in width constructed to NCDOT unpaved street standards found in the NCDOT Standard Specifications for Roads and Structures & accessible for Emergency Service Vehicles. A private access and maintenance easement shall be established at the time of final plat recordation.
- D.** A site specific vesting plan may be considered for approval as part of the conditional zoning process where residential and/or nonresidential lots and/or structures front upon a private courtyard, carriageway, midblock private alleyway with courtyard, or pedestrian way, or urban open space where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.

## 2.3 ONE PRINCIPAL BUILDING ON A LOT; EXCEPTIONS

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type.

## 2.4 LOT SIZE

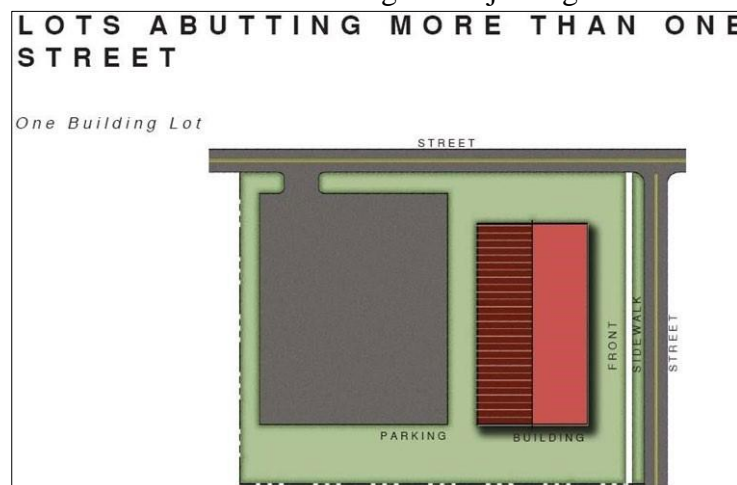
No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the standards for spacing of structures and street frontage cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities and/or street and/or sidewalk right-of-way purposes.

## 2.5 LOT WIDTH

The required minimum width of a lot, as set forth in this Ordinance, shall be required and measured at both the front property line and the front setback line, and at least 50% of the required minimum lot width shall be required for the full length of the lot.

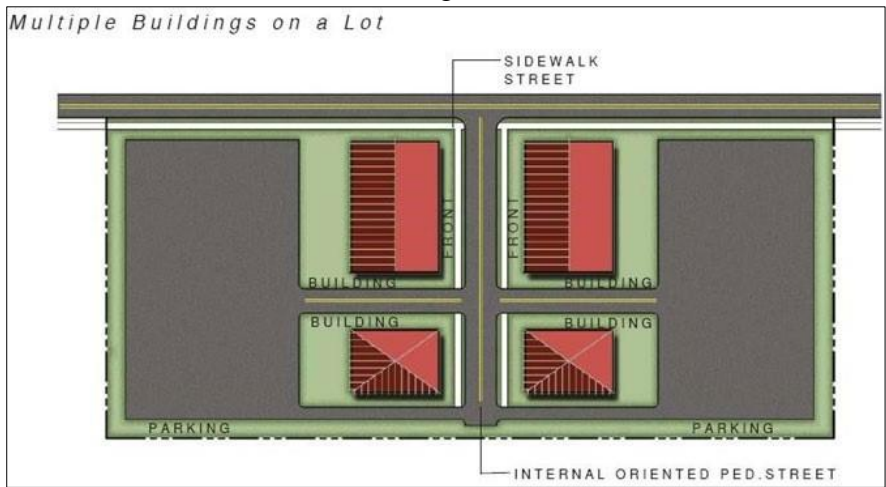
## 2.6 YARD DESIGNATION

**2.6.1 Lots Abutting More Than One Street.** On lots that abut more than one street, the building and lot shall front upon the more pedestrian-oriented, lower traffic volume street, given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots.



**2.6.2 Multiple Buildings on a Lot.** Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street,

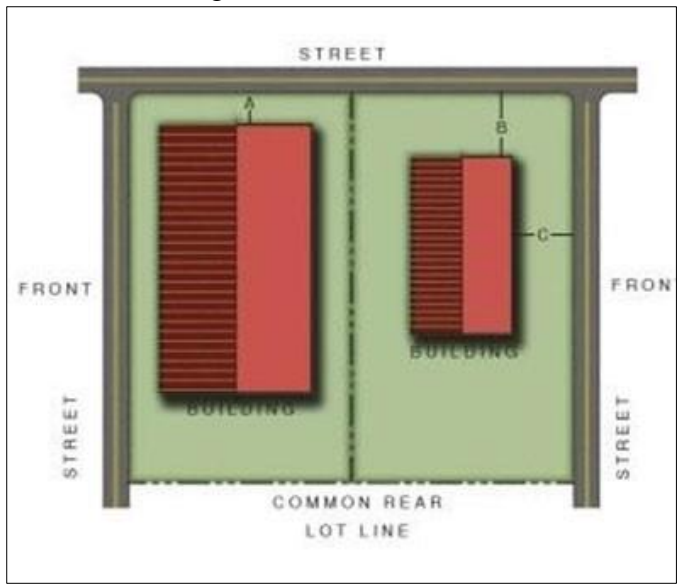
external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.



**2.6.3 Irregularly Shaped Lots.** On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing of buildings and orientation to the street(s). Any objection to the Administrator’s decision may be appealed to the Board of Adjustment.

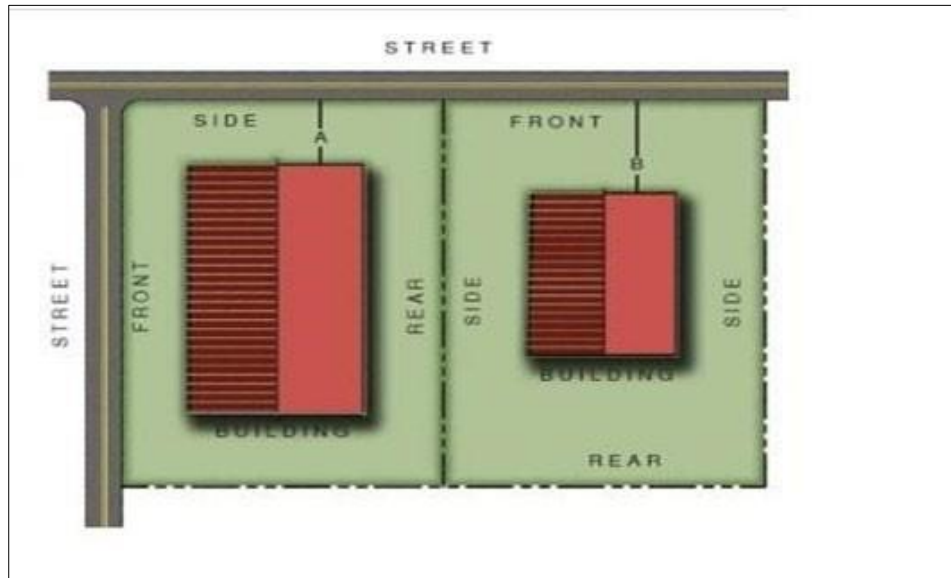
**2.7 YARD DIMENSIONS FOR CORNER LOTS**

**2.7.1 Two Corner Lots Abutting at Rear.** If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least 50% of the greater of the two front setbacks, existing or required.



*Illustration Above: Common side yards on the street (A & B) must be at least 50% of the greater of the two front setbacks (C).*

- 2.7.2 Side Lot Line a Continuation of Adjacent Lot Front Lot Line.** In any district, where the side lot line of a corner lot is substantially a continuation of the front lot line of the lot to its rear, the required side yard of the corner lot shall (a) be at least 50 percent of the established front setback of the adjacent lot or (b) establish a transition between existing buildings by stepping toward the street or back from the street a distance equal to the lesser building setback + one-half of the difference between the setbacks of the adjoining buildings.



*Illustration Above: Side-yard setback of a corner lot (A) shall be at least 50% of established setback of adjacent lot (B).*

- 2.7.3 Buildings on Corner Lots.** Buildings on corner lots shall be positioned on the corner as required by the building and lot type standards for the zoning district in which the lot is located.

## **2.8 THROUGH LOTS (“DOUBLE FRONTAGE LOTS”)**

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

## **2.9 HEIGHT LIMITATION**

- 2.9.1 Building Type Controls.** See Article 8.

- 2.9.2 Building Components Exceeding Height Limitation.** Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the maximum height limits. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (see Article 9).

- 2.9.3 Exceptions to Height Limitation.** The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, solar panels appurtenant to the principal structure, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- 2.9.4 Height of Communication Towers.** Commercial communication towers, where permitted, may exceed the height limit for structures when the standards for these towers, as set forth in Article 10, are met.

## **2.10 STRUCTURES AND USES LIMITED IN YARDS**

- 2.10.1 No Principal Structure in Setback.** No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a principal structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.
- 2.10.2 No Accessory Structure in Setback.** Except as otherwise provided in this article, no accessory structure shall be located within a street-adjacent setback (excepting private alleys), within any required sight triangles, within any emergency, utility, or public easements, or within five (5) feet of a side or rear lot line. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of this Ordinance.
- 2.10.3 Fences and walls (walls not associated with buildings).** Fences and walls may be located in any yard, established or required, according to the standards of section 2.13.2 of this Ordinance.
- 2.10.4 Signs.** Signs may be located in an established front setback or a side-yard abutting a public street as permitted by the provisions of this ordinance.
- 2.10.5 Public Transit Shelters.** Public transit shelters may be located in any setback or yard which abuts a street provided the sight triangle on corner lots is protected according to the provisions of section 2.11 of this Ordinance.
- 2.10.6 Off-street Parking.** Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in the established front building setback, which shall be landscaped, in any established side yard abutting a street, which shall be landscaped, and in any required buffer or screen. This restriction shall not apply to:
- A.** A driveway which crosses a front yard to provide access from the street to a parking area;



- B. An individual driveway, including conventional appurtenances thereto such as basketball goals, designed to also serve as a parking area for a detached or duplex dwelling, provided such area is not counted as the minimum required parking;
- C. Plazas associated with civic buildings that have been designed and approved for occasional use as secondary parking areas;
- D. Maneuvering areas for loading or delivery activities in the established setbacks and yards of buildings in non-residential zoning districts where the location of buildings that were legally constructed without the provision of these areas preclude them from being located out of established setbacks and yards. Maneuvering areas for parking, loading, or delivery activities are prohibited in the public right-of-way in residential and commercial districts.

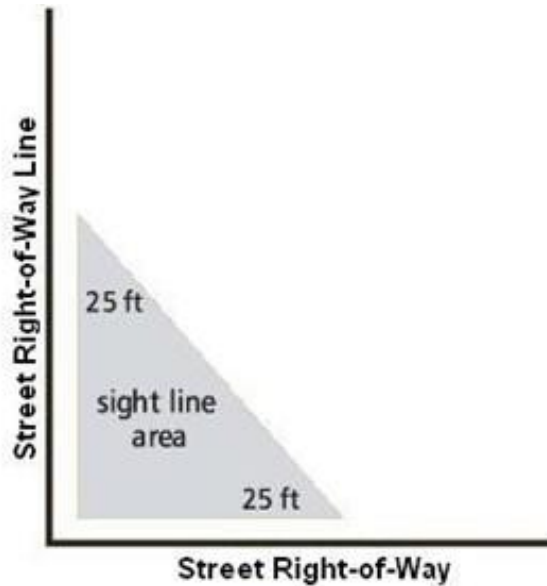
**2.10.7 Outdoor Storage.** Neither outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.

**2.10.8 Architectural Features.** Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, awnings, steps, gutters, and fire escapes may project up to three (3) feet into an established or required yard; additional encroachment is permitted for certain building and lot types established in Article 9.

**2.10.9 Subordinate Structures.** Subordinate structures attached to single family homes, such as decks, porches and similar features may extend into the required rear yard up to 25% of the rear or side yard's depth.

## **2.11 CLEAR SIGHT TRIANGLE AT STREET INTERSECTION**

**2.11.1 Sight Triangle Required.** Unless provided otherwise, a clear view at each corner of an intersection shall be maintained by establishing an unobstructed "sight triangle". The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed for greater than 35 MPH, the area to be clear of view obstructions at un-signalized intersections is the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. For intersecting streets signed for 35 MPH or less, the area to be clear of view obstructions at un-signalized intersections is the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 25 feet from the point of intersection. Site Triangle Illustration for Streets Signed for 35 MPH or less:



**2.11.2 No Obstruction in Sight Triangle.** No planting, structure, sign, fence, wall, manmade berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle.

**2.12 BUILDING SEPARATION**

All detached principal structure shall meet the dimensional setback requirements and/or the applicable building code property line setbacks in the underlying zoning district to preserve a minimum building separation.

**2.13 PERMITTED ACCESSORY USES AND FIXTURES IN ALL DISTRICTS**

**2.13.1 Accessory uses and Structures.** Accessory uses and structures related and incidental to a residential principal structure(s) shall be placed in the side or rear yard and be a minimum of 5 feet from the side or rear property line.

**2.13.2 Fences and Walls.** Fences and walls meeting the requirements of sections 2.10.2 and 2.10.3 are permitted in all districts in accordance with the following specifications:

- A.** A zoning permit issued by the Administrator shall be required for all fences and walls. The process for obtaining a zoning permit is set forth in this Ordinance.
- B.** In a residential, mixed use, or commercial district, a fence or wall in the established front yard, side yard, and rear yard of a building abutting a street shall be a maximum of 6 feet in height, unless otherwise regulated by the building or lot type standards of this Ordinance. Fences along interior side property lines in a residential, mixed use, or commercial district shall not exceed 6 feet in height in front of a line parallel to the front of the principal

structure on the lot. Decorative caps or spires that extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood or vinyl fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4' high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).

- C. In a residential or mixed-use district, a fence or wall in an established rear or side yard that does not abut a street or alley may not exceed 8 feet in height, measured as the average over any 100-linear foot run of said fence or wall.
- D. In a commercial district, a fence or wall located outside the established front yard, side yard, and rear yard of a building abutting a street may have a height of up to 8 feet, measured as the average over any 100-linear foot run of said fence or wall. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi-opaque vegetative screen between wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2½ feet installed, or if obscured from view by other screening method(s) which perform at the same or a higher level and are approved by the Planning, Zoning & Subdivision Administrator.
- E. Fences shall not be erected over easements such as, but not limited to, access easements, utility easements, drainage easements, or any other public easement, without the explicit approval of the Town of Wilson's Mills. If fences or other barriers are allowed to cross such easements, the Town may require the installer or landowner to install gates or other access points per standards and specifications set by the Town to ensure access to such easements in the future as necessary and to minimize damage to private property.

**2.13.3 Temporary Construction-Related Uses.** Temporary buildings and storage of materials, provided the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.

**2.13.4 Swimming Pools.** Swimming pools located on any site, including single family residential sites, shall be:

- A. Located in a side or rear yard only;
- B. Located a minimum of fifteen feet from any property line;

- C. Completely enclosed by a fence or wall no less than four feet but no more than eight feet, except when a wall is component to the dwelling or accessory structure, in accordance with the provisions of sub-section 2.13.2 Fences and Walls herein. Height shall be measured above grade on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. Fence design shall not be climbable or of a ladder pattern. Fences shall not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing. The fence shall not have any gaps or openings greater than 4", indentations, protrusions, or structural components that allow a young child aged six (6) years or less to crawl under, squeeze through, or climb over the fence or adjacent barrier. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device located on the poolside of the gate and be placed so that a young child aged six (6) years or less cannot reach over the top or through any opening or gap and operate the latch.

**2.14 STANDARDS FOR CONSTRUCTION; DEVELOPER RESPONSIBILITY**

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this Ordinance or other Ordinances of the Town of Wilson's Mills, those standards shall control. Where standards are not specified, construction shall be in conformance with the standards set forth in the Town of Wilson's Mills Technical Standards & Specifications Manual.

**2.15 GUARANTEE IN LIEU OF CONSTRUCTION OF IMPROVEMENTS**

**2.15.1 Provision of Guarantee.** In lieu of completion of construction of the required improvements, including but not limited to streets, sidewalks, landscaping, parking, and utilities, prior to issuance of a Certificate of Occupancy and/or Completion, the property owner or developer may provide to the Town a performance guarantee in accordance with this Ordinance.

**2.16 RESERVED**

**2.17 GENERAL STANDARDS FOR DRIVEWAY PERMITTING**

**2.17.1 Driveway Permit Required.** No driveway or other point of access to a street maintained by either the Town of Wilson's Mills or the North Carolina Department of Transportation shall be constructed, relocated, or altered unless a driveway permit or other approval is obtained from the authority having

jurisdiction. The applicant shall comply with the standards for driveways established by the North Carolina Department of Transportation. All driveway plans shall be reviewed by the Town of Wilson's Mills prior to construction of the driveway. All driveways shall be paved surfaces within the public right-of-way.

**2.17.2 Projects Composed of Multiple Buildings and Lots.** For development projects composed of multiple buildings and lots, access to the predevelopment existing public street system shall be determined by the location of proposed intersecting streets. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area without first having secured the approval in sub-section 2.17-1 above.

**2.17.3 Access to Subdivision Lots.** In a residential subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each Zoning Compliance Permit is issued.

**2.17.4 Location and Design of Access.** Determination of the location and design of access to the public street system shall be made by the Administrator and other regulatory and professional reviewers based on a contextual examination of the site, surrounding development, potential traffic generated on the site, current and future surface transportation system needs, special policies that might exist for the corridor being accessed, and/or state of the practice principles for access management as promulgated by the Institute of Transportation Engineers and the Transportation Research Board. At a minimum, no driveway shall be permitted within 4' of any property line or within 30' of any intersection (as measured from the nearest point of tangency of the radius of the property line or right-of-way line) or intersecting street.

## **2.18 SPECIAL REQUIREMENTS FOR LOTS ALONG THOROUGHFARES**

**2.18.1 Authorization.** Pursuant to North Carolina General Statutes 160A-306 (which state that cities shall have authority to (1) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic load, and other characteristics relevant to the achievement of the purposes of this section, and (2) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply.

**2.18.2 Minimum Setbacks along Thoroughfares.** The build-to or set back line for any lot which abuts a thoroughfare (as shown in the adopted County's transportation plan, shall be measured from the right-of-way line outlined in the table below

(Table 2.18.2) if existing right-of-way is of lesser width. The proposed right-of-way line established for each classification of thoroughfare is as follows:

Table 2.18-2

<b><u>Thoroughfare Classification</u></b>	<b><u>Distance from Thoroughfare Centerline to "Proposed Right-of-Way Line"</u></b>
Freeway/Expressway (US 70/I-42)	125 feet (Class I)
Limited Access Arterial (US 70)	60 feet (Class II)
Commercial Arterial (US 70 business route)	60 feet (Class III)
Major Arterial (Wilson's Mills Road, Swift Creek Road, Fire Department Road, Powhatan Road)	37.5 feet (Class III)
Minor Arterial (All other S.R. numbered roads maintained by the NCDOT)	30 feet (Class IV)

**2.18.3 Transitional Setback for Lots along Thoroughfares.** A transitional setback or yard shall be established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the proposed right-of-way line established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. At the time that the proposed right-of-way Line is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

**2.18.4 Exceptions.** The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the Main Street (MS) District, Mixed-Use (MU 1&2), or mixed-use center in a TNDO Districts.

## **2.19 SIDEWALKS FOR NEW DEVELOPMENT AND EXPANSION/IMPROVEMENT OF EXISTING DEVELOPMENT**

**2.19.1 Sidewalks Required.** A minimum width of five-foot wide sidewalks shall be required along new and existing streets, in accordance with the provisions of Subsection 13.2.3, fronting the following new development and expansions of and improvements to existing development.

- A.** All new commercial or mixed-use development.
- B.** Expansions to an existing commercial development or use where the gross floor area of the expansion is equal to or greater than 50% of the gross floor area of the pre-expansion development or use.
- C.** Improvements to an existing commercial development or use when the cost of the improvement is equal to or greater than 50% of the value of the existing development (building) or use as determined by the Johnston County Tax Office.
- D.** All residential development with two (2) or more residential units, except in accordance with Sub-section 13.2.3.
- E.** One single family home on a single lot when the lot being developed is adjacent to a lot on which an existing sidewalk is located and the construction of a sidewalk on the lot being developed would be a logical extension of the pedestrian network.
- F.** On any lot when the nearest developed lot on the same side of the street has a sidewalk but intervening lots are currently undeveloped and when such lots are developed it would create a logical extension of the pedestrian network.

**2.19.2 Sidewalks Along New Streets.** Sidewalks shall be required along both sides of new streets, except streets in the Agriculture (AG) District, where sidewalks are not required on the new street.

**2.19.3 Sidewalks Along Alleys.** Sidewalks shall not be required along alleys.

**2.19.4 Standards for Sidewalks.** Sidewalks shall comply with the design and construction standards set forth in the Town of Wilson's Mills Technical Standards & Specifications Manual.

## **2.20 MANUFACTURED HOME PARKS PROHIBITED**

### **2.20.1 Prohibition and Exceptions**

- A.** The development and/or subdivision of land for the purpose of Manufactured Home Parks/Courts is prohibited in all primary general use districts; including the placement, erection, storage and/or construction of Manufactured Homes

in existing non-conforming Manufactured Home Parks. Exception is provided to this regulation where the MH Overlay District standards and specifications supplement the primary general use district standards and specifications. MH Overlay District standards and specifications are established in Sections 8.5.4 and 10.2.10 of this Ordinance.

- B.** All Non-Conforming Manufactured Home Parks not found in compliance with the requirements of Sections 8.5.4 and 10.2.10 of this Ordinance shall either cease and desist or meet full compliance standards no later than eight (8) years following either the effective date of this Ordinance or its application to newly annexed property, whichever is the latter. Exception is taken provided the Non-Conforming Manufactured Home Park satisfies the requirements of section 2.20.2 below.

**2.20.2** Standards and Specifications for Non-Conforming Manufactured Home Parks seeking Exception to Section 2.20.1.B by Issuance of a Continuation Permit:

- A.** All Manufactured Home Parks not in conformance with the standards and specifications of Sections 8.5.4 and 10.2.10 of this Ordinance may be reviewed for exception to the conformance requirement of Section 2.20-1(B) upon written request to the Administrator. The Administrator shall, upon finding that each and every requirement for exception has been met, issue a special continuation permit in writing to the owner/applicant of a NonConforming Manufactured Home Park. Request for review and exception must be received no later than eighteen (18) months following the effective date of this Ordinance or its application to newly annexed property, whichever is the latter. The standards and specifications for exception set forth in subsection (c) below are representative of reasonable standards for the continuation of a Non-Conforming Manufactured Home Park assuming that the owner/applicant wishes the continuation of said Manufactured Home Park. **B.** The expansion, modification and/or rearrangement of excepted Manufactured Home Parks is prohibited unless full compliance with Sections 8.5-4 and 10.210 is accomplished in accordance with NCGS 160D-910. **C.** The minimum site criteria shall be as follows:

Minimum site area (in acres)	1.5
Minimum number of Manufactured Home Spaces per park	6
Maximum number of Manufactured Home spaces per acre	12
Maximum number of driveways connecting directly to public streets	0



Minimum area per Manufactured Home space (square feet)	3500
Minimum Manufactured Home space width (linear feet)	38
Minimum separation between each unit (linear feet)	28
Maximum number of Manufactured Homes per space	1
Minimum number of parking spaces per Manufactured Home space	2
Minimum area of landing/patio per Manufactured Home space (sq. ft.)	32
Minimum width of paved street (linear feet)	16
Minimum percentage of paved streets	100
Minimum percentage of Manufactured Home spaces with approved water supply and sewage disposal facilities	100
Maximum number of Manufactured Home spaces with vehicular access from one-way private streets	4
Minimum percentage Manufactured Home spaces with garbage collection/disposal services provided by owner/operator	100
Identification Sign conforming to Article 17 of this Ordinance	Yes
Vehicle speed and traffic safety control devices/signs	Yes

**D.** Owners/operators of Non-Conforming Manufactured Home Parks requesting exception shall provide a detailed sketch of the site showing exact dimensions, area and layout information required herein above.

## **ARTICLE 3 DEFINITIONS, ABBREVIATIONS & SYMBOLS**

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### **ARTICLE 3**

#### **DEFINITIONS, ABBREVIATIONS & SYMBOLS**

The following words and terms shall have the meaning ascribed to them below. Additional terms related to flood hazard and other environmental regulations are defined in Article 18.

**ABANDONED.** Not occupied or in use for 60 or more consecutive days, without regard to reason or intent, except where occupancy is split between two (2) or more primary locations for seasonal residential occupancy.

**ADMINISTRATIVE DECISION.** Decisions made in the implementation, administration or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this ordinance.

**ACCESSORY BUILDING.** A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot.

**ACCESSORY DWELLING UNIT.** See DWELLING, ACCESSORY UNIT.

**ACCESSORY USE.** A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

**ACTIVE RECREATIONAL ELEMENTS.** Recreational facilities which provide opportunities for more than passive enjoyment of open space and natural areas, including but not limited to parks, playgrounds, athletic fields, basketball or tennis courts, swimming pools, clubhouses, covered decks or pavilions, and sheltered picnic facilities.

**ADAPTIVE REUSE.** The conversion of an existing building built for one use to another use, typically to address some aspect of physical or functional obsolescence.

**ADDITION (TO AN EXISTING BUILDING).** An extension or increase in the floor area or height of a building or structure.

**ADULT ESTABLISHMENT/USES.** The definition of "adult establishment" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. Adult establishments include adult bookstores, adult motion picture and mini motion picture theaters, adult video sales and rentals, adult live entertainment business and massage businesses as those terms are defined by G.S.14.202.10, and adult motels and adult cabarets. The following separate definitions individually and collectively define this term.

“Adult Bookstore” is defined as a bookstore which:

- A. receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area; or
- B. has a preponderance of its publications, books, magazines and other periodicals distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

"Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

- A. persons who appear nude or semi-nude, or
- B. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
- C. films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas.”

"Adult Motel" is defined as a hotel, motel or similar commercial establishment that:

- A. offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or
- B. offers a sleeping room for rent for a period of time that is less than ten hours; or
- C. allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours.

“Adult Theater”, as defined in this ordinance and in GS 14.202.10, is any building used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas.

**AGRICULTURAL USE.** The use of open field land for agricultural production purposes, including farming, dairying, stock watering, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for storing the supplies and products. The term shall include incidental retail sales by the producer of products raised on the farm. Agriculture does include forest management and timber harvesting activities, provided a management plan for that activity has been prepared by a Professional Forester registered in the State of North Carolina. See definition of Forest Land. Also, as defined in NCGS 160A-106-581.1.

**AGRICULTURAL PRODUCTION (CROPS ONLY).** See AGRICULTURAL USE.

AGRICULTURAL PRODUCTION (CROPS AND LIVESTOCK). See AGRICULTURAL USE.

AGRICULTURAL PRODUCTION (WITHIN BUILDINGS). The practice of horticulture, floriculture, and any form of non-animal or livestock agricultural production within buildings, such as greenhouse or hydroponic operation; along with the necessary accessory uses for storing supplies and products.

ALLEY. A roadway which affords only a secondary means of access to abutting property.

ALONG DRAINAGE. The area parallel to and within fifty (50) feet of the drainage channel.

ALTERATION. See SIGN ALTERATION.

APPEAL, FLOODPLAIN. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance. (This definition applies to flood hazard regulations. See Article 18)

APPEAL, ZONING. A request for a review of the Administrator's interpretation of any provision of this land development ordinance.

APPRAISED VALUE. The value assigned to a structure by the Johnston County Tax Assessor or by an MAI-certified real estate appraiser whichever is greater for purposes of interpreting this ordinance.

AREA OF SHALLOW FLOODING. A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. See "Special Flood Hazard Area (SFHA)". (This definition applies to flood hazard regulations. See Article 18)

ASSEMBLY. A joining together of completely fabricated parts to create a finished product.

ASSISTED LIVING FACILITY. An establishment which provides full-time convalescent and/or chronic care, including food, shelter, and caregiver or nursing care, for persons who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness

or infirmity, are unable to care for themselves. This term includes assisted care facility, convalescent home, home for the aging, sanitarium, rest home, or any similar facility.

**ATHLETIC FIELD.** Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

**AUTO WRECKING.** An activity that provides open storage, disassembling, or salvaging for more than two junked motor vehicles.

**AUTOMOBILE/VEHICLE REPAIR SERVICES, MAJOR.** An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair of exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

**AUTOMOTIVE/VEHICLE REPAIR SERVICES, MINOR.** An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air conditioners, brakes, carburetors, electrical systems, fuel systems, generators and starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

**AVERAGE SLOPE.** Shall mean the maximum inclination of the land surface from the horizontal as measured in percentage slope. The average slope shall be determined for the entire lot, tract, or subdivision before development.

**AWNING.** A cloth, plastic, or other nonstructural covering permanently attached to a building that may be raised or retracted to a position against the building when not in use.

**BALLOON, ACCENT.** A small balloon (or group of small balloons) displayed at heights of less than eight feet.

**BALLOON, TETHERED.** A large balloon (or group of balloons of any size) intended for commercial promotion and tethered at a business location.

**BAR.** An establishment primarily engaged in the retail sale of alcoholic spirits, beer or wine for consumption on the premises. Such establishment must obtain an ABC license for on-premises consumption of alcoholic spirits, beer or wine only. The establishment may also be engaged in the retail sale of prepared food for on-premises consumption.

**BANKS, CREDIT UNIONS, FINANCIAL SERVICES.** Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year (a.k.a. “100-year flood”).

**BASE FLOOD ELEVATION (BFE).** The elevation to which structures and uses regulated by this Ordinance are required to be elevated or flood proofed. The determination of the water surface elevations of the base flood is published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation.”

**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)

**BED-AND-BREAKFAST INN.** A private residence that offers sleeping accommodations to lodgers in 14 or fewer rooms for rent, is the innkeeper’s (owner or operator) principal residence while renting rooms to lodgers, and may or may not serve breakfast to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed-and-breakfast inn for fewer than 30 consecutive days. See TOURIST HOME.

**BERM, EROSION CONTROL.** A mound of material and/or ditch the purpose of which is to divert the flow of run-off water.

**BEST MANAGEMENT PRACTICES (BMP).** Conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of surface water bodies and wetlands; and (c) properly manage use and storage of fertilizers/pesticides. May use a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**BLOCK.** The land lying within an area bounded on all sides by streets.

**BLOCKFACE.** That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

**BOARD OF ADJUSTMENT.** A quasi-judicial body, appointed by the Town Council, which is given certain powers under this Ordinance.

**BOARDING HOUSE.** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders.

**BONA FIDE FARM PURPOSES.** Agricultural actives as set forth in NCGS 160D-903.

**BOOKSTORE, ADULT.** See ADULT ESTABLISHMENT.

**BORROW.** Fill material which is required for on-site construction and is obtained from other locations.

**BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**BREW PUB.** A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises.

**BUFFER.** An area of land planted or constructed to separate uses. Also, an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured from the normal pool elevation of impounded structures and from the top of bank of each side of streams or river.

**BUFFER EASEMENT.** An easement intended to permanently maintain an area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

**BUFFER ZONE.** The strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the 25% percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.



**BUILDABLE OR ZONING LOT.** One or more lots of record in one undivided ownership with sufficient total area, exclusive of easement, flood hazards, well and septic tank fields, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and planting yards. See TRACT.

**BUILDING.** [Consistent with Section 202 of the 2018 State Building Code] Any structure used or intended for supporting or sheltering any use or occupancy. See also STRUCTURE.

**BUILDING ENVELOPE.** The interior area of a lot established by the minimum front, side and rear yard area requirements of this Ordinance.

**BUILDING LINE.** A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.

**BUILDING SEPARATION.** The minimum required horizontal distance between buildings.

**BUILD-TO LINE.** An alignment establishing a specific distance from the curb line to where the principal structure shall be built.

**BUILT-UPON AREA.** That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g., tennis courts), etc. Slatted decks and the water area of a swimming pool are not considered Built-Upon Area.

**CALIPER INCHES.** Quantity, in inches, of the diameter of trees measured at the height of six (6) inches above the ground for trees four (4) inches or less in trunk diameter, and if greater than four (4) inches, then measurement is taken twelve (12) inches above the ground.

**CANOPY.** A permanent, unattached roofed structure that shelters a use or activity from the weather.

**CELLULAR COMMUNICATIONS.** SEE WIRELESS TELECOMMUNICATIONS FACILITIES.

**CERTIFICATE OF COMPLIANCE/OCCUPANCY.** A statement, signed by the Enforcement Officer, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

**CHANNEL LETTERING.** A sign design technique involving the installation of three dimensional lettering against a background, typically a sign face or building facade.



Example of Channel Lettering

**CHANNELIZATION.** Any improvements or other construction activity which occurs within or in the vicinity of an existing natural drainage-way or perennial stream which directs or relocates said waterway along some desired course, by increasing its depth or by the use of piping or any other manmade storm drainage structures.

**CHEMICAL STORAGE FACILITY.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products (applicable in Flood Hazard regulations).

**CHEMICAL BULK STORAGE STRUCTURE OR AREA.** A building, portion of a building, or exterior area adjacent to a building used for the bulk storage of any chemical or chemically reactive products, hazardous or toxic materials.

**CHICANE.** An artificial feature creating extra turns in a roadway, used on Town streets to slow the speed of traffic, by creating a horizontal deflection causing vehicles to slow as they would for a curve.

**CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or preservation of environmentally sensitive land areas. Buildings are grouped together in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family subdivisions and multi-family developments that may or may not involve the subdivision of land.

**COLLECTOR STREET PLAN.** A plan, adopted by the local governing body, for streets not shown on the Thoroughfare Plan and showing collector and, if appropriate, lower classification streets in the planning area.

**COMMON AREA(S).** All areas, including private streets, conveyed to an owners' association within a development or owned on a proportional undivided basis in a condominium development.

**COMMON OPEN SPACE.** Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i.e., a homeowner's association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development.

**COMPLETED.** Work has progressed to the point that, in the opinion of the Administrator, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished:

- A. The dam has been constructed to the approved lines and grades;
- B. all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover;
- C. principal and emergency spillways have been installed at the approved elevations and dimensions; and
- D. permanent velocity controls on the inlet and outlet pipes and channels have been

**COMPOSTING FACILITY.** A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations are deposited

**CONDITIONAL ZONING.** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map.

**CONDITIONED SPACE.** Building space completely enclosed and protected from outside elements and typically provided with heating and ventilation as opposed to carports and open-air venues.

**CONDOMINIUM.** Real estate that is developed pursuant to the North Carolina Condominium Act, North Carolina General Statute Chapter 47C.

**CONGREGATE CARE FACILITY.** A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age who by reason of their age, functional impairment, or infirmity may require meals housekeeping and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

**CONSERVATION EASEMENT.** A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving historical, architectural, archaeological, or cultural aspects of real property.

**CONSERVATION SUBDIVISION.** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.

**CONTRACTORS, GENERAL.** The office of a business which contracts for and assumes responsibility for completing a construction project and hires, supervises, and pays all subcontractors and service contractors.

**CONTRACTORS, SERVICE.** The office of a business providing a specific trade or service, including but not exclusive of plumbing, electricity, carpentry, flooring, pest control, cleaning, restoration, painting and other trades predominately conducted at the customers premises.

**COTTAGE DEVELOPMENT.** A cluster of small detached single-family residences constructed to specific design standards and arranged around common open space, generally at higher density than the underlying zoning would allow for traditional detached single-family residential development.

**COTTAGE HOME.** A small detached single-family residence constructed to specific design standards and arranged around common open space as part of a cottage development.

**COUNTY.** Refers to governing authority of Johnston County, North Carolina.

**CRITICAL AREA.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**CRITICAL ROOT ZONE.** The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

**CUL-DE-SAC.** A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

**CURB BULB.** An extension of the curb into the street, beyond the standard edge of the curb, which narrows the width of the roadway and is used to slow the speed of traffic on Town streets. The curb bulb may be used for landscaping, pedestrian crosswalk, or for a combination of uses. Sometimes referred to as a “bulb out.”

**DAY CARE CENTER.** A facility licensed by the State of North Carolina for the care of children or adults for periods of less than 24 hours per day.

**DENSITY CREDIT.** Allocation of the density from within exacted land areas to other developable portions of a parcel. Gross density calculation includes this allocation.

**DETERMINATION.** A written, final and binding order, requirement or determination regarding an administrative decision.

**DETENTION POND.** A wet or dry stormwater holding area, either natural or manmade, which filters and releases stormwater to nearby or adjoining water bodies in a gradual fashion, also means a pond which collects stormwater runoff, filters the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond. Also see definition of Best Management Practices.

**DETENTION POND, WET.** Means a pond that has a permanent pool and also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

**DEVELOPER.** A person engaging in development.

**DEVELOPMENT.**

- A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
- B. excavation, grading, filling, clearing, or other alteration of land;
- C. the subdivision of land as defined in G.S. 160D-802; or
- D. the initiation or substantial change in the use of land or the intensity of use of land.

**DEVELOPMENT ADMINISTRATOR.** The Administrator, their designee, or other staff designated by the Town Council having authority to interpret, administer, and enforce the Wilson's Mills Development Ordinance.

**DEVELOPMENT APPROVAL.** An administrative or quasi-judicial approval made pursuant to G.S. § 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal.

**DEVELOPMENT AGREEMENT.** An agreement between the Town of Wilson's Mills and a developer pursuant to NCGS §160D-101 for a large-scale development with a lengthy buildout period and having a public-private partnership component involving mutual financial interests.

**DEVELOPMENT, DENSITY OF.** The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks shall be used for density calculations.

**DEVELOPMENT REGULATION.** A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. § 160D, or a local act or charter that regulates land use or development.

**DISCHARGING LANDFILL.** A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

**DISPERSED DRAINAGE.** Means spread out, as opposed to collecting the runoff in channels, so as to affect increased sheet flow and overland flow.

**DISPOSAL.** As defined in NCGS §130A.290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground-waters.

**DISPOSAL OF HAZARDOUS OR TOXIC SUBSTANCE(S).** The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

**DISPOSAL FACILITY.** A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

**DIVERTER.** A constructed feature designed to prevent left turns or through movements into a residential area, used as method to calm traffic on Town streets.

**DOMESTIC WASTEWATER DISCHARGE.** The discharge of sewage, non-process industrial wastewater, other domestic wastewater, or any combination of these items. It includes liquid waste generated by domestic water-using fixtures and appliances from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through noncontact cooling water, seafood packing facility discharges, and wastewater from restaurants.

**DRAINAGE, DISPERSED.** Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

**DRAINAGE, ENHANCED.** Drainage carried by existing natural drainage-ways which have been enhanced to resist soil erosion and stream bank degradation. An enhanced natural drainageway is achieved with the installation of an engineered measure (i.e., netting, riprap) which will resist soil erosion and allow infiltration within the natural drainage-way.

**DRAINAGEWAY.** Any natural or man-made channel that carries surface runoff from precipitation.

**DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED.** The area designated for floodplain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes and, where approved by the Town, for utilities.

**DRAINAGEWAY, IMPROVED.** Drainage channeled by impervious surfaces such as curb and gutter or concrete channels.

**DRAINAGEWAY, PROTECTED.** Drainage channeled by pervious devices such as sod waterways, berms, channels, or swales which have been stabilized with vegetation, rip-rap, or a combination of these, to resist soil erosion.

**DRILLING OPERATION PETROLEUM, NATURAL GAS.** The extraction of petroleum, natural gas, and related energy resources through mining, drilling and other related extraction techniques, including fracking. See **FRACKING**.

**DRIPLINE.** A vertical line extending from the outermost portion of a tree's canopy to the ground.

**DRY DETENTION POND.** A pond which collects stormwater runoff, holds the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

**DUPLEX.** A structure having two (2) dwelling units within a single structure.

**DWELLING.** [Consistent with Section 202 of the 2018 State Building Code] A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, or hired out to be occupied for living purposes.

**DWELLING UNIT.** [Consistent with Section 202 of the 2018 State Building Code] A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, ACCESSORY UNIT.** A dwelling that exists either as part of a principal dwelling or as an accessory building that is secondary and incidental to the use of the property as single family residential.

**DWELLING, ATTACHED HOUSE (TOWNHOUSE).** A dwelling unit located within a building and attached to other similar dwelling units in which each unit is located on an individually owned parcel, generally within a development containing facilities and areas owned in common.

**DWELLING, MANUFACTURED/MOBILE HOME.** For manufactured/mobile homes built before June 15, 1976, "manufactured/mobile home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over seven feet in width.

**DWELLING, MANUFACTURED HOME – TYPE 1.** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

**DWELLING, MANUFACTURED HOME – TYPE 2.** A double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation



having a measurement of over 32 feet in length and over eight feet in width. The term “manufactured home” does not include a recreational vehicle.

**DWELLING, MULTIFAMILY.** A building or portion thereof used or designed for three or more dwelling units; the term includes apartments, and condominiums.

**DWELLING PARK, MANUFACTURED HOME.** Any place, area, lot, parcel, or space of land maintained, offered or used for the placement of two (2) or more manufactured homes; said space may be used or intended for use as a residential dwelling whether or not compensation is paid for any or all accommodation; and said space may be occupied under various ownership or lease arrangements. The term manufactured home park/court shall include the term mobile home park/court.

**DWELLING, MODULAR.** A dwelling constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**EASEMENT.** A grant of one or more of the property rights, such as right of access, by the property owner to, or for use by the public, a corporation, or other entity.

**ELECTRICAL ENERGY PRODUCTION (FOSSIL FUEL-BASED).** Electricity-generating facility operated by a utility company authorized and licensed by the State of North Carolina utilizing coal, oil, or other fossil fuel as the source of power generation.

**ELECTRICAL ENERGY PRODUCTION (ALTERNATIVE SOURCES).** Electricity-generating activities operated a power generation facility by a licensed utilities company. The term does not include appurtenant panels as an accessory activity to a principal use of a property utilizing solar, wind, or other non-fossil fuel source of power.

**ELECTRONIC GAMING OPERATION.** Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

**ELEVATED BUILDING.** A non-basement building which had its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ENCROACHMENT.** The advance or infringement of uses, fills, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to flood hazard regulations.)

**ENFORCEMENT, COMPLAINT-BASED.** Enforcement action initiated on the basis of information provided by a third-party complainant.

**ENFORCEMENT OFFICER.** The Administrator or their designee.

**ENFORCEMENT, PROACTIVE.** Enforcement action initiated at the discretion of the Administrator independent of any third-party complaint.

**ENHANCED DRAINAGE-WAY.** Means carried by existing natural drainageways which have been enhanced to resist soil erosion, including stream bank degradation.

**EQUESTRIAN USE.** Paddocks, fields, stables, barns, riding ring, and other facilities provided for the care and use of horses.

**EROSION.** The wearing of land surface by the action of wind, water, gravity or any combination thereof.

**EROSION, ACCELERATED.** Any increase over the rate of natural (i.e. undisturbed by human intervention) erosion as a result of land-disturbing activities.

**EVIDENTIARY HEARING.** A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. § 160D.

**EXISTING DEVELOPMENT.** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning based on at least one (1) of the following criteria:

- A. Substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or B. Having a valid outstanding building permit; or
- C. Having an approved site specific vesting plan (previously referred to as “site specific development plan”) or phased development plan in compliance with North Carolina General Statute 160D-102 and -108.

**EXISTING LOT OF RECORD.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance or a lot described by metes and bounds, the description of which has been so recorded prior to December 31, 1999.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community. (This definition applies to Article 18)

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of this Ordinance.

**FAMILY.** One or more persons related by blood or marriage, or up to three unrelated adults, occupying a dwelling unit and living as a single household.

**FAMILY CARE HOME.** A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or fewer resident handicapped persons, pursuant to NCGS §168-21.

**FARM.** See Agricultural Use.

**FARMER’S MARKET.** An open-air market at a regularly scheduled venue, includes seasonal and year-round markets.

**FEDERAL LAW REFERENCE.** National pollutant discharge elimination system (NPDES) permits (applies to watershed standards only).

**FENCE.** A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

**FIXTURE, FULL CUT-OFF.** An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

**FIXTURE, PARTIAL CUT-OFF.** An outdoor light fixture shielded in such a manner that more than zero (0) but less than ten (10) percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane, as determined by photometric test or certified by the manufacturer.

**FLOOD AND FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD INSURANCE.** The insurance coverage provided under the National Flood Insurance Program.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of the Town of Wilson's Mills on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town of Wilson's Mills and its ETJ.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

**FLOOD PLAIN.** The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake, or other body of standing water, which has been or may be covered by flood water and which is susceptible to being inundated by water from any source.

**FLOODPLAIN ADMINISTRATOR.** The individual appointed to administer and enforce the floodplain management regulations.

**FLOODPLAIN DEVELOPMENT PERMIT.** Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS.** This ordinance and other zoning

ordinances, subdivision regulations, building codes, health regulations, special purposed ordinances, and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**FLOOD PRONE AREA.** See FLOOD PLAIN.

**FLOODPROOFING.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODWAY FRINGE.** The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined in these Definitions.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**FLOOD ZONE.** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FLOOR AREA, GROSS.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet. Additionally, gross floor area includes areas covered by canopies and like structures under which an active use is occurring such as drive-through service, gasoline pumping, loading and/or storage of materials, and similar activities.

**FLOOR.** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**FOOD TRUCK.** See MARKET, TAILGATE.

**FOREST LAND.** Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit must be appraised under the usevalue schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(3), and each tract must be under a sound management program.

**FRACKING.** The production of natural gas from prehistoric shale rock formations by means of horizontal drilling and hydraulic fracturing.

**FREEBOARD.** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation.”

**FULLY SHIELDED LIGHTING FIXTURE.** A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities. This definition applies only to the Flood Damage Prevention standards.

**FURNITURE AND FIXTURES.** An industrial process that involves the assembling of furniture utilizing parts that are pre-made and fabricated elsewhere.

**GATED COMMUNITY.** A subdivision, neighborhood, or residential development to which entry is restricted to residents and their guests. Often includes barriers such as gates, security personnel, fences and/or walls.

**GENERAL COMMERCIAL/RETAIL.** A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods, available for immediate purchase and removal from the premises by the purchaser.

**GIFT SHOP.** A retail space in which miscellaneous articles that are appropriate as gifts are sold.

**GRADE.** A reference plane representing the average of finished ground level adjacent to any structure.

**GRADING.** Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is relocated on

any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land disturbing activity."

**GRADING PLAN.** The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

**GRANDFATHERED.** Not affected by a change in this Ordinance absent physical modification or abandonment. Buildings, land uses, and lots or parcels of property that do not meet the standards of this Ordinance but legally existed prior to the effective date of this Ordinance, and complied with prior ordinances, regulations, and or standards, shall not be affected by this ordinance absent physical modification or abandonment.

**GRAND OPENING.** A promotional activity not exceeding 30 calendar days used by newly established businesses, within 60 calendar days after initial occupancy, to inform the public of their location and services available to the community.

**GRAVEL.** A clean or washed, loose aggregation of small, rounded, water-worn or pounded stones ranging in size from .08" to 3.0" in size. Gravel is not crushed stone or rock.

**GREENWAY.** A linear open space along either a natural corridor such as a riverfront, stream valley or ridge line, or along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route managed for public use that has been designated on an officially adopted greenway plan. Greenways typically link parks, nature preserves, cultural features or historic sites with each other and/or with neighborhoods, schools, and commercial districts.

**GROUP CARE FACILITY.** A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment.

**HAZARDOUS AND/OR RADIOACTIVE WASTE (TRANSPORTATION, STORAGE AND/OR INCINERATION).** An industrial operation that transports, stores, and /or incinerates or otherwise disposes of hazardous materials and/or hazardous or toxic materials as defined in this ordinance. The term includes a hazardous waste management facility and hazardous waste treatment facility as defined in this ordinance.

**HAZARDOUS INDUSTRY.** An industrial operation that receives, stores, incorporates into its industrial processes, and/or generates through its industrial processes either as part of its

intended product or as part of its waste stream by-product, hazardous materials and/or hazardous or toxic materials as defined in this ordinance. The term includes a hazardous waste generator as defined in this ordinance.

**HAZARDOUS MATERIAL.** Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et seq.); or section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

**HAZARDOUS OR TOXIC SUBSTANCE.** Any solid waste as defined in NCGS §130A.290 (18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94.476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HAZARDOUS WASTE GENERATOR.** Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules or whose act first causes a hazardous waste or toxic substance to become subject to regulation provided that, "generator" does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process, creates a different hazardous waste or toxic substance.

**HAZARDOUS WASTE MANAGEMENT FACILITY.** As defined in NCGS §130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

**HAZARDOUS WASTE TREATMENT FACILITY.** A facility established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which includes several of the following equipment or processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities including settling systems, aerobic digester, anaerobic digester, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate recycling, analytical capabilities, and other similar technologies, and processes as may now exist or be developed in the future.

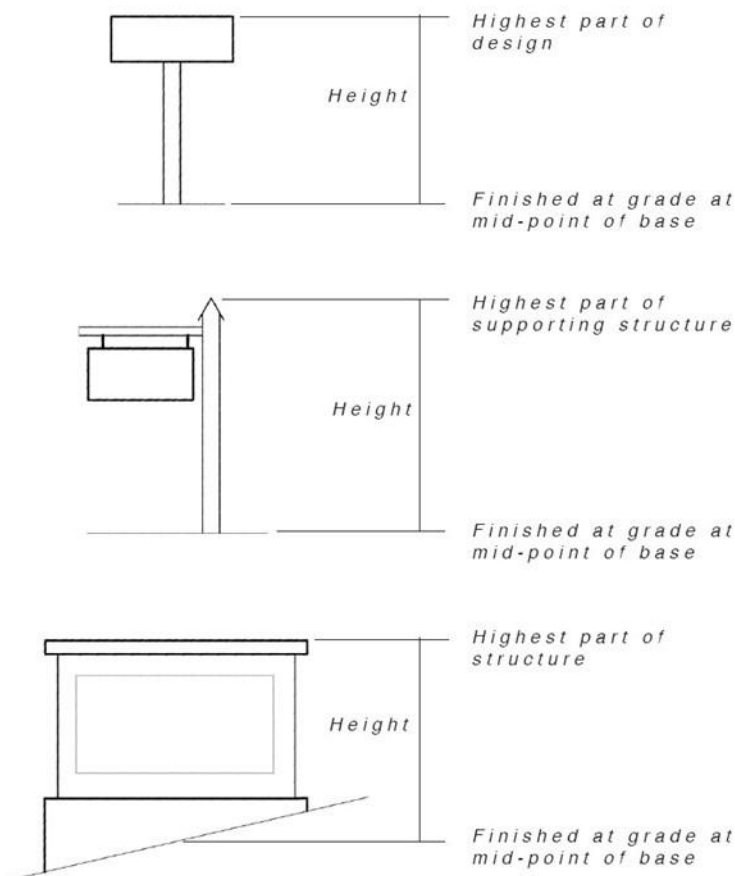


**HIGHEST ADJACENT GRADE (HAG).** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**HEIGHT, BUILDING.** For buildings with flat roofs, the vertical distance from the mean elevation of the finished grade to the highest finished roof surface. For buildings with pitched roofs, the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. (See definition below for freestanding sign height.)

**HEIGHT, FREESTANDING SIGN.** The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and finished grade at the midpoint of the base of the sign.

### **H E I G H T / S I G N**



**HEIGHT, OTHER STRUCTURE.** The vertical distance from the existing grade to the highest point of the structure above such existing grade.

**HOME OCCUPATION.** Any business use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or the neighborhood.

**ILLCIT CONNECTION.** Any unlawful connection which allows the discharge of nonstormwater to the stormwater conveyance system or waters of the state in violation of this ordinance.

**ILLCIT DISCHARGE.** Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the water of the state, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state.

**IMPACT.** The effect of one land use upon another as measured by traffic or noise generation, site activity, hours of operation, site lighting, vibration, smoke or odor emissions, or similar factors.

**IMPERVIOUS SURFACE.** Improvements including street pavement, driveways, gravel areas, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.

**IMPERVIOUS SURFACE COVERAGE.** That portion of a lot covered by buildings, structures, paving or other impervious surface materials.

**IMPROVED DRAINAGE-WAY.** Means channeled by impervious surfaces such as curb and gutter or concrete (gunnite, bituminous, etc.) channels.

**INDUSTRIAL DEVELOPMENT.** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

**INDUSTRIAL DISCHARGE.** The discharge of industrial process treated wastewater or wastewater other than sewage and including:

- A. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- B. Wastewater resulting from processes of trade or business, including wastewater from laundry-mats and car washes, but not wastewater from restaurants;
- C. Stormwater contaminated with industrial wastewater; and

D. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

**INDUSTRY, LIGHT.** Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and /or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Light industry typically involves land uses operated in such a manner as to control external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

**INDUSTRY, HEAVY.** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**INTEGRATED MULTIPLE USE DEVELOPMENT (IMUD).** A development containing three or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage plan, and 4) common landscaping plan. Examples are shopping centers and office parks having the characteristics listed above. Such integrated developments may include outparcels for lease or for sale. Any such integrated development may be organized as a condominium or in a manner analogous to that of a City-house development (with ownership parcels beneath the building units and with parking and driveways being in common elements owned and maintained by an Owners' Association).

**JUNK/SALVAGE YARD.** Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**JUNKED AUTOMOBILE.** See MOTOR VEHICLE, JUNKED

**LAND-DISTURBING ACTIVITY.** Any use of land in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that causes or contributes to sedimentation.

**LANDFILL.** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of these watershed provisions, this term does not include composting facilities.

**LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MAJOR).** A disposal site

other than minor demolition and construction debris landfill as defined in this ordinance for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

**LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MINOR).** A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth which is less than three acres in size and is in operation for less than one year.

**LANDFILL, SANITARY/SOLID WASTE.** A site for solid waste disposal from residential, industrial or commercial activities.

**LEGISLATIVE DECISION.** The adoption, amendment, or repeal of a regulation under G.S. § 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with G.S. § 160D Article 10.

**LEGISLATIVE HEARING.** A hearing to solicit public comment on a proposed legislative decision.

**LIGHTING, ACCENT.** Lighting intended to accentuate an architectural feature such as a window, roofline, or other vertical or horizontal element and consisting of small, non-flashing white lights.

**LIVESTOCK.** Animals, poultry or aquatic life bred and/or raised for the purpose of human and/or animal consumption.

**LOT.** A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes "plot", "parcel," or "tract." LOT,

**CORNER.** A lot abutting two or more streets at their intersection.

**LOT, DEPTH.** The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

**LOT, EASEMENT-ACCESS.** An Existing Lot of Record recorded in the Office of the Register of Deeds with an established residential use not abutting a public street where an access easement of at least fifteen (15) feet in width for the entire length of said easement has also been recorded in the Office of the Register of Deeds.

**LOT OF RECORD.** A lot, plot, parcel or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation. (see “Existing Lot of Record”)

**LOT, REVERSE FRONTAGE.** A through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

**LOT, THROUGH.** A lot abutting two streets that do not intersect at the corner of the lot.

**LOT WIDTH.** The mean width measured at right angles to its depth at the building front setback line.

**LOWEST ADJACENT GRADE (LAG).** The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOWEST FLOOR.** Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**MAINTENANCE (OF A SIGN).** Cleaning, painting, repairing, or replacing defective parts in such a manner that does not alter the basic structure of a sign. This definition includes the changing of the copy or listings on a changeable copy, civic event, sandwich board, or directory sign and the replacement of sign copy with other sign copy of the same or smaller size on other permitted signs.

**MAJOR WATERSHED VARIANCE.** A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor greater than five (5) percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than ten (10) percent of any management requirement under the low density option.

**MANUFACTURED HOME.** See DWELLING, MANUFACTURED HOME.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include "recreational vehicle." (This definition applies to flood hazard regulations. See Article 18)

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured one lots for rent or sale.

MANUFACTURED HOME PARK/COURT. See DWELLING PARK, MANUFACTURED HOME.

MANUFACTURED HOME SUBDIVISION. See SUBDIVISION, MANUFACTURED HOME.

MANUFACTURED HOUSING AND WOOD BUILDINGS. An industrial process that involves the production and assembling manufactured housing and other wooden buildings utilizing parts that are pre-made and fabricated elsewhere.

MARKET, TAILGATE. The periodic offering for sale of fresh agricultural and/or prepared food products directly to the consumer at an open-air venue, including the term “Food Truck”.

MARKET VALUE. The building value, not including the land value, and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MAXIMUM RUNOFF CONTROL. Means approximately one hundred (100%) percent of BuiltUpon Area runoff must pass through permanent wet detention pond(s).

MEAN SEA LEVEL. For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as correct in 1929, the North American Vertical Datum (NAVD) as correct in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MILLWORK, PLYWOOD, VENEER. An industrial process involving millwork and creation of wooden parts for furniture, housing, and other uses that are assembled elsewhere.

MINING AND/OR EXTRACTION (INCLUDING QUARRY). The long-term removal of soil, gravel, minerals, and/or other resources of a site for offsite manufacturing or industrial purposes. This term does not include grading, site clearance, or temporary stockpiling of soil associated with development of a site.

MINOR WATERSHED VARIANCE. A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of up to five percent of any buffer, density or built-upon area requirements under the high-density option; or relaxation by a factor of ten (10) percent of any management requirement under the low-density option.

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**MIXED-USE DEVELOPMENT.** The combination of complementary land uses in an integrated fashion through the development of a tract of land, building or structure.

**MOBILE HOME.** See DWELLING, MANUFACTURED HOME.

**MODERATE RUNOFF CONTROL.** Means at least seventy-five (75%) percent of Built-Upon Area runoff must pass through permanent wet detention pond(s).

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**MOTOR VEHICLE, JUNKED OR ABANDONED.** A motor vehicle that is not currently registered and does not display a current license plate and one or more of the following applies: 1) the vehicle is partially dismantled or wrecked; or 2) the vehicle cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) the vehicle is more than five years old and appears to be worth less than five hundred dollars (\$500.00).

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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.** A permitting system established pursuant to 402 of the Clean Water Act.

**NECKDOWN.** Constructed features designed and placed to narrow the width of traffic lanes in order to slow the speed of traffic on Town streets. Curb bulbs and chicanes may be used for this purpose.

**NEIGHBORHOOD.** An area of the Town with characteristics which distinguish it from others including distinct economic bases, housing types, schools, development styles or patterns, or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers, or major water bodies.

**NEIGHBORHOOD PLAN.** The plan officially adopted by the Wilson's Mills Town Council for a particular neighborhood or district that provides specific design standards and guidelines regulating the development and use of the property.

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. (This definition applies only with respect to flood hazard regulations.)

**NEW DEVELOPMENT.** Any land-disturbing activity which adds to or changes the amount of built-upon area. (This definition applies only with respect to watershed protection regulations.)

**NONCONFORMING USE.** Any current legal use of property not otherwise permitted under current zoning regulations. This may include, without limitation 1) a use legally established under requirements at the time of installation or construction but not now permitted in the zoning district in which it is located or 2) a use conditionally allowed in the zoning districts in which it is located but for which no conditional use or special use permit has been obtained. See **GRANDFATHERED**.

**NONCONFORMITY, DIMENSIONAL.** Any current legally constructed improvement on property not otherwise permitted under current zoning regulations, involving a dimensional or numerical development requirement. This definition does not include Signs, Nonconforming, which are defined herein and addressed in Article 17. Dimensional nonconformities may include, without limitation, nonconformities associated with density, landscaping, buffering, lot size, lot width, lot depth, setbacks, height, structure size standards, impervious surface standards, open space, number of parking spaces, or separation requirements between particular uses or zoning districts. See **GRANDFATHERED**.

**NONCONFORMITY, LAWFUL.** Any current legal lot, structure, or use of property not otherwise permitted under current zoning regulations constructed or established in conformity with the then-applicable development requirements of the Town, but subsequently not permitted by action of the Town through a zoning map or unified development code text amendment. See **GRANDFATHERED**.

**NON-ENCROACHMENT AREA.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

**NON-PROCESS DISCHARGE.** Industrial effluent not directly resulting from the manufacturing process. An example is noncontact cooling water from a compressor.

**OCCUPANCY.** A separately leased or owned area within a building having ground level frontage on a right-of-way or parking facility.

**OFF-PREMISES.** Not located on the property to which it pertains.

**OFFICE, PROFESSIONAL.** The office of a member of a recognized profession maintained for the conduct of that profession, including, but not limited to, the offices of doctors, lawyers, dentists, landscape architects, architects, stockbrokers and financial analysts, chiropractors, engineers, surveyors, or town planners.



**OFFICE-WAREHOUSE.** A land use that includes offices that support showroom or warehouse uses.

**ON-PREMISES.** Located on the property to which it pertains.

**OPEN SPACE.** Any publicly dedicated or privately-owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

**OUTDOOR AMUSEMENT.** Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

**PASSIVE RECREATION ELEMENT.** Trails, open space, uncovered picnic areas, and similar facilities provided for recreational use.

**PERENNIAL AND INTERMITTENT STREAMS.** Those streams (and rivers), with associated lakes and ponds as indicated on the following:

- A. On the most recent version of the United States Geological Survey 1:24,000 scale (7.5minute quadrangle) topographical map;
- B. On the most recent version of the Soil Survey of Johnston County developed by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (formerly the USDA Soil Conservation Service);
- C. By other site-specific evidence that indicates to the North Carolina Division of Water Quality (DWQ) the presence of such waters not shown on either of these two (2) maps or evidence that no actual stream or water-body exists; or
- D. Upon determination following field inspection by a qualified professional.

**PERSONAL CARE SERVICES.** Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

**PLAN, SKETCH.** A rough sketch map of a proposed subdivision or site showing streets, lots, and any other information required by the Town of sufficient accuracy used for discussion of the street system and the proposed development pattern.

**PLANNED COMMUNITY.** Real estate with respect to which any person, by virtue of that person's ownership of a lot, is expressly obligated by a declaration to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or other real estate described in the declaration. For purposes of this act, neither a cooperative nor a condominium is a planned community, but real estate comprising a condominium or cooperative

may be part of a planned community. "Ownership of a lot" does not include holding a leasehold interest of less than 20 years in a lot, including renewal options.

**PLANNING AND DEVELOPMENT JURISDICTION.** The geographic area defined in G.S. 160D within which a Town may undertake planning and apply the development regulations authorized in this ordinance.

**PLANNED UNIT DEVELOPMENT.** An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

**ADMINISTRATOR.** The Administrator or other staff appointed by the Town Council having authority to interpret, administer, and enforce the Wilson's Mills Development Ordinance.

**PLAT.** A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

**PLAT, FINAL.** The final map of all or a portion of a subdivision or site plan, showing the boundaries and location of lots, streets, easements and other improvements required by the Town, which is presented for approval by the Town Council and subsequent recorded in the Johnston County Register of Deeds Office.

**PLAT, PRELIMINARY.** A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other improvements required by of the Town, which is presented for preliminary approval.

**POLLUTION.** Man-made or man induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

**PORTABLE STORAGE UNIT (POD).** A transportable unit designed and used for the temporary storage of household goods, personal items and other materials which is placed on a site for the use of occupants of a dwelling or building on a limited basis. Such containers are uniquely designed for their ease of loading to and from a transport vehicle.

**POST-FIRM.** Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

**POWELL BILL MAP.** A map showing the length, width and surface improvement type (pavement, dirt, gravel, etc.) of municipal streets submitted annually by North Carolina municipalities to NCDOT for purposes of determining each municipality's share of N.C. gasoline taxes for street maintenance purposes.

**PRE-FIRM.** Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate map for the area.

**PRINCIPALLY ABOVE GROUND.** That at least 51% of the actual cash value of the structure is above ground.

**PRINCIPAL STRUCTURE.** A structure (or structures) in which the principal use of the lot or property is conducted.

**PRINCIPAL USE.** The primary use of any lot or property.

**PROTECTED DRAINAGEWAY (CHANNEL).** Where drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping, or a combination of those, and which allows infiltration of water into the soil.

**PUBLIC OPEN SPACE.** Open space that is accessible to the general public and maintained by the Town.

**PUBLIC SAFETY AND/OR NUISANCE.** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin. (This definition applies only to flood hazard regulations.)

**RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily for use not as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**RECREATIONAL VEHICLE PARK.** Any site or tract of land, of contiguous ownership, upon which 15 or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance.

**REFERENCE LEVEL.** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A0, AE, or A.

**REGULATORY FLOOD PROTECTION ELEVATION.** The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood

Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

**REGULATING PLAN.** A master development plan for a site, parcel, or property, meeting the standards of the Town of Wilson’s Mills and identifying building, parking, and landscape locations, open spaces, trails, other amenities, and other features as required by the Town. Upon its approval by the Wilson’s Mills Town Council, the plan becomes the guide for the development of the property and all development activity on the property must comply with the plan.

**REMEDY A VIOLATION.** To bring the structure or other development into compliance with State and community floodplains management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure of other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development. (This definition applies only with respect to flood hazard regulations.)

**RENOVATION.** The repairing or remodeling of a structure in which the exterior walls, foundation and roof are maintained structurally intact.

**REQUIRED DRAINAGE CHANNEL.** The theoretical stream bed section which is required to carry and discharge the runoff from a 100-year storm.

**RESEARCH AND TECHNOLOGY PRODUCTION USES.** Uses such as medical, optical and scientific research facilities, software production and development, clinics and laboratories, pharmaceutical compounding and photographic processing facilities, and facilities for the assembly of electronic components, optical equipment, and precision instruments.

**RESIDENTIAL DEVELOPMENT.** Buildings for use as residences such as attached and detached single-family dwellings, apartment complexes, condominiums, town-houses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**RETENTION POND.** A stormwater holding area, either natural or manmade, which has a permanent pool and does not release stormwater to nearby or adjoining water bodies. Also means a pond that has a permanent pool and also collects stormwater runoff, filters the water, and releases it slowly over a period of days. Also see Best Management Practices definition.

**RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**ROOF LINE.** Either the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**ROOMING AND BOARDING HOUSE.** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

**RUNOFF CONTROL IN EXCESS OF MINIMUM REQUIREMENTS OF EROSION CONTROL ORDINANCE.** Means at least fifty (50%) percent of Built-Upon Area runoff must pass through permanent wet detention pond(s).

**RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS.** Velocity control of runoff.

**RURAL MARKET.** Place of business serving primarily rural areas and trading in primarily rural products, produce, crafts, and commodities. Does not include convenience stores, gasoline and/or fuel sales.

**SALVAGE YARD.** Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

**SALVAGE YARD, AUTO PARTS.** Any establishment listed in the Standard Industrial Classification manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts thereof.

**SALVAGE YARD, SCRAP PROCESSING.** Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

**SEARCHLIGHT.** A device that emits an upwardly directed beam of light to attract commercial attention.

**SEDIMENT.** Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

**SEDIMENTATION.** The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

**SETBACK.** The minimum required horizontal distance between a structure and the lesser of either the lot line or the line that marks the beginning of street right-of-way maintenance by the Town of Wilson's Mills or the North Carolina Department of Transportation, as determined by the Town of Wilson's Mills.

**SETBACK, REAR.** A setback from an interior property line lying on opposite side of the lot from the front street setback.

**SETBACK, SIDE.** Any interior property line setback other than a rear setback.

**SETBACK, STREET.** Any setback from a street, road or lane right-of-way line.

**SETBACK, ZERO SIDE.** An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero feet from a side property line. This definition does not include townhouses.

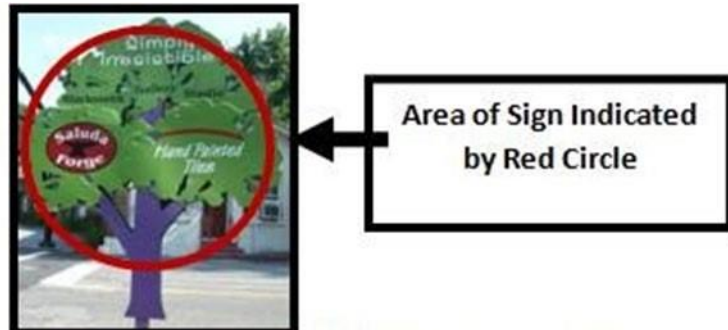
**SHOPPING CENTER.** A group of retail and other commercial establishments that are planned, developed, owned and managed as a single property. On-site parking is provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center.

**SHEAR WALL.** Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

**SIGN.** A communications medium, method, device, structure, or fixture that incorporates motion, lighting, graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction to or identification of a neighborhood, premises, event or facility.

**SIGN ALTERATION.** Any change to the size, shape, illumination, position, location, or construction of a sign or the supporting structure of a sign. Maintenance or change of copy which does not entail replacement of the sign face is not included in this definition.

**SIGN AREA.** The size of a sign in square feet as computed by the area of not more than two standard geometric shapes (specifically circles, squares, rectangles, or triangles) that encompass the shape of the sign exclusive of the supporting structure.



**Example Illustrating Measurement of the Area of an Irregularly Shaped Sign**

**SIGN COPY.** Any graphic design, letter, numeral, symbol, figure, device or other media used separately or in combination that is intended to advertise, identify or notify, including the panel or background on which such media is placed.

**SIGN FACE.** The side or sides of a sign on which a message is placed.

**SIGN ILLUMINATION, TYPES OF.**

- A. **AMBIENT.** Illumination of a sign by light from the sign's general surroundings, such as daylight or nearby streetlights.
- B. **EXTERNAL.** Illumination of a sign by a source of light located exterior to the sign, such as a floodlight.
- C. **INTERNAL.** Illumination of a sign by a source of light contained within the sign itself.

**SIGN, NONCONFORMING.** A sign legally consistent with the standards in place at the time of installation but which now does not meet one or more current standards.

**SIGN TYPES.**

- A. **SIGN, AWNING.** A sign incorporated into or attached to an awning.
- B. **SIGN, BLADE (OR PROJECTING).** A sign attached to and projecting from the building façade, typically at right angles to the building.
- C. **SIGN, CANOPY.** A sign incorporated into or attached to a canopy.
- D. **SIGN, CHANGEABLE COPY.** A sign or portion thereof designed to accommodate frequent copy changes through manual, mechanical or digital means.
- E. **SIGN, DIRECTIONAL.** An on-premises sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians entering, exiting, or on a site, including signs marking entrances and exits, parking areas, loading zones, or circulation patterns.

- F. SIGN, DIRECTORY. A sign listing the names, uses, or locations of the discrete uses or activities conducted within a building or group of buildings that is intended to provide on-site directions.
- G. SIGN, EXEMPT. A sign identified in Article 17, section 6 that is exempt from the requirements of this ordinance, either conditionally or unconditionally.
- H. SIGN, FLAT (OR WALL). A sign attached directly to and generally parallel with the façade of a building.
- I. SIGN, GOVERNMENT. A sign installed by an active domestic unit of government, or by a contracted installer on behalf of the unit of government.
- J. SIGN, INCIDENTAL. A sign, generally informational, whose purpose is secondary to the use of the premises on which it is located, such as the date of building erection, the building address, the hours of operation, the open or closed status of the operation, the credit cards honored, and similar incidental information, and containing no commercial message.
- K. SIGN, MACHINE. A sign attached to a machine such as a gasoline pump, a drivethrough menu kiosk, a soft drink dispensing machine, or an ATM.
- L. SIGN, MONUMENT (OR GROUND). A freestanding sign supported by a structure that is at least as wide as the sign to which it is attached.
- M. SIGN, OUTDOOR ADVERTISING (OR BILLBOARD). A type of off-premises sign that contains a commercial message.
- N. SIGN, PERMANENT. A sign intended, designed and/or constructed for permanent display and permitted as such.
- O. SIGN, POLE. A freestanding sign supported by a structure consisting of not more than two poles.
- P. SIGN, SANDWICH BOARD (OR A-FRAME). A temporary freestanding sign designed and displayed to provide information to pedestrians.
- Q. SIGN, SNIPE. A temporary sign not otherwise defined in this Article that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, fence, railing, public telephone pole, traffic control device, or tree.
- R. SIGN, TEMPORARY. A sign not intended, designed and/or constructed for permanent display and permitted as such.
- S. SIGN, TIME AND TEMPERATURE. A sign that displays time and temperature information as its only message.
- T. SIGN, V-TYPE. An attached sign consisting of two separate faces arranged in a “V” pattern and having an angle of 120 degrees or less as measured from the side attached to the building.
- U. SIGN, WINDOW. A sign attached to a display window or door window that is intended to be viewed from the exterior. This definition shall include signs attached to the interior of a display window or door window.



**SILTATION.** Sediment resulting from accelerated erosion which is separable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited, or is in suspension in water.

**SINGLE FAMILY RESIDENTIAL.** Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit, except for the permitted accessory dwelling unit.

**SITE PLAN.** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structure on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and site plan review.

**SITE SPECIFIC DEVELOPMENT PLAN.** A plan that has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and which establishes vested rights for a specific period of time, per North Carolina General Statutes. Such plan may be in the form of, but not limited to, any of the following plans or approvals: A subdivision plat, a preliminary or general development plan, a comment use permit (hereby replaced by special use permits), a conditional district plan, or any other land-use approval designation as may be utilized by the Town. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures and other improvements; the approximate dimensions, including height, of the proposed building and other structures; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and any other information required by the Town for the type of plan or approval requested by the landowner. A variance shall not constitute a site-specific development plan. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property may constitute a site-specific development plan.

**SLEEPING UNIT.** [Consistent with Section 202 of the 2018 State Building Code] A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**SLUDGE.** Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the North Carolina Environmental Management Commission.

**SMOKE & TOBACCO SHOP.** Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, usage or marketing of tobacco, tobacco products, or tobacco paraphernalia.

**SOLID WASTE DISPOSAL FACILITY.** Any facility involved in the disposal of solid waste as defined in NCGS §130A.290(a)(35).

**SOLID WASTE DISPOSAL SITE.** As defined in NCGS §130A.290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

**SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the floodplain subject to a one (1%) or greater chance of being flooded in any given year, as determined in Section 18.3(B) of this ordinance.

**SPECIAL USE PERMIT.** A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”

**STABILIZING VEGETATION.** Any vegetation that prevents accelerated soil erosion. Also means any vegetation that protects the soil against erosion.

**STABILIZING VEGETATION.** Any vegetation that prevents accelerated soil erosion. Also means any vegetation that protects the soil against erosion.

**START OF CONSTRUCTION.** Includes substantial improvement, and means the date of the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the

actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. (This definition applies only with respect to flood hazard regulations.)

**STORM, 100-YEAR.** The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**STORM, 10-YEAR.** The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**STORM DRAINAGE FACILITIES.** The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

**STORMWATER RUNOFF.** The direct runoff of water resulting from precipitation in any form.

**STREAM.** A watercourse that collects surface runoff.

**STREAM BUFFER.** A natural, or vegetated, area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers.

**STREET, LOCAL.** A street whose primary function is to provide access to abutting properties.

**STREET, MAJOR THOROUGHFARE.** Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas. Such roadways are designated on transportation plans adopted by the Town of Wilson's Mills.

**STREET, MINOR THOROUGHFARE.** Minor thoroughfares collect traffic from collector, subcollector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property. Such roadways are designated on transportation plans adopted by the Town of Wilson's Mills.

**STREET, PRIVATE.** A vehicular travel-way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

**STREET, PUBLIC.** A dedicated public right-of-way for vehicular traffic which: (1) has been accepted by NCDOT for maintenance, or (2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded from this definition.

**STREET, RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, communication lines, and other infrastructure as approved by the Town.

**STREET, SUB-COLLECTOR.** A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

**STORMWATER.** Any flow resulting from, and occurring during or following, any form of natural precipitation.

**STORMWATER CONVEYANCE OR STORMWATER CONVEYANCE SYSTEM.** Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made or natural channels, pipes, culverts, and storm drains and any other natural or man-made feature or structure designed or used for collecting or conveying stormwater.

**STRUCTURE.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)

**SUBDIVISION.** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or change in existing streets; except as exempted by NCGS 160D-802 listed in Article 16 of this Ordinance.

**SUBDIVISION, ADMINISTRATIVE.** A category of subdivision established under North Carolina State Statutes requiring expedited administrative approval.

SUBDIVISION ADMINISTRATOR. See ADMINISTRATOR.

SUBDIVISION, MAJOR. Any non-residential subdivision; or a residential subdivision establishing more than four new lots, or requiring new public street(s) for access to interior property, or requiring extension of public sewage or water line, or requiring a waiver or variance from any requirement of this Ordinance.

SUBDIVISION, MANUFACTURED HOME. A residential subdivision with manufactured homes on individual lots.

SUBDIVISION, MINOR. A residential subdivision involving four or fewer lots fronting on an existing approved public street(s), not requiring any new public or private street(s) for access to interior property, not requiring extension of public sewage or water line and not requiring a waiver, modification, or variance from any requirement of this Ordinance.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (This definition applies only with respect to flood hazard regulations.)

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement officials and which are the minimum necessary to assure safe living conditions; or,
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

SUBSTANTIALLY SIMILAR. The same or significantly the same as a prior plan or application as determined by the associated land area, the intensity of development proposed, the range of proposed uses, the type, variety and scale of signage, and other relevant factors.

**SUBURBAN OPEN SPACE AMENITIES.** Land available for and containing active and passive recreational elements, including parks, trails, clubhouses, playgrounds, athletic fields and courts, picnic facilities, benches, community gardens, and pools. It can include natural areas including floodplains, water bodies, wetlands, woodlands, land used for stormwater retention, and slopes over 15%.

**SURFACE WATER BUFFER.** A natural, vegetated, or re-vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection regulations.)

**TELECOMMUNICATIONS TOWER.** A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building or other structure.

**TEMPORARY SHELTER.** A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residence as a result of sudden natural or man-made catastrophe including, but not limited to earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substances(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state or federal official or an emergency agency such as the American Red Cross or the Emergency Management Assistance. Such temporary shelter may also be permitted for the housing of those made homeless due to other circumstances and under the auspices of a nonprofit agency.

**THOROUGHFARE PLAN.** A plan adopted the Town of Wilson's Mills and other governments in the regions for the planning and development of major transportation improvements in the region in an efficient and cost-effective manner.

**TOURIST HOME.** A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee. This term includes "Bed & Breakfast" and "Air Bed & Breakfast" a.k.a. "Air B&B".

**TOWNHOUSE.** See DWELLING, ATTACHED HOUSE (TOWNHOUSE).

**TOWNHOUSE LOT.** A parcel of land intended as a unit for transfer of ownership and lying underneath, or underneath and around, a Townhouse, patio home, or unit in nonresidential group development.

**TOXIC SUBSTANCE.** Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

**TRACT.** All contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time. See **BUILDABLE OR ZONING LOT**.

**TREE, CANOPY.** A tree which normally grows to a mature height of 40 feet or more with a minimum mature crown of 30 feet.

**TREE, RARE.** A rare tree is:

- A. Any healthy living pine tree that has a trunk diameter of thirty-six (36) inches or more, or any other species that:
- B. Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more; or
- C. Has a trunk DBH of twelve (12) inches or more in the case of North Carolina native species from the list of genera in this section; or
- D. Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or
- E. Provides unique habitat for any endangered or threatened wildlife species protected by federal law; or
- F. Has been cited by the town council as being historically significant; or
- G. Represents an uncommon species, such as Long Leaf Pine, Live Oak, or Sequoia Redwood, that the Administrator considers to be desirable and not to pose a threat to the local ecological balance.

**TREE, SPECIMEN.** A specimen tree is:

- A. Any healthy living pine tree that has a trunk diameter of eighteen (18) inches or more, or any other species that:
- B. Has a trunk diameter at breast height (DBH) of twelve (12) inches or more; or
- C. A trunk DBH of six (6) inches or more in the case of the North Carolina native species from a following list of genera:

North Carolina Native Genera: Aesculus (Buckeye), Amelanchier (Serviceberry), Asimina (Pawpaw), Carpinus (Hornbeam), Cercis (Redbud), Chionanthus (Fringetree), Cornus (Dogwood), Crataegus (Hawthorn), Diospyros (Persimmon), Fagus (Beech),

Halesia (Silverbell), Hamamelis (Witch-hazel), Ilex (Holly), Juniperus (Cedar), Ostrya (Hophornbeam), Oxydendrum (Sourwood), Sassafras (Sassafras), Tsuga (Hemlock)

**TREE, UNDERSTORY.** A tree which normally grows to a mature height of 15 to 35 feet in height.

**TYPICAL REQUIRED DRAINAGE CHANNEL SECTION.** A cross-sectional view of a required drainage channel.

**UNDISTURBED AREA.** That portion of a lot, tract, or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed for the purposes of watershed protection score sheet evaluation. (This definition applies only with respect to watershed protection regulations.)

**URBAN OPEN SPACE AMENITIES.** Facilities for active and passive recreational use located in urban areas that include sidewalks widened beyond what is required by code, plazas, street furniture, outdoor eating or gathering areas, fountains, rooftop gardens, areas featuring public art, or other urban-related amenities.

**USE, CONDITIONAL.** A use which is generally compatible with other land uses allowed in a zoning district but which, because of its unique characteristics or potential impacts on the surrounding neighborhood and the Town of Wilson's Mills, requires individual consideration of its location, design, configuration, and/or operation at the particular location proposed. See also "Special Use".

**USE, LISTED.** A use identified in the Table of Uses in this ordinance and shown as allowed within one or more of the zoning districts provided the basic standards and requirements of the zoning district and the required provisions of this Ordinance are met.

**USE, LISTED WITH ADDITIONAL STANDARDS.** A listed use requiring additional standards be met to ensure that the use fits the intent of the zoning districts within which it is permitted and that the use is compatible with other development permitted within the zoning district.

**VARIANCE.** Official permission from the Board of Adjustment to depart from the dimensional requirements of this ordinance.

**VEGETATIVE BUFFER.** An area meeting regulatory buffer requirements consisting entirely of plant materials that form a screen.



**VELOCITY.** The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overland flows are not to be included for the purpose of computing velocity of flow.

**VESTED RIGHT.** A right pursuant to NCGS §160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in Article 18 is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to flood hazard regulations.)

**WATER DEPENDENT STRUCTURES.** Structures for which the use requires access or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

**WATER QUALITY CONSERVATION EASEMENT.** See Easements.

**WATER SURFACE ELEVATION (WSE).** The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**WATERS OF THE STATE.** Surface waters within or flowing through the boundaries of the state including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on United States Department of the Interior Geological Survey 7.5-minute series topographic maps. Treatment systems, consisting of manmade bodies of water, which were not originally created in waters of the state, which are not the result of impoundment of waters of the state, are not waters of the state.

**WATERSHED CRITICAL AREA.** That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article 19 (Watershed Standards).

**WET DETENTION POND.** A natural or man-made water body that provides for the storage and gradual release of stormwater runoff by means of a permanent pool of water having an outfall to another water body, and which has a permanent pool that utilizes both settling and biological process to remove both particulate and soluble particulates. See Best Management Practices definition.

**WET RETENTION POND.** A natural or man-made water body that provides for the storage of stormwater runoff by means of a permanent pool of water. See Best Management Practices definition.

**WETLANDS.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically adapted for life in saturated soil conditions.

**WHOLESALE TRADE.** An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Merchandise may be stored inside enclosed buildings or outside. On-site activities include physically assembling, sorting, and grading goods in large lots and breaking bulk for redistribution in smaller lots.

**WIRELESS TELECOMMUNICATION FACILITIES.** See NCGS 160D-931.

**YARD SALE (OR GARAGE SALE).** The sale of items outdoors, or from a vehicle, or from a garage or other accessory building, belonging to one or more sponsors of the sale.

**ZONING DISTRICT.** An area defined by this Ordinance and delineated on the Official Zoning Maps in which the requirements for the use of land and building and development standards are prescribed.

**ZONING PERMIT (OR ZONING COMPLIANCE PERMIT).** A written document approved by the Administrator of this Ordinance, or their authorized designee, indicating compliance with the provisions of this Ordinance and entitling the applicant to proceed with subsequent activities authorized by said permit provided all requisite approvals have also be secured in accordance with this Ordinance and/or all other applicable requirements.

**ZONING VESTED RIGHT.** See VESTED RIGHT.

## **ABBREVIATIONS**

ABC - Alcoholic Beverage Commission  
ADA – Americans with Disabilities Act AG  
– Agriculture District.  
ANSI – American National Standards Institute.  
ATM – Automatic Teller Machine.  
BFE – Base Flood Elevation.  
BMP – Best Management Practices.  
BOCA – Building Officials and Code Administrators.  
CB-1 – Commercial Business 1 District.  
CERCLA- Comprehensive Environmental Response, Compensation and Liability Act.  
CIV – Civic District.  
CLG – Certified Local Government.  
CO – Certificate of Occupancy.  
CP-1 – Corporate Park District.  
CRZ – Critical Root Zone.  
CWA – Clean Water Act.  
DBH - Diameter at Breast Height.  
DFIRM – Digital Flood Insurance Rate Map.  
DWQ – Division of Water Quality.  
EA – Environmental Assessment.  
EIS – Environmental Impact Statement.  
EPA – Environmental Protection Agency.  
EPCRA – Emergency Planning and Community Right-to-know Act.  
ETJ Extraterritorial Jurisdiction  
FAA – Federal Aviation Authority.  
FBFM – Flood Boundary and Floodway Map.  
FCC – Federal Communication Commission.  
FEMA – Federal Emergency Management Agency.  
FHBM – Flood Hazard Boundary Map.  
FIRM – Flood Insurance Rate Map.  
GS – General Statutes.  
HIO – Heavy Industry Overlay District.  
HUD – Housing and Urban Development.  
HVAC – Heating, Ventilation and Air Conditioning.  
IND – Industrial District.  
ISA – International Society of Arboriculture.  
LCID – Land Clearing Inert Debris.

LEPC – Local Emergency Planning Committee.  
LOMA – Letter of Map Amendment.  
LOMC – Letter of Map Change.  
MAX – Maximum.  
MFT – Multi-family Residential Transitional.  
MHP – Manufactured Home Park District.  
MIN – Minimum.  
MLS – Multiple Listing Service.  
MPH – Miles Per Hour.  
MS – Main Street District.  
MSDS – Material Safety Data Sheets.  
MU (1&2) - Mixed Use District.  
NAVD – North American Vertical Datum.  
NCAC – North Carolina Administrative Code.  
NCDEQ – North Carolina Department of Environmental Quality.  
NCDOT – North Carolina Department of Transportation NCGS  
NCGS– North Carolina General Statutes.  
OPA - An Otherwise Protected Area.  
OSHA – Occupational Safety and Health Administration.  
PEV – Plug-in Electric Vehicles.  
PIN – Property Identification Number.  
PZ&SA – Planning, Zoning & Subdivision Administrator.  
POD – Portable Storage Unit.  
RMST – Residential Main Street Transition District.  
ROW – Right of Way.  
RV – Recreational Vehicle.  
SARA – Superfund Amendment and Reauthorization Act.  
SERC – Smithsonian Environmental Research Center.  
SFHA – Special Flood Hazard Area.  
SFR – Single Family Residential District.  
TCA – Tree Conservation Area.  
TNDO – Traditional Neighborhood Development Overlay District.  
TRI – Toxic Release Inventory.  
USDA – US Department of Agriculture.  
VSR – Vehicle Service and Repair District.  
VUA- Vehicular Use Area.  
WSE – Water Surface Elevation.  
WMDO – Wilson’s Mills Development Ordinance.

## **SYMBOLS**

Ac. – Acre

a.k.a – Also Known As

@ - At

= - Equals

‘ – Foot

Ft. – Foot

“ – Inch

LF – Linear Fee

% - Percentage

R/W – Right-of-way

Sq. – Square

W/ - Width

## **ARTICLE 4 PLANNING BOARD & BOARD OF ADJUSTMENT**

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## **ARTICLE 4**

### **PLANNING BOARD & BOARD OF ADJUSTMENT**

#### **4.1 BOARDS ESTABLISHED**

The following boards are hereby established to carry out the duties and responsibilities set forth in this Ordinance and in fulfillment of the goals and purposes of this Ordinance:

**A.** Planning Board

**B.** Board of Adjustment

These boards may establish and adopt their own bylaws and rules of procedure, provided they are not inconsistent with the rules of procedure outlined in the Suggested Rules of Procedure for Small Local Government Boards, published by the Institute of Government or the rules adopted by the Town Council.

#### **4.2 PLANNING BOARD**

**4.2.1 Authority.** There is hereby created a planning agency, pursuant to NCGS 106D301 to be known as the Town of Wilson's Mills Planning Board.

**4.2.2 Membership.** The Planning Board shall consist of eight (8) members, five (5) members who shall reside within the Town Limits, and three (3) members who shall reside within the Town's area of extraterritorial jurisdiction (ETJ) in accordance with NCGS 160D-307. Members residing within the Town Limits shall be appointed by the Town Council. Members residing outside the Town Limits within the area of Wilson's Mills ETJ shall be appointed by the Johnston County Commission. All members shall have equal rights, privileges and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment three (3) members shall be appointed for a three (3) year term, one of which shall be an ETJ member; three (3) members shall be appointed for a two (2) year term, one of which shall be an ETJ member; and two (2) members shall be appointed for a one (1) year term, one of which shall be an ETJ member.

**4.2.3 Powers and Duties.** The Planning Board shall have the following powers and duties:

- A.** To provide recommendations to the Town Council with regard to map amendments (rezoning), text amendments, and other matters on which the Town Council seeks advice;
- B.** To provide recommendations to develop and update the Town's Comprehensive Land Use & Master Plan for the territory under its Jurisdiction, subject to specific direction from the Town Council;
- C.** To render opinions and make recommendations on all issues, requests, and petitions related to the Wilson's Mills Development Ordinance and the

Comprehensive Land Use & Master Plan that may be adopted and/or amended from time to time and that require approval by the Town Council; and

**D.** To make such other studies and plans and review such other related matters as directed by the Town Council.

**4.2.4 Conflicts.** A member of the Planning Board shall not participate in or vote on any advisory or legislative matter in a manner where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to the rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (G. S. 160D-109).

### **4.3 BOARD OF ADJUSTMENT**

**4.3.1 Authority.** Pursuant to NCGS 160D-302, there is hereby created a Board of Adjustment.

#### **4.3.2 Membership.**

**A. Number of Members.** The Board of Adjustment shall consist of five (5) members, three (3) members who shall reside within the Town Limits, and two (2) members who shall reside within the Town's area of extraterritorial jurisdiction (ETJ) in accordance with N.C.G.S. 160D-307. Members residing within the Town Limits shall be appointed by the Town Council. Members residing outside the Town Limits within the area of Wilson's Mills ETJ shall be appointed by the Johnston County Commission. All members shall have equal rights, privileges and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment Two (2) members shall be appointed for a three (3) year term, one of which shall be an ETJ member; two (2) members shall be appointed for a two (2) year term, one of which shall be an ETJ member; and one (1) member shall be appointed for a one (1) year term.

**B. Alternates.** The Town Council may, in its discretion, appoint alternate members to serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board



and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (G.S. 160D-307)

**4.3.3 Powers and Duties.** The Board of Adjustment shall have the following powers and duties:

- A.** To hear and decide appeals from an order, denial of a permit or other written decision made by an administrative official charged with enforcing this Ordinance;
- B.** To hear and decide requests for variances from the provisions of this Ordinance in cases where special conditions would make strict and literal interpretation result in a loss of privileges shared by other properties within the same zoning district;
- C.** To hear and decide appeals from any decision or determination made by the Storm Water Administrator in the administration and/or enforcement of Article 19 of this Ordinance;
- D.** To hear and decide appeals and requests for variances from the requirements of the Flood Damage Prevention provisions of this Ordinance, as set forth in Article 18; and
- E.** To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance and/or any ordinance duly adopted wherein the Board of Adjustment is designated to hear appeals or other duties.

**4.3.4 Voting.**

A four-fifths vote of the members shall be required to grant a variance; otherwise, a simple majority of the Board membership shall be required to affirm, reverse or modify any written order, decision, or interpretation of the Administrator charged with enforcing this Ordinance; to decide in favor of the applicant on a matter [other than variances] upon which the Board is required to pass; Vacant positions on the Board of Adjustment and members who are disqualified from voting on a matter before the Board of Adjustment shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

**4.3.5 Conflicts.** A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (G. S. 160D-109).

#### **4.3.6 Proceedings.**

All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes showing the vote of each member on each question and the absence or failure of any member to vote.

The final disposition of each matter decided by the Board of Adjustment shall be by recorded resolution indicating the reasons for the decision, based on findings of fact obtained by testimony under oath or affirmation and conclusions of law which shall be public record.

On all appeals, applications and other matters brought before the Board of Adjustment, the Board shall inform in writing all the parties involved of its decision and the reasons for that decision.

#### **4.4 MEETINGS, HEARINGS, AND PROCEDURES OF ALL BOARDS**

All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and with the rules of procedure adopted for the Planning Board, and Board of Adjustment. Rules of procedure may be amended by the respective board membership; however, such amendment shall be approved by the Town Council to become effective.

The rules of procedure shall be kept on file at the office of the Administrator and shall be made available to the public at any meeting or hearing. No rules or procedures shall conflict with this Ordinance; if conflicts occur this Ordinance shall take precedence.

#### **4.5 STAFF**

The Administrator shall serve as staff to the Planning Board, and Board of Adjustment; and shall provide technical assistance to the Planning Board, and Board of Adjustment, as requested.

No administrative staff member shall make a final decision on an administrative decision required by G.S. 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or another designated staff person.

**ARTICLE 5**  
**AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP**

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## **ARTICLE 5**

### **AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP**

#### **5.1 GENERAL**

The Wilson's Mills Town Council may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning map according to the procedure established by N.C.G.S. 160D-601. Such amendments shall be evaluated for compliance with the Town's Officially Adopted Comprehensive Land Use & Master Plan as amended and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the Town Council, after recommendation from the Planning Board.

#### **5.2 INITIATION OF AMENDMENTS**

Proposed changes or amendments to either the text of this Ordinance or the Official Zoning Map may be initiated by the Wilson's Mills Town Council, the Wilson's Mills Planning Board, the Administrator, any owner of a legal or equitable interest in land located in the Town, or any resident of the Town having a legal or equitable interest in land affected by the proposed amendment.

#### **5.3 AMENDMENT PROCESS**

##### **5.3.1 Initial Application Process.**

**A. Pre-filing meeting.** Before filing an application for an amendment an applicant shall meet with the Administrator to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures.

**B. RESERVED**

**C. Filing.**

(1) An application requesting an amendment shall be filed with the Administrator.

(2) Applicable fees shall be payable as set forth by the Wilson's Mills Town Council.

(3) Complete applications must be submitted by 4:30 PM on the first Friday of each month prior to the next scheduled meeting of the Wilson's Mills Planning Board.

**D. Content and valid authorization of applications.**

(1) Each application shall contain or be accompanied by all information required on the application form provided by the Administrator.

(2) Every amendment proposing to change the district boundary lines shall be accompanied by metes and bounds description, a survey of the area involved,

or reference to existing lots, sufficient in the estimation Administrator to plot or otherwise identify the amendment on the Official Zoning Map of the Town of Wilson's Mills.

- (3) Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application.
- (4) Applications for Conditional Zoning of property within the jurisdiction of the Town of Wilson's Mills shall follow the procedures appearing in Section 5.4 of this Ordinance.

### **5.3.2 Review by the Wilson's Mills Planning Board.**

**General.** Upon submission of a request for Wilson's Mills Development Ordinance amendment or an Official Zoning Map amendment, the request shall be scheduled for review by the Wilson's Mills Planning Board in a public meeting.

- A. Review – General.** The Planning Board shall make recommendations to the Wilson's Mills Town Council regarding whether to approve or deny each proposed amendment. When considering an amendment, the Planning Board shall consider both the consistency and reasonableness of the amendment with the Town's Officially Adopted Comprehensive Land Use & Master Plan as amended and all other applicable adopted plans.
- B. Recommendation by the Wilson's Mills Planning Board.** Following a recommendation by the Wilson's Mills Planning Board on the proposed amendment(s), the action shall be reported to the Wilson's Mills Town Council for a public hearing and final action according to the process set forth in this Article. The public hearing will be scheduled as provided by Town Council' rules of procedure for calling public hearings.
- C. Continuance by the Wilson's Mills Planning Board.** In those cases where, upon hearing the request, the Planning Board feels that more information is needed, questions have arisen, or other circumstances occur in which additional time is needed to enable the Board to make a recommendation, the Planning Board may continue their meeting for up to eight (8) days. The Board shall direct the appropriate person(s) to obtain the needed information, provide answers to questions, and/or conduct other investigations during this time to enable the Board to make a recommendation at the reconvening of the continued meeting. The Planning Board shall take action (affirmative or negative recommendation) on continued items at such meeting.
- D. Content of recommendation and statements of both consistency and reasonableness.** Any recommendation made by the Wilson's Mills Planning

Board to the Wilson's Mills Town Council pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is both consistent with the Town's Officially Adopted Comprehensive Land Use & Master Plan as amended and other applicable adopted plan that is applicable, and shall state whether and how the proposed amendment is reasonable. Such recommendation may address any other subject of interest by the Planning Board. A comment by the Planning Board that a proposed amendment is inconsistent with the Town's –Town's Officially Comprehensive Land Use & Master Plan for the area affected and/or unreasonable shall not preclude consideration of approval of the proposed amendment by the Town Council. (N.C.G.S. 160D-604(d)).

- E. Conflict of Interest.** No member of the Planning Board shall vote on a recommendation regarding any zoning map (rezoning) or text amendment where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable financial impact on the member or where the landowner of the property subject to the rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (N.C.G.S. 160D-109(b))

### **5.3.3 Review by the Wilson's Mills Town Council.**

- A. Review - general.** Following receipt of either a recommendation, or receipt of the petitioner's request for a public hearing, the Wilson's Mills Town Council shall hold a public hearing on the proposed amendment. The public hearing shall be scheduled and conducted as provided by the Town Council's rules of procedure.
- B. Notification.** The Town Clerk shall prepare a public notice for the public hearing as required below: (N.C.G.S. 160D-602)

**(1) Method of procedure for publishing notice of all amendments.**

Before adopting, amending, or repealing any ordinance authorized by this Article, the Town Council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twentyfive (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

**(2) Method of procedure for mailed notice of Zoning Map Amendments.**

- a.** In addition to the publication requirements for notices of public hearings required in this Section, the procedures adopted pursuant to this section provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. Properties are considered “abutting” even if separated by a street, railroad, right-of-way, or other transportation corridor. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Town Council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Town Council that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.
- b.** The first-class mail notice required under this section shall not be required if the zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the town may elect to either make the mailed notice provided for in subsection ‘a’ of this section or may as an alternative elect to publish notice of the hearing as required by G.S. 160D-601, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection ‘a’ of this section.
- c.** Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection ‘a’ of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or

certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a Town initiated zoning map amendment.

- d.** When a zoning map amendment is proposed, the Town shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

**C.** Upon receipt of the recommendations from the Planning Board, the Town Council shall hold a public hearing on the application for an amendment. Notice of the public hearing shall be provided in accordance with the provisions for public hearings for amendments as set forth in this Ordinance and the North Carolina General Statutes. (N.C.G.S.160D-601 and -602)) **D. Action.**

(1) Before acting on any proposed amendment, the Wilson's Mills Town Council shall consider any recommendation made by the Wilson's Mills Planning Board, the recommendation submitted by the Administrator to the Planning Board, the comments made at the public hearing, and any other relevant additional information.

(2) When considering a proposed amendment, the Wilson's Mills Town Council shall not evaluate the petition based on any specific proposal for the use or development of the property unless explicitly required by this Ordinance. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification including applications for an overlay district Zoning Map Amendment where the use is highly pertinent to the facts during consideration of the amendment and/or where a development agreement is to be made a part of the project.

**E. Statement of Consistency and Reasonableness.** When adopting or rejecting any amendment, the Town Council shall adopt a written statement describing whether its action is both consistent with the Town's Officially Adopted Comprehensive Land Use & Master Plan as amended and other applicable adopted plan. In addition, when adopting or any amendment, the Town



Council shall adopt a brief statement explaining the reasonableness of the proposed zoning. (G. S. 160D-605).

- F. Conflict of Interest.** A Town Council member shall not vote on any legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or where the landowner of the property subject to the rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (N.C.G.S. 160D-109)

#### **5.3.4 Waiting period for subsequent applications.**

- A. Waiting period - general.** When an application for a zoning map amendment has been approved or denied by the Wilson's Mills Town Council, no application including the same property shall be accepted or considered within four (4) months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.
- B. Waiting period - waiver.** The waiting period required by this section may be waived by a majority vote of Wilson's Mills Town Council if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the Administrator, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the Town Council in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.

### **5.4 CONDITIONAL ZONING**

- 5.4.1 Purpose.** Conditional zoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a Primary General Use Zoning District. Additional standards and regulations may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans in accordance with the requirements of this section.
- 5.4.2 Conditional zoning districts.** Conditional zoning is available for any of the Primary General Use Zoning District classifications enumerated in Article 8 of this Ordinance. The conditional zoning designation shall be indicated on all zoning maps and other official documents with the suffix, "(CZ)" (e.g. "IND(CZ)").

**5.4.3 General requirements.** The following provisions shall apply in the administration of conditional zoning:

- A.** A conditional zoning application shall be considered only upon request of the owner of the affected property, or a duly authorized representative of the property owner demonstrated by written, signed and notarized documentation.
- B.** All standards and requirements of the corresponding Primary General Use District shall be met, except to the extent that the conditions imposed by the conditional zoning are more restrictive than the general use standards.
- C.** No uses shall be permitted except those enumerated in the ordinance adopting the conditional zoning.
- D.** The conditions agreed upon pursuant to the Conditional Zoning approval shall be stated in the adopting ordinance and may limit the uses which are permitted on the property. By way of illustration and not limitation, conditions may specify location on the property of the proposed structure(s), the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the height of structures, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters as may be identified as appropriate for the proposed development.
- E.** Minor administrative modifications to the approved Conditional Zoning ordinance shall be approved by the Administrator.
  - (1)** The applicant shall bear the burden of proof to secure the modification(s). Such modifications shall be limited to the following:
    - a.** A deviation of up to ten percent or 24 inches, whichever is greater, from the approved setback, provided that the conditions for approving a deviation from the required setback established by this Ordinance are met.
    - b.** A reduction of up to 25 percent in the number of parking spaces required for the use provided that the proposed development is located within ½ mile of either the Town Center District (TC) or the Mixed Use (MU 1&2) and on-street parking is available.
    - c.** Any other minor modification in accordance with the limitations and procedures prescribed in this chapter, unless a Conditional Zoning is adopted pursuant to this section specifies otherwise or the proposed modification violates a condition of the established district.
  - (2)** Any other modifications must be approved by the Town Council as an amendment to the Conditional Zoning District, and may be referred to the Planning Board or Administrator as appropriate. The Administrator shall

in every case have the discretion to decline to exercise the power to approve or deny minor administrative modifications as provided for herein, and may require the applicant to seek an amendment to the Conditional Zoning ordinance.

- G.** Any violation of a provision of a Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any other such violation.
- H.** If for any reason any provision of a Conditional Zoning District is found to be illegal or invalid, or if the applicant should fail to accept any condition, the entire Conditional Zoning District shall be null and void, and the property shall revert to its previous zoning classification without further action by the Town Council.

#### **5.4.4 Application procedure.**

When applying for Conditional Zoning, the owner shall specify the nature of the proposed development and shall propose conditions to ensure compatibility with the surrounding uses and consistency with adopted plans. Applications for Conditional Zoning shall be processed, considered, and voted upon using the same procedures and subject to the same requirements as those established in this article for zoning map and zoning text amendments, except as provided below:

- A.** The application may include site plans, landscape plans, building elevations, floor plans, and such other information required to provide the approving bodies with a complete and accurate description of the proposed development.
- B.** During the adoption of a Conditional Zoning District, specific conditions may be proposed by the petitioner, Town Council, Planning Board, or Town staff, but only those conditions mutually approved by Town Council and the petitioner may be incorporated into the zoning regulations and permit requirements.
- C.** Upon adoption of a Conditional Zoning District, the Official Zoning Map of the Town of Wilson's Mills shall be amended to add the conditional zoning district. The Planning, Zoning & Subdivision Administrator shall maintain a book or file for Conditional Zoning District, and each Conditional Zoning District shall be filed therein. Failure to comply with this provision shall not render the ordinance invalid.
- D.** The Conditional Zoning District adopted as provided herein shall be perpetually binding upon the affected property unless subsequently changed or amended as provided for in this Ordinance.
- E.** Conditional Zoning Districts are legislative in nature, and judicial review of Conditional Zoning Districts shall be as provided by law for zoning ordinances.

**ARTICLE 6**  
**VARIANCES AND ADMINISTRATIVE APPEALS**

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## **ARTICLE 6**

### **VARIANCES AND ADMINISTRATIVE APPEALS**

#### **6.1 VARIANCES**

**6.1.1 Purpose.** The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general or to increase the profitability of a proposed development. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.

**6.1.2 Provisions That May Not Be Varied by the Board of Adjustment.** In no event shall the Board of Adjustment grant a variance:

- A.** To any conditional zoning district condition adopted pursuant to this Ordinance.
- B.** Which would modify, alter, change, or suspend the conditions set forth in this Ordinance for a special use permit (formerly conditional use permit).
- C.** To the flood protection provisions within a designated floodway district that would result in any increase in the flood levels during the regulatory flood discharge.
- D.** Which would permit a use or density not otherwise permitted in the district in which the property is located.
- E.** Which would permit a non-conforming use of land, buildings, or structures.
- F.** Which would grant such variance within three (3) years of submittal of the previous application affecting the same parcel, being all or part thereof, regardless of the decision of the Board of Adjustment on the previous application.
- G.** Which would conflict with the North Carolina State Building Code, the North Carolina Fire Prevention Code, or any other codes of the State of North Carolina unless otherwise authorized by laws and/or regulations.

**6.1.3 Application.** The following process shall be followed in applying for a variance:

- A. An application for a variance shall be filed only by the owner of the land affected by the variance or an agent specifically authorized in writing by the owner to file such application.
- B. Before filing the application, the applicant shall meet with the Administrator to discuss the proposed variance and to become more familiar with the applicable requirements and the variance process.
- C. An application for a variance shall be filed with the Administrator on a form provided by the Administrator and contain the information and plans required on the application form.
- D. The application shall be accompanied by a fee as required by the Town of Wilson's Mills.
- E. Once the application is accepted as complete by the Administrator, the request shall be scheduled for consideration at a public hearing by the Board of Adjustment.

**6.1.4 Action by The Board of Adjustment.** The following action shall be taken by the Board of Adjustment upon receipt of the completed application:

- A. A public hearing shall be held on the requested variance within thirty-six (36) days of receipt of a complete application.
- B. Notice of the hearing shall be given by first-class mail to:
  - 1. The person or entity whose variance application or request is the subject of the hearing;
  - 2. Owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and,
- C. A sign stating the purpose, time, date and place shall be prominently posted on the subject property or an adjacent street or highway right-of-way at least ten (10) but not greater than twenty-five (25) days prior to the date of the hearing.
- D. In considering the application, the Board of Adjustment shall review the application materials, the staff recommendation, the general purpose and standards set forth in this Article for the granting of variances, and all testimony and evidence received by the Board at the public hearing. E. After conducting the public hearing, the Board of Adjustment may:
  - 1. Deny the request;
  - 2. Conduct an additional public hearing on the request; or
  - 3. Grant the request. Per NCGS 160D-406(i), the concurring vote of fourfifths (4/5) of the members of the Board of Adjustment shall be necessary to grant a variance. Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not

meet each of the standards set forth in subsection 6.1.6 below or, for flood protection regulation variances, as set forth in Article 18 of this Ordinance. For purposes of this section, vacant positions and members of the Board who are disqualified from voting on the hearing decision shall not be considered “Board members” for calculation of the majority if there are no qualified alternate Board members available to take the place of such members.

- 6.1.5 Conditions.** Appropriate conditions, which must be reasonably related to the condition or circumstance that results in the need for the variance, may be attached to any variance approval granted by the Board of Adjustment.
- 6.1.6 Standards of Review.** The Board of Adjustment’s decision shall be based on competent, material and substantial evidence. All persons providing evidence shall be sworn or affirmed by the Chairman or the Clerk to the Board. The Board of Adjustment shall not grant a variance until it makes each of the following findings:
- A.** Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate, in the absence of a variance, that no reasonable use can be made of the property.
  - B.** The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, shall not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;
  - C.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a selfcreated hardship.; and,
  - D.** The requested variance is consistent with the spirit, purpose and intent of the regulation; such that public safety is secured and substantial justice is achieved.
- 6.1.7 Effective Date of Decision.** Any decision made by the Board of Adjustment regarding a variance shall be reduced to writing and reflect the Board’s decision of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair and shall be filed with the Town Clerk. The effective date of the decision shall be upon the date it is filed with the Town Clerk. The decision shall be delivered by the Administrator or their designee via personal delivery, electronic mail or by first class mail to the applicant, property

owner and to any person who has submitted a written request for a copy prior to the close of the public hearing on the case. The person making such deliveries shall certify that the deliveries have been made. Following the effective date of the decision of the Board of Adjustment, the following actions may be taken:

- A. After the Board of Adjustment approves a variance, the applicant shall follow all appropriate procedures set forth in this ordinance for the receipt of permits, certificates, and other approvals necessary in order to proceed with development.
- B. After the denial of the variance request, the applicant may make application for a rehearing in accordance with Board of Adjustment's rules of procedure and this Ordinance.

**6.1.8 Duration.** The variance may be issued for a limited duration only. Unless otherwise specified, construction and/or operation shall be commenced within twenty-four (24) months of the date of issuance of a variance, or the variance shall become void.

**6.1.9 Appeals.** An appeal from any decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Johnston County in the nature of certiorari. Any such petition to the Superior Court shall be filed by the later of thirty (30) days after a written copy of the decision is delivered to the applicant, property owner, and to any other person who, prior to the date the decision becomes effective, has submitted a written request for a copy of the decision. Said decision shall be delivered by personal delivery, electronic mail, or by first class mail.

## **6.2 APPEALS OF ADMINISTRATIVE DECISIONS**

**6.2.1 Purpose.** Appeals to the Board of Adjustment from the decisions of the Administrator of the Town of Wilson's Mills are permitted as provided for in this section.

**6.2.2 Decisions that may be appealed.** Any final and binding order, requirement, or determination made in writing by the Administrator or an administrative officer charged with enforcing the provisions of this Ordinance may be appealed to the Board of Adjustment. Any such decision shall be given to the owner of the property that is subject to the decision and to the party who sought the decision, if different than the property owner. Said notice shall be delivered by personal delivery, electronic mail or by first-class mail.

**6.2.3 Parties who may file an appeal.** Any person who has standing under NCGS 160D-405(b) or the Town of Wilson's Mills may bring an appeal of an administrative decision to the Board of Adjustment.



**6.2.4 Period to File an Appeal.** The property owner or other party shall have thirty (30) days from the date of receipt of the written decision within which to file an appeal. Any other person or entity with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to appeal.

**6.2.5 Constructive Notice.** Per NCGS 160D-406(b), the Town shall provide mailed notice of any evidentiary hearing to the person or entity whose appeal is the subject of the hearing, the owner of the property that is subject to the hearing, and owners of all properties abutting the subject property. Notice shall be deposited at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the evidentiary hearing. In addition, a notice of the hearing shall be posted prominently on the subject property at least ten (10) days, but not more than twenty-five (25) days, prior to the hearing.

**6.2.6 Filing of Appeal.**

- A.** The notice of appeal shall be filed with the Town Clerk in writing and shall contain information identifying the property, the owner and the purpose for the request.
- B.** The appeal shall be accompanied by a fee as established by the Town of Wilson's Mills.
- C.** Upon acceptance of the appeal application by the Town Clerk, the evidentiary hearing shall be scheduled for consideration by the Board of Adjustment within thirty-six (36) days of the date of submittal of a complete application. Notwithstanding, the appellant can apply for an expedited hearing to occur within fifteen (15) days of such filing as provided in Subsection D below.
- D.** The filing of an appeal shall stay the enforcement of the action appealed unless the Administrator certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life and property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In such case, enforcement proceedings shall not be stayed except by a restraining order granted by the Superior Court of Johnston County on notice to the administrative official from whom the appeal is taken, with due cause shown. If enforcement proceedings are not stayed, the appellant may file for an expedited hearing of the appeal to occur within fifteen (15) days after such request is filed.

**6.2.7 Action by the Board of Adjustment.**

- A.** Upon receiving the appeal application, the Board of Adjustment shall hold an evidentiary public hearing on the appeal. Notice of the hearing shall be as

provided in Section 6.1.4. The person whose decision is being appealed shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is being taken. Said information shall also be provided to the applicant and to the owner of the property that is subject to the appeal, if such person(s) is not the applicant.

- B.** The public hearing shall be conducted in accordance with rules of procedure of the Board of Adjustment and in accordance with the North Carolina General Statutes. All persons providing evidence at the hearing shall be sworn or affirmed by either the Chair or the Clerk to the Board. The official who made the decision that is being appealed shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the public hearing.
- C.** Either after the public hearing or at a subsequent or continuation meeting to be held within 30 days of the close of the public hearing, the Board of Adjustment shall adopt an order reversing, affirming, wholly or partly, or modifying the contested action. The Board of Adjustment's decision shall be based upon competent, material and substantial evidence.
- D.** The Board of Adjustment shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the requirements of this Ordinance.
- E.** The Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of the majority of the Board's members. For purposes of this section, vacant positions and members of the Board who are disqualified from voting on the hearing decision shall not be considered "Board members" for calculation of the majority if there are no qualified alternate Board members available to take the place of such members.
- F.** The parties to an appeal may agree to mediation or other forms of alternative dispute resolution.
- G.** Any decision made by the Board of Adjustment regarding an appeal shall be reduced to writing and reflect the Board's decision of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair and shall be filed with the Town Clerk. The effective date of the decision shall be upon the date it is filed with the Town Clerk. The decision shall be delivered by the Administrator or their designee via personal delivery, electronic mail or by first class mail to the applicant, property owner and to any person who has submitted a written request for a copy prior to the close of

the public hearing on the case. The person making such deliveries shall certify that the deliveries have been made.

**6.2.8 Effect of reversal or modification.** In the event that the Board of Adjustment reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Board of Adjustment unless an appeal is taken on the Board's decision.

**6.2.9 Appeal from Board of Adjustment.** An appeal from any decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Johnston County in the nature of certiorari. Any such petition to the Superior Court shall be filed by the later of thirty (30) days after the decision becomes effective or after a written copy of the decision is delivered to the applicant, property owner, and to any other person who has submitted a written request for a copy of the decision, prior to the date the decision becomes effective. Said decision shall be delivered by personal delivery, electronic mail, or by first class mail. When first class mail is used to deliver the notice, three (3) days shall be added to the time to file the petition.

**ARTICLE 7**  
**PERMITS AND PROCEDURES**

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## ARTICLE 7

### PERMITS AND PROCEDURES

#### 7.1 PERMIT AND/OR APPROVAL REQUIRED

**7.1.1 Approval Required.** No person shall undertake any activity subject to this Ordinance without first obtaining approval from the Town. Upon approval of the activity by the Town, a permit shall be issued for the approved activity. Certain permits are issued by agencies other than the Town of Wilson's Mills, as noted below; all other permits are issued by the Town. In any case where an application is made to operate more than one (1) use on a property, the shall determine which use or uses shall be the principal use or uses and the type of permit that is required; zoning compliance permit, Special Use Permit, or Use Listed with Additional Standards. The permits and/or approvals required are:

**A. Zoning Compliance Permits.** Zoning compliance permits are issued by the Town of Wilson's Mills for all new use, building and/or development projects, which also applies to the following:

1. Special Event/Temporary Structures where required by this Ordinance
2. Signage (size, type, location, etc.) as required by this Ordinance
3. Site Development Plan/Preliminary Plat Approval
  - a. Zoning compliance (land use, density, open space, connectivity, tree preservation, parking, flood, watershed, etc.).
  - b. Public works compliance (utilities, street designs, stormwater, etc.).
  - c. Public safety compliance (fire lanes, hydrants, etc.).
  - d. Access compliance (driveway, street intersections, etc.).

**4. Construction Plans**

- a. A grading plan shall be provided for review and approval in accordance with the procedures of this Ordinance.
- b. Infrastructure Plans (streets, water & sewer).
- c. Driveway Permit – NCDOT or Town.
- d. Stormwater Plans (BMP).
- e. Floodplain Development and Certification Permit.
- f. Grading Permit - Issued by the North Carolina Department of Environmental Quality (a.k.a. "NCDEQ" or "DEQ") following issuance of Zoning permit by the Town of Wilson's Mills.
- g. Subdivision Final Plat Approval

**B. Building Permit.** Johnston County Building Inspections Department issues building permits following issuance of Zoning Compliance Permit by the Town of Wilson's Mills.

**C. Certificate of Occupancy (a.k.a. “CO”)** - Johnston County Building Inspections Department issues upon final building inspections and site plan compliance approval by the Town.

**7.1.2 Fees.** The Town Council shall establish a Schedule of Fees, Charges and Expenses, and a collection procedure, for approvals and permits to be issued by the Town. No approval, permit, certificate, variance, etc. shall be processed and/or issued unless or until such charges have been paid in full.

## **7.2 PERIODIC INSPECTIONS**

The Administrator, or their designee shall have the right, upon presentation of proper credentials to enter on any premises within the Town's jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.

## **7.3 PERMIT EXPIRATION**

**7.3.1 Expiration of Zoning Permits and Approvals.** Permits and approvals, other than those identified in section 7.3.2 below, shall expire as set forth in the process for each permit.

**7.3.2 Building Permit Expiration.** The Johnston County Building Inspections Department may void a building permit for a project within the Town jurisdiction if the authorized work has not begun within 180 days after issuance of the permit, or work was commenced but was discontinued for a period of one year.

## **7.4 CERTIFICATES ISSUED BY JOHNSTON COUNTY**

The Town of Wilson’s Mills in conjunction with the Johnston County Building Inspections Department issues certificates of occupancy, temporary certificates of occupancy, and certificates of floor elevation/flood proofing upon completion or partial completion of a building project.

## **7.5 ZONING PERMITS (ZONING COMPLIANCE PERMIT)**

**7.5.1 Purpose.** A Zoning Compliance Permit is required for the construction or development of any new use within the planning and regulation jurisdiction of the Town of Wilson’s Mills. In addition to new uses, a Zoning Compliance Permit shall also be required for expansions of existing uses, as well as for changes of use. The expedited procedure set forth in Sub-sections 7.5.2 through 7.5.4 below shall be followed to obtain a Zoning Compliance Permit for the construction of one single family or one two-family (duplex) duplex residential structure and

expansions of uses and changes of use that do not require permits and/or approvals described in this Ordinance, other than:

- A. Use permit,
- B. Driveway access permit, and/or
- C. Building permit.

#### **7.5.2 Plan submittal.**

- A. Filing of application.** An application for a Zoning Compliance Permit may be filed by the owner of the property or by an Officer duly authorized to execute on behalf of the owner, specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a zoning permit shall be filed with the Administrator on a form provided by the Administrator.
- B. Information required.** Each application for a Zoning Compliance Permit shall contain the information required on the application form, including applicable Site Development Plan and Construction Plan as determined in this Article, showing the dimensions of the proposed use or uses and its location on the property or site. Other information necessary to show that the use or structure complies with the standards set forth in this Ordinance shall also be provided.

**7.5.3 Staff review.** The Administrator shall review the application and determine whether it is complete within ten (10) working days of its submittal, including the fulfillment of applicable fees duly paid. If the application is found to be incomplete, the Administrator shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The review of complete applications may vary depending upon the applicability of technical plans and specifications as outlined in this Article. In any event the Administrator shall issue a Zoning Compliance Permit only upon finding that the proposed development, use or structure satisfies the requirements set forth in this Ordinance.

**7.5.4 Permit validity.** Upon the approval of a Zoning Compliance Permit, the applicant shall have one year to obtain the required building permit(s) if any. Failure to obtain requisite building permit(s) within this time shall render the Zoning Compliance Permit void. The Administrator shall grant a single extension of this time period of up to six (6) months upon written request by the applicant. Upon issuance of a building permit(s), the Zoning Compliance Permit shall expire one

year after issuance unless work has substantially commenced. as long as a valid building permit exists for the project. Any unapproved change, as determined by the Administrator in the approved plans shall render the Zoning Compliance Permit invalid and in violation of this Ordinance. Violations of this Ordinance are subject to the remedies and penalties pursuant to this Ordinance.

## **7.6 SPECIAL EVENTS/TEMPORARY STRUCTURES PERMIT**

**7.6.1 Purpose.** To insure that proposed special events and temporary structures comply with the requirements of of this Ordinance, no use that is classified as a special event requiring a permit, and/or no structure that is classified as a temporary structure and permitted as such in the zoning district in which it is located shall be placed or established on the property without first receiving a special event/temporary structure permit from the Administrator.

### **7.6.2 Plan submittal.**

**A. Filing of application.** An application for a special event/temporary structure permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent, files the application, the agent shall provide the Administrator with documentation that the owner of the property has authorized the filing of the application. The application for a special event/temporary structure permit shall be filed with the Administrator on a form provided by the Administrator.

**B. Information required.** Each application for special event/temporary structure permit shall contain the information required on the application form. The application shall be accompanied by a Sketch Plan showing the boundaries of the property, the use of adjacent properties, the location of the special event or structure on the property, access and parking provisions, restroom facilities, and other information sufficient to show that the special event or structure complies with the standards set forth in this Ordinance. Persons seeking issuance of a special event/temporary structure permit for an event shall file an application with a minimum of ten (10) days prior to the proposed event date, unless this time frame is reduced in writing by the Administrator.

**7.6.3 Staff review.** The Administrator shall review the application and determine whether it provides the information required. The Administrator shall issue a special event/temporary structure permit only upon finding that the proposed special event or temporary structure satisfies the requirements of this Ordinance.



**7.6.4 Permit validity.** The special event/temporary structure permit shall be valid only for the date(s) stated on the permit.

## **7.7 SITE DEVELOPMENT AND CONSTRUCTION PLAN APPROVAL(S)**

### **7.7.1 Major Site Development and Construction Plans.**

**A. Purpose.** The site development and construction plan review process is required for development projects located within the Town of Wilson's Mills in order to prepare for expected impacts upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the Town as a whole. Proposed developments involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the Major Site Development Plan review process:

#### **1. New construction and changes of use.**

- a.** Commercial buildings, structures, or developments with a gross floor area of more than 1,000 square feet;
  - b.** Office or institutional buildings, structures, or developments with a gross floor area of more than 2,400 square feet;
  - c.** Any residential development containing more than 4 individual units; and/or
  - d.** Any development where public streets are extended.
- 2.** Additions to existing buildings increasing gross floor area by fifty (50) percent or more of the above threshold for new construction for that land use, or additions with a gross floor area of 25 percent of the above threshold for new construction for that land use if the resulting total gross floor area, when combined with the existing floor area, would result in a gross floor area meeting or exceeding the above threshold for new construction for that land use if the structure did not previously meet the above threshold.
- 3.** In the case of residential development, additions of four (4) or more dwelling units on one parcel of land.

**B. Exemptions.** Projects within the Town of Wilson's Mills involving new construction, additions, renovations, and changes of use which do not meet the minimum size requirements of the Major Site Development Plan review processes as set forth in subsection above shall be reviewed as Minor Site Development Plans in accordance with the provisions of this Article.

**C. Pre-application procedure.** All applicants for Major Site Development Plan review are required to schedule a predevelopment conference with the Administrator prior to the preparation of development plans. This conference allows the applicant and Administrator an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding Site Development Plans and development requirements.

**D. Site Development Plan submittal.**

**1. Application required.** An application shall be required for all Major Site Development Plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a Site Development Plan. The Site Development Plan shall contain the following:

- a.** Property boundaries with dimensions
- b.** PIN for property
- c.** Location of adjacent streets, right of ways, and utility easements
- d.** Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated
- e.** Dimensions of existing and proposed impervious surfaces
- f.** Location and number of parking spaces
- g.** Location and size of buffer and landscape areas
- h.** Location of existing and proposed driveways and/or streets
- i.** Location of all flood zones
- j.** Location of adjoining properties and both the existing zoning designation and use of these properties
- k.** Names and addresses of adjoining property owners
- l.** Number of stories and overall height of all existing and proposed structures
- m.** Location of proposed stormwater facilities
- n.** Location of existing and proposed dumpster and recycling containers
- o.** Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc., and
- p.** Other information determined by the Administrator as necessary to evaluate the request.

**2. Preparation by professional.** Site Development Plans for developments requiring Major Site Development Plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed

in the State of North Carolina for the work in which they are trained and licensed to perform. **E. Staff review.**

1. **Submittal of plans to Administrator.** The Administrator review the Site Development Plans for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective jurisdiction applies.

**F. Permit validity.** Approval of Site Development Plans requiring major Site Development Plan review shall be valid for two (2) years from the date of approval. Failure to submit construction plans, initiate construction, or otherwise begin the permitted use, within this time shall render the Site Development Plan approval void. The Administrator shall grant a single extension of this time period of up to six months upon written request by the applicant.

**G. Site Construction Plans.**

1. **Site Construction Plan required.** A complete and comprehensive set of Site Construction Plans shall be required for all Major Site Development Plan review requests. This submittal shall contain pertinent information regarding the proposed project and shall be accompanied by the approved Site Development Plan illustrating any and all deviations from the approved Site Development Plan. The Site Construction Plan shall contain the following:
  - a. Property boundaries with dimensions
  - b. Location of adjacent streets/roads including existing right-of-way and/or easement(s)
  - c. Location and design of proposed streets including cross-sections in accordance with the Wilson's Mills Technical Standards & Specifications Manual, centerline profile(s), and the proposed right-ofway
  - d. Location of existing and proposed utilities, including easements associated with both
  - e. A grading plan showing existing and proposed contours demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area. The use of crawl-space construction techniques in detached residential structures and professional landscape design is required to meet this characteristic of site development.

- f. Location of existing and proposed stormwater detention, retention, collection, and conveyance facilities
- g. Dimensions of existing and proposed impervious surfaces
- h. Location of existing structures and either proposed structures or proposed building envelopes
- i. Location and number of existing and proposed parking spaces, including loading spaces, maneuvering areas, and fire lane(s)
- j. Location and size of buffer and landscape areas
- k. Location of existing and proposed driveways and/or streets
- l. Location of all flood zones
- m. Location of adjoining properties and both the current zoning designation and use of these properties
- n. Names and addresses of adjoining property owners
- o. Number of stories and overall height of all existing and proposed structures
- p. Location of existing and proposed dumpster and recycling container area(s)
- q. Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc., and
- r. Other information determined by the Administrator as necessary to evaluate the request.

**2. Preparation by professional.** Construction Plans for developments requiring Major Site Development Plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform.

#### **7.7.2 Minor Site Development Plan review process.**

**A. Purpose.** The Minor Site Development Plan review process is required for development projects within the Town of Wilson's Mills involving new construction, additions, renovations, and changes of use which do not meet the minimum size requirements of the Major Site Development Plan review processes. but do fall into one or more of the following categories.

- 1. All new developments not meeting the threshold for Major Site Development Plan review, except residential projects containing not more than one single-family dwelling unit or one two-family (duplex) dwelling unit;
- 2. Additions with a gross floor area of 100 square feet or more (excluding single-family and duplex residential units);

3. Additions that displace existing parking;
4. Additions that generate the need for more parking;
5. Renovations which exceed 50 percent of the assessed value of the building, as determined by the County Tax Assessor;
6. Changes of use, where parking requirements are greater than those of the previous use;

**7.B. Plan submittal.**

- 1. Application required.** An application shall be required for all Minor Site Development Plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a conceptual Site Development Plan. The conceptual Site Development Plan shall contain the following:
  - a. Property boundaries with dimensions
  - b. PIN for property
  - c. Location of adjacent streets and utility easements
  - d. Dimensioned footprint and setbacks of the proposed structures with gross floor area indicated
  - e. Dimensions of proposed increase in impervious surfaces
  - f. Location and number of proposed parking spaces
  - g. Location and size of proposed buffer and landscape areas
  - h. Location of existing and proposed driveways and/or streets
  - i. Location of all flood zones
  - j. Location of adjoining properties and both the existing zoning designation and use of these properties
  - k. Names and addresses of adjoining property owners
  - l. Number of stories and overall height of all proposed structures
  - m. Location of proposed stormwater facilities
  - n. Location of proposed dumpster and recycling containers
  - o. Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.
  - p. Other information determined by the Administrator as necessary to evaluate the request.
  - q. The application and conceptual Site Development Plan shall be submitted to the Administrator.
- 2. Preparation by professional.** Site Development Plans for developments requiring minor Site Development Plan review shall be prepared by a registered architect, engineer, landscape architect, or professional land

surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform.

**C. Staff review.**

**1. Submittal of plans to Administrator.** The Administrator review the Site Development Plans for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective jurisdiction applies. This review shall be made by the Administrator and by any other agencies or officials as requested by the.

**D. Permit validity.** Approval of the Site Development Plan for projects requiring minor Site Development Plan review shall be valid for two years from the date of approval. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the Site Development Plan approval null and void. The Administrator shall grant a single extension of this time period of up to six months upon written request by the applicant.

## **7.8 SPECIAL USE PERMITS**

**7.8.1 Purpose.** Special Use Permits are established to provide for the location of those uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town of Wilson's Mills as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also identify cause(s) for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare. Any use identified in this Ordinance as a special use in a zoning district shall not be permitted without the approval of the Town Council in accordance with the requirements and procedures set forth in this Section.

**7.8.2 Pre-application conference procedure.** Every applicant for a special use permit is required to meet with the Administrator in a pre-application conference prior to the submittal of a request for approval of a special use permit. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application

**7.8.3 Plan submittal.**

**A. Filing of application.** An application for a special use permit may be filed by the owner of the property or by an agent specifically authorized by the owner

to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a special use permit shall be filed with the Administrator on a form provided by the Administrator.

- B. Information required.** Each application for a special use permit shall contain all information identified as required by the Administrator. The application shall be accompanied by an electronic file copy plus paper copies of a Site Development Plan containing all information required by this Ordinance for filing(s) on the subject property.

#### **7.8.4 Staff review.**

- A. Submittal of plans to Administrator.** This review shall be made by the Administrator and by any other agencies or officials as requested by the Administrator. The Administrator shall review the Site Development Plans for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective departmental role applies.

#### **7.8.5 Formal review.**

- A. Public hearing.** Upon receipt of a notice from the Administrator of the applicant requesting a public hearing on the application and Site Development Plan for a special use permit, a quasi-judicial public hearing shall be scheduled.
- B. Action by the Wilson's Mills Town Council.**
- 1.** The Wilson's Mills Town Council shall consider the request within 35 days of receiving information regarding the special use permit application from the Administrator.
  - 2.** The Wilson's Mills Town Council, after conducting the quasi-judicial public hearing, may: (1) deny approval; (2) continue the application pending submittal of additional information; or (3) approve the proposed special use permit.
  - 3.** The decision on the special use permit application shall be by a simple majority vote of those members of the Wilson's Mills Town Council present at the meeting at which the action is taken.
  - 4.** The minutes of the Wilson's Mills Town Council shall state if the proposal meets or does not meet each of the conditions set forth in this Section, the standards set forth in Article 10 of this Ordinance for the proposed special use permit, and all other requirements set forth by this Ordinance for the proposed special use permit.

**C. Findings and Conditions.** In granting the special use permit, the Town Council shall find there to be competent, material, and substantial evidence in the record to support these conclusions and the Town Council must find that all the below listed facts exist or the application shall be denied.

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;
3. That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity; and
4. That the use or development will be in harmony with the area in which it is to be located and conforms to the general plans for the land use and development of Town of Wilson's Mills and its environs.

**D. Additional Conditions.** In granting the special use permit, the Town Council may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the special use permit is granted, on the special use permit itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns. The special use permit, as approved, shall be recorded by the Administrator with the Johnston County Register of Deeds. The special use permit recipient shall be responsible for paying the recording fee. No building permit shall be issued for the subject property until the recording is made.

**7.8.6 Transfer of approval.** A special use permit approval is not transferable from one property to another, but is transferred to a subsequent owner of the property to which applied.

**7.8.7 Resubmission of denied applications.** No application for approval of a special use permit shall be filed with, or accepted by, the Administrator that is identical or substantially similar to an application that has been denied by the Wilson's Mills Town Council within one year of the final action by the Town Council denying the request. This waiting period may be waived in an individual case, for



good cause shown, by the affirmative vote of a majority of the members of Town Council.

**7.8.8 Public notification.** Notice of public hearings or public meetings required under this section for special use permit approvals shall be provided in accordance with the requirements established by the North Carolina General Statutes for public hearing notification. In addition, the Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and Site Development Plan for a special use permit approval. This will serve to encourage public involvement in development projects in Wilson's Mills. The notice shall be posted in a conspicuous place at Town Hall, on the Town's website, or a combination of these two, at least five days prior to the date on which the application is to be considered. This notice for publication shall include the following.

- A. Brief description of the project proposed;
- B. The time, date, and place at which the request will be considered; and
- C. Contact information for staff receiving comments concerning the proposed special use permit.

**7.8.9 Project phasing.** If a project approved through a special use permit is to be developed in phases, a plan for the entire development site must be approved by the Wilson's Mills Town Council at the same time and in the same manner the special use permit application is considered.

- A. Final plans for phases of the special use permit may be submitted in stages and shall be approved by the Administrator provided that the following requirements are met:
  - 1. All stages shall be shown with precise boundaries on the master plan and shall be numbered in the expected order of development.
  - 2. Each phase must be able to exist independently of subsequent phases by meeting all applicable laws and regulations as if the phase were a separate project.
  - 3. All the data required for the project as a whole shall be given for each stage shown on the plan.
  - 4. A proportionate share of the open space, common facilities, amenities, play areas, etc. shall be included in each stage of the development, except that centralized common facilities shall be guaranteed by bond or other irrevocable financial instrument valid for the duration of the project implementation period.
  - 5. The phasing shall be consistent with the traffic circulation, drainage, and utilities plan for the entire master plan for the special use permit.

6. Each phase of the special use must comply with any and all conditions attached to the approval of the special use permit by the Wilson's Mills Town Council.

**7.8.10 Modifications.** In issuing special use permits, the Wilson's Mills Town Council may prescribe dimensional requirements (height, setback, etc.) that are different from the requirements of the corresponding general zoning classification, and may prescribe development and design standards that are different from those set out in Article 9; provided, that any request for a modification to a dimensional requirement or development and design standard that is less restrictive than would be applicable for the underlying general zoning classification must be specifically described in any notices required for the public hearing on the special use permit application, and must be set out separately in any Ordinance issuing said special use permit, together with an explanation of the reason for the modification. Except as modified pursuant to this paragraph, all standards and requirements applicable to the underlying general zoning district must be met. Variances to the standards established by any special use permit shall not be allowed, per Article 6 of this Ordinance.

**7.8.11 Appeals.** An appeal from the decision of the Wilson's Mills Town Council regarding a special use permit application and Site Development Plan may be made by an aggrieved party and shall be made to the Johnston County Superior Court in the nature of certiorari. Any such petition to the Superior Court shall be filed with the court no later than 30 days after a written copy of the decision of the Town Council is received by the applicant.

**7.8.12 Permit validity.** Approvals of a special use permit application and Site Development Plan shall be valid for two years from the date of approval by the Wilson's Mills Town Council. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the special use approval null and void. The Administrator shall grant a single extension of this time period of up to six (6) months upon written request by the application. Permits for the phased development shall remain valid for the time approved by the Wilson's Mills Town Council as part of the master plan for the special use permit.

**7.8.13 Failure to Comply with Plans or Conditions.** In the event of failure to comply with the plans approved by the Town Council or with any other conditions imposed upon the special use permit, the special use permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued. If a failure to comply with conditions in a special use permit occurs after

occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation by the Administrator. Until such violation is corrected, it shall be unlawful for any person, firm or corporation to continue the use until the responsible party makes the necessary corrections.

## **7.9 USES LISTED WITH ADDITIONAL STANDARDS**

**7.9.1 Purpose.** Uses listed with additional standards are uses permitted by right, provided that the additional standards set forth in this Ordinance are met. The additional standards are intended to ensure that the uses fit the intent of the zoning districts within which they are permitted, and that the uses are compatible with other development permitted within the zoning districts. Review and approval of these uses are the authority of the Administrator, who has no discretion to modify the additional standards.

### **7.9.2 Plan submittal.**

A. See Section 7.5 – Zoning Compliance Permit.

## **7.10 SIGN PERMITS**

**7.10.1 Purpose.** In order to regulate the provision of sign standards and sign restrictions within the planning and regulation jurisdiction of the Town of Wilson’s Mills, it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign zoning permit.

### **7.10.2 Application submittal.**

#### **A. Filing of application.**

1. An application for a sign permit may be filed by the owner of the property or signed by an agent specifically authorized by the owner to file such application. The application for a sign permit shall be filed with the Town of Wilson’s Mills on a form provided by the Administrator.
2. Sign contractor's license. No person shall engage in the business of erecting or maintaining signs in the Town of Wilson’s Mills unless said person has been issued a sign contractor's license which has not expired at the time said work is done. This requirement shall exclude those persons who construct and erect a principal use identification sign when that sign is used at that person's place of business, provided all construction and installation is properly permitted and inspected for compliance with the applicable building codes of the Town of Wilson’s Mills and other sections of this Ordinance.

**B. Information required.** Each application for a sign permit shall be accompanied by complete information as required by the Administrator and shall include, without being limited to, a Site Development Plan and elevation drawings of the proposed sign, a drawing of the building facade indicating the proposed location of the sign (if the sign is to be attached to a building), height, dimensions and square footage of the proposed sign and any other data as the Administrator may determine to be necessary for review of the application.

**7.10.3 Staff review.** Provided the application for a sign permit is complete, the Administrator shall review the application and determine whether it is complete within ten (10) working days of its submittal. If the application is incomplete, the Administrator shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies.

**7.10.4 Permit validity.** Upon issuance of a sign permit, the applicant will have six (6) months to commence work on the approved signage, after which the permit shall automatically become null and void. The Administrator shall grant a single 60day extension of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing.

## **7.11 SUBDIVISION PLAT APPROVAL**

### **7.11.1 Major Subdivisions.**

**A. Purpose.** The Major Subdivision review process is required for those divisions of land meeting the definition of “Subdivision, Major” appearing in this Ordinance. Review and approval of the Preliminary Plat by the Administrator is required under the Major Subdivision review process, with review and approval of the Final Plat made by the Administrator.

#### **B. Pre-application procedure.**

**1. Conference.** It is required that every applicant for a Major Subdivision meet with the Administrator in a conference prior to the submittal of a Subdivision Plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of Plats for approval.

**2. Sketch Plan.** A Sketch Plan shall be submitted to the Subdivision Administrator prior to or at the pre-application conference. Upon submittal of the Sketch Plan, the Subdivision Administrator shall conduct an initial review to determine whether the proposed Subdivision is a Major Subdivision.

#### **C. Application and Preliminary Plat/Site Development Plan submittal.**

**1. Preliminary Plat(s) required.** A Preliminary Plat and Site Development Plan for a proposed Major Subdivision shall be prepared by a registered

architect, engineer, landscape architect, and/or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the Administrator and applicable state standards.

- 2. Filing of application.** A complete application containing all information as required by the Town of Wilson's Mills shall be submitted, along with applicable fees, to the Administrator.

**D. Preliminary Plat/Site Development Plan for Major Subdivisions submittal requirements.**

- 1. Application required.** An application shall be required for all Preliminary Plat/Site Development Plan for Major Subdivisions review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a Preliminary Plat/Site Development Plan for Major Subdivisions. The Preliminary Plat/Site Development Plan for Major Subdivisions shall contain the following:
  - a.** Property boundaries with dimensions
  - b.** PIN for property
  - c.** Location of adjacent streets, right of ways, and utility easements
  - d.** Dimensioned footprint and setbacks of the existing structures
  - e.** Location and size of buffer and landscape areas
  - f.** Location of existing and proposed streets
  - g.** Location of all flood zones
  - h.** Location of adjoining properties and both the existing zoning designation and use of these properties
  - i.** Names and addresses of adjoining property owners
  - j.** Location of proposed stormwater facilities
  - k.** Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc., and
  - l.** Other information determined by the Administrator as necessary to evaluate the request.

**E. Staff review.**

- 1. Submittal of plans to Administrator.** This review shall be made by the Administrator and by any other agencies or officials as requested by the Administrator. The Administrator shall review the Preliminary Plat/Site Development Plan for Major Subdivisions for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective departmental role applies.

**F. Permit validity.** Approval of the Preliminary Plat/Site Development Plan for Major Subdivisions shall be valid for two (2) years from the date of approval by the Administrator the Town of Wilson's Mills. The Final Plat for the Major Subdivision shall be presented for approval prior to the end of the two-year period. Phased Subdivisions shall be exempt from this time limit as set forth in this Ordinance.

**G. Site Construction Plans.**

- 1. Site Construction Plan required.** A complete and comprehensive set of Site Construction Plans shall be required for all Preliminary Plat/Site Development Plan for Major Subdivisions review requests. This submittal shall contain pertinent information regarding the proposed project listed below and shall be accompanied by the approved Preliminary Plat/Site Development Plan for Major Subdivisions herein above illustrating any and all deviations from the approved Preliminary Plat/Site Development Plan for Major Subdivisions. The Site Construction Plans shall contain the following:
  - a.** Property boundaries with dimensions
  - b.** Location of adjacent streets/roads including existing right-of-way and/or easement(s)
  - c.** Location and design of proposed streets including cross-sections in accordance with the Wilson's Mills Technical Standards & Specifications Manual, centerline profile(s), and the proposed right-of-way
  - d.** Location of existing and proposed utilities, including easements associated with both
  - e.** A grading plan showing existing and proposed contours demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between dwellings. The use of crawl-space construction techniques in detached residential structures and professional landscape design is required to meet this characteristic of site development.
  - f.** Location of existing and proposed stormwater detention, retention, collection, and conveyance facilities
  - g.** Dimensions of existing and proposed impervious surfaces
  - h.** Location of existing structures and either proposed structures or proposed building envelopes
  - i.** Location and number of existing and proposed parking spaces, including loading spaces, maneuvering areas, and fire lane(s)

- j. Location and size of buffer and landscape areas
- k. Location of existing and proposed driveways and/or streets
- l. Location of all flood zones
- m. Location of adjoining properties and both the current zoning designation and use of these properties
- n. Names and addresses of adjoining property owners
- o. Number of stories and overall height of all existing and proposed structures
- p. Location of existing and proposed dumpster and recycling container area(s) if applicable
- q. Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc., and
- r. Other information determined by the Administrator as necessary to evaluate the request.

**2. Preparation by professional.** Construction Plans for developments requiring major Site Development Plan review shall be prepared by a registered architect, engineer, landscape architect, and/or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the Administrator and applicable state standards.

**H. Final Plat.** Plats for recording Major Subdivisions shall be prepared by a professional land surveyor in accordance with the standards set forth by the applicable state standards and in accordance with the standards and specifications of this Ordinance. The Final Plat of a Major Subdivision shall be reviewed by the Administrator for compliance with the requirements of this Ordinance and for conformity with the approved Preliminary Plat. Substantial changes from the Preliminary Plat, as determined by the Administrator, shall require an additional review by the Subdivision Administrator, to ensure compliance. No Final Plat shall be approved by the Planning, Zoning & Subdivision Administrator until all improvements are installed, fees paid in lieu, or their execution guaranteed as permitted by this Ordinance and all certificates required for Final Plats by this Ordinance or approvals by state law have been properly completed and signed. Provided the Final Plat is complete, and no further review is determined to be required, the Administrator shall act on the Final Plat of Major Subdivisions within thirty (30) working days of receipt of the Mylar Plat. The Administrator is authorized to approve the Final Plat for

recording and to present the acceptance of dedications by resolution to the Town Council.

**I. Signatures and recordation.**

**1. Signatures.** Upon approval of a Final Plat for Major Subdivisions, the Plat shall be signed in the appropriate place by the engineer/architect and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval; Certificate of Review Officer; Certificate of Professional Land Surveyor; and Certificate of Ownership for recording. For Major Subdivisions installing new public infrastructure the following certificates shall also be shown where applicable: Certificate of Dedication; Certificate of Approval for Street and Road Maintenance; Certificate of Streets and Other Public Infrastructure Improvements; and Certificate of Water and Sewer System Approval. The language for these certificates appears at the end of this Article.

**2. Recordation.** A Final Plat for Major Subdivisions shall be recorded in the office of the Johnston County Register of Deeds in compliance with North Carolina General Statutes within 60 days following approval by the Town of Wilson's Mills. No Subdivision Plat shall be considered finally approved until the Plat has been recorded. If the Final Plat of all or part of the area shown on an approved Preliminary Plat for a Major Subdivision is not recorded in the office of the register of deeds within two years of the approval by the Town of the Preliminary Plat, the Preliminary Plat shall be resubmitted to the Administrator for consideration following the process set forth in this Article. 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. If the Final Plat of all or part of the area shown on an approved Preliminary Plat for a Major Subdivision to be developed in phases is not recorded in the office of the register of deeds within the schedule approved by the Town, the Preliminary Plat shall be resubmitted to the Administrator for consideration following the process set forth in this Article. No lots in a Subdivision shall be sold prior to approval by the Administrator and recording of a Plat for the Subdivision.

**7.11.2 Minor Subdivisions.**

**A. Purpose.** The Minor Subdivision review process is required for those divisions of land meeting the definition of "Subdivision, Minor" appearing in this Ordinance.



Review and approval of the preliminary and Final Plat by the staff permits a speedy review while ensuring that the proposed Subdivision meets all requirements established by the Town of Wilson's Mills.

**B. Pre-application conference.** It is required that every Subdivision applicant meet with the Administrator prior to the submittal of a Minor Subdivision Plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of Plats for approval.

**C. Plat submittal.**

- 1. Plat required.** Plats for Minor Subdivisions shall be prepared by a professional land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the Administrator and applicable state standards.
- 2. Filing of application.** A complete application containing all information as required by the Town of Wilson's Mills shall be submitted, along with applicable fees, to the Administrator.

**D. Final Plat approval.**

**1. Recordation and signatures.**

- a. Signatures.** Upon approval of a Plat for Minor Subdivisions, said Plat shall be signed in the appropriate place by the Planning, Zoning & Subdivision Administrator and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval; Certificate of Review Officer; Certificate of Professional Land Surveyor; and Certificate of Ownership for recording. The language for these certificates appears at the end of this Article. \
- b. Recordation.** A Plat for Minor Subdivisions shall be recorded by the developer of Wilson's Mills in the office of the register of deeds for the county in which the subject property is located within 60 days following approval by the Planning, Zoning & Subdivision Administrator. No Plat shall be considered finally approved until the Plat has been recorded. No lots in a Subdivision shall be sold prior to approval by the Planning, Zoning & Subdivision Administrator and recording of a Plat for the Subdivision.

**E. Permit validity.** Minor Subdivision Plats which have been granted approval shall be recorded as set forth in section above within 60 days following approval or the approval becomes invalid.

## **7.12 FLOODPLAIN DEVELOPMENT AND CERTIFICATION PERMIT**

**7.12.1 Purpose.** No approval shall be granted for construction in an area designated as a special flood hazard area as shown on the Flood Insurance Rate Maps (FIRM) for the Town of Wilson's Mills, as provided by the Federal Emergency Management Agency, and adjoining lands, which, because of their characteristics, the Town

identifies as being susceptible to flooding or determines as being susceptible to flooding or damage by flooding until the requirements of Article 18 of this Ordinance are met. Procedures for assuring compliance with these requirements are set forth below.

**7.12.2 Pre-application procedure.** Developers are required to meet with the Floodplain Administrator, prior to submitting an application for development in the designated a Special Flood Hazard Area. This will provide developers with the opportunity to obtain information regarding details of the application process and regulations affecting development within Special Flood Hazard Areas.

**7.12.3 Plan submittal.**

- A. Application required.** Application for a floodplain development permit shall be made to the Floodplain Administrator, herein after the Administrator, prior to performing grading, development, or construction on lands designated as Special Flood Hazard Areas. Applications shall be made on forms furnished by the Administrator, shall provide all requested information, and shall be accompanied by a Site Development Plan. The application, with all requested information, and Site Development Plan shall be provided to the Administrator.
- B. Plan required.** A Site Development Plan drawn to scale shall be provided with the application for a Floodplain Development Permit. The Site Development Plan shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  2. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in this section, or a statement that the entire lot is within the special flood hazard area;
  3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 18;
  4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 18;
  5. The Base Flood Elevation (BFE) where provided as set forth in Article 18
  6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

7. Certification of the plot plan by a registered professional land surveyor or professional engineer.
8. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
  - a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
  - b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and
  - c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;
  - d. If flood-proofing, a Flood-proofing Certificate (FEMA Form 81-65 or subsequent current version) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.
- C. A Foundation Plan, drawn to scale, shall be submitted with the application. The foundation plan shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
  1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
  2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 18, when solid foundation perimeter walls are used in Zones A and AE;
- D. Usage details of any enclosed areas below the regulatory flood protection elevation.
- E. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- F. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- G. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 18 of this Ordinance are met.
- H. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on

plot plan) showing the location of the proposed watercourse alteration or relocation.

**7.12.4 Preparation by Professional.** Plats, plans, designs, calculations, working drawings, and specifications for work shall be prepared by an authorized professional properly registered and licensed in North Carolina for the work in which they are engaged.

**7.12.5 Submittal of Plats/Plans.** Applications for floodplain development and certification permits, with all required information, shall be submitted to the Administrator. All review(s) shall be coordinated by the Administrator.

**7.12.6 Staff Review.** Plans for development requiring Site Development Plan review shall be reviewed by the Administrator for compliance with the requirements of this Article.

**7.12.7 Permit Requirements.** The Floodplain Development and Certification Permit shall include, but not be limited to:

- A. A description of the development to be permitted under the floodplain development permit.
- B. The Special Flood Hazard Area determination for the proposed development per available data specified in Article 18 of this Ordinance.
- C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- D. The regulatory flood protection elevation required for the protection of all public utilities.
- E. All certification submittal requirements with timelines.
- F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- G. The flood openings requirements, if in Zones A and AE.
- H. Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

**7.12.8 Certification of Floor Elevation/Flood-proofing.** When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with the following standards.

**A. Elevation Certificates.**

- 1. An Elevation Certificate (FEMA Form 086-0-33 or subsequent current version) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Administrator a

certification of the elevation of the reference level, in relation to mean sea level. The Administrator shall review the certificate data submitted.

Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

**2. RESERVED**

- 3.** A final as-built Elevation Certificate (FEMA Form 086-0-33 or subsequent current version) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Planning, Zoning & Subdivision Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

**B. Flood-proofing Certificate.** If non-residential flood-proofing is used to meet the regulatory flood protection elevation requirements, a Flood-proofing Certificate (FEMA Form 81-65 or subsequent current version), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Administrator a certification of the flood-proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

**7.12.9 Permit validity.** Permits for construction activity in designated flood hazard areas shall be valid for one (1) year. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the permit void.

## **7.13 VESTED RIGHTS APPROVAL**

**7.13.1 Purpose.** A vested right is a right which is established pursuant to N.C. Gen. Stat. sec. 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan (formerly referred to as “site specific development plan”). The vested right process shall follow the procedures outlined in NCGS 160D-108.

## **7.14 NOTICES AND PUBLIC HEARINGS**

### **7.14.1 General notice requirements.**

- A.** All notices which this Article requires for public hearings or public meetings shall identify the date, time and place of the public hearing/public meeting and the nature and character of the proposed action. Where the action being taken concerns a particular property or properties, the notice shall also identify the location of the subject property.
- B.** Where specific notice requirements are set forth in the North Carolina General Statutes for a particular type of public hearing, the requirements set forth in the North Carolina General Statutes shall be followed. Where these requirements conflict with procedures as stipulated in this subsection or elsewhere in this Article, the requirements contained in the North Carolina General Statutes will control.

**7.14.2 Notice procedure.** The following guidelines detail the notification procedure to be followed for public hearings required by this Article unless otherwise set forth in this Article. Failure to follow procedures set forth in this section, other than those required by the North Carolina General Statutes, shall not affect the validity of any action taken at a public hearing or public meeting. (N.C.G.S. 160D-602)

- A. Published notice.** Notice for public hearings required by this Article shall be published in a newspaper of general circulation within the Town of Wilson’s Mills.
- B. Mailed notice.** First class mailed notice for public meetings or public hearings required by N.C.G.S. 160D-602 shall be provided to owners shown on the County tax listings.
- C. Posted notice.** A sign (or signs) providing information concerning a public hearing or public meeting required by N.C.G.S 160D-602 will be posted on property which is the subject of said hearing/meeting. The sign(s) shall be prominently placed on the subject parcel or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each

individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

## **7.15 DEVELOPMENT AGREEMENTS**

### **7.15.1 Authorization and Applicability**

- A. The North Carolina General Statutes authorize the use of Development Agreements for the development of land in accordance with the criteria and procedures established in sections Article 10 of N.C.G.S. 160D.

### **7.15.2 Content of Development Agreement**

- A. The development agreement shall contain a legal description of the property subject to the agreement and the names of its legal and equitable property owners.
- B. The development agreement shall establish the period of time for completion of the development and construction of the project subject to the agreement.
- C. A description of public facilities that will serve the development, including providers and a schedule of construction dates of new public facilities, if applicable. If the Town of Wilson's Mills is to provide the public facilities, the development agreement shall that provide the delivery date of such facilities will be tied to successful performance by the developer in implementing the proposed development. Performance shall be defined by completion percentages or other performance standards. The development agreement shall cite all terms and conditions applicable to the development of the land subject to the agreement including standards and/or specifications that differ from the provisions of this Ordinance.
- D. The development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development.
- E. The development agreement shall provide a description of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to the protection of environmentally sensitive property.
- F. A description of any provisions of the preservation and restoration of historic structures.

### **7.15.3 Procedures for Entering into Development Agreements**

- A. The development agreement shall be drafted in a format as directed by the Administrator. The development agreement shall then be presented to the Planning Board for a formal recommendation at a regularly scheduled meeting. Said meeting shall be held prior to notification for a public hearing by the Town Council.

- B.** The development agreement and the Planning Board recommendation shall be published for public inspection and notification shall be made in accordance with the provisions of G.S. 160D-602.
- C.** The notice for the public hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.
- D.** The development agreement shall be presented at a Public Hearing allowing an opportunity for the public to comment on the proposed development agreement. The information presented at the Public Hearing shall be considered by the Council in formulating its decision on the approval of an ordinance authorizing approval of said agreement.
- E.** Upon finding that said agreement is in the best interest of the Town of Wilson's Mills, the Council may by adoption of an ordinance adopting the development agreement and authorizing its execution by the Mayor, approve such agreement to be administered in full force and effect by the Administrator.
- F.** The development agreement shall be recorded in the Johnston County Register of Deeds within fourteen (14) days of execution and prior to the issuance of any development permits authorizing development activities to commence.

#### **7.15.4 Administration of Development Agreements and Termination for Material Breach**

- A.** The development agreement shall run with the land obligating the parties to the agreement to any and all stipulations therein and may only be amended in accordance with the laws of North Carolina governing such agreements as stipulated in this Section.
- B.** The Administrator shall conduct a periodic review at least every 12 months, at which time the developer is required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of a periodic review, the Administrator finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the Administrator shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.



- C.** If the developer fails to cure the material breach within the time given, then the Town of Wilson's Mills may unilaterally terminate or modify the development agreement.
- D.** A development agreement adopted pursuant to this Section shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of this Ordinance.

## GENERAL SUBDIVISION CERTIFICATES

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The following certificates and approval blocks shall appear on the appropriate plans and plats listed in this ordinance. Additional certifications per any county or state regulation shall be provided in addition to the certifications provided in this Article.

### Certificate of Exemption

I (we) \_\_\_\_\_ hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in book , page , and that the subdivision of the property shown on this plat is an exception to the subdivision ordinance of the Town of Wilson's Mills, NC per N.C.G.S. 160D-802.

### Certificate of Approval

The Town of Wilson's Mills hereby approved the sketch plat for the \_\_\_\_\_ Subdivision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator

### Certificate of Subdivision Approval

Approved for recording by the Town of Wilson's Mills, NC. This plat shall be recorded within thirty days of this date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator

### Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that the property is within the Planning and Development Regulation Jurisdiction of the Town of Wilson's Mills and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate to the public all streets, easements, walks, parks and other open spaces as shown hereon unless otherwise noted as private.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

### Certificate of Survey and Accuracy

I, certify that this map as (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book \_\_\_\_\_ , Page \_\_\_\_\_ , of the Johnston County Registry) (other); that

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the error of closure as calculated by latitudes and departures is 1:\_\_\_\_\_; that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_, and that this map was prepared in accordance with G.S. 47-30. Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_.

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
License or Registration number

SEAL

**NCDOT Construction Standards Certification**

*(For all plats involving new street right-of-way which changes a State system street)*

Department of Transportation

Division of Highways

Proposed Subdivision Road

Construction Standards Certificate

Approved: \_\_\_\_\_ (District Engineer) Date: \_\_\_\_\_

**Certification of Water and Sewer**

Certification of approval of water supply and sewage disposal systems. I hereby certify that the water supply and sewage disposal systems installed or proposed for installation meet necessary public health requirements of Wilson's Mills and Johnston County, and are hereby approved.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town or County Health Officer

**Review Officer Certification**

State of North Carolina

County of Johnston

I, \_\_\_\_\_, review Officer of Johnston County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review

Officer

\_\_\_\_\_  
Date

## ARTICLE 8 DISTRICTS

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## ARTICLE 8 DISTRICTS

### 8.1 PURPOSE

In order to provide for the orderly development of Wilson's Mills, preserve existing development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning for future development, the Town hereby establishes districts and their associated standards and specifications.

### 8.2 PRIMARY GENERAL USE ZONING DISTRICT DESCRIPTIONS & STANDARDS

The following districts are created by this Ordinance:

**A. Agriculture District (AG).** The Agriculture District (AG) is established to protect lands used for agricultural production, agriculturally based businesses and related activities. Farmland is a defining element of Wilson's Mills' traditional identity and the protection of these lands aids in preserving the character of the Town until such time as new development is preferred by the Town. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential subdivision type development and excessive septic system utility. The Agriculture District can also be used to preserve open spaces.

(1) **Permitted Uses.** See Table of Permitted Uses.

(2) **Open Space Requirements.** See Article 21.

(3) **Parking Requirements.** See Article 12.

(4) **Landscaping Requirements.** See Article 11.

(5) **Density & Dimensional Requirements.**

<b>Zoning</b>	<b>AG</b>
<b>Density:</b>	1 unit per acre
<b>Minimum Lot Size:</b>	1 acre (43,560 sq. ft.)
<b>Minimum Lot Width:</b>	150'
<b>Primary Structure Building Height (max.):</b>	30'
<b>Accessory Structure Building Height (max.)</b>	25'
<b>Primary Structure Setbacks (min.):</b>	

<b>Front</b>	30'
<b>Side</b>	10'
<b>Rear</b>	20'
<b>Side Street</b>	20'
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.

**B. Single-Family Residential (SFR-1, SFR-2, SFR-3).** The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods.

Neighborhoods in these districts are the dominant land use in Wilson's Mills and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community.

(1) **Permitted Uses.** See Table of Permitted Uses.

(2) **Open Space Requirements.** See Article 21.

(3) **Parking Requirements.** See Article 12.

(4) **Landscaping Requirements.** See Article 11.

(5) **Density & Dimensional Requirements.**

<b>Zoning:</b>	<b>SFR-1</b>	<b>SFR-2</b>	<b>SFR-3</b>
<b>Density:</b>	0.91 units/acre	1.82 units/acre	2.64 units/acre
<b>Minimum Lot Size:</b>	30,000 sf	20,000 sf	10,000 sf
<b>Minimum Lot Width:</b>	100 ft.	70 ft.	60 ft.
<b>Primary Structure Building Height (max.):</b>	30'	30'	30'
<b>Accessory Structure Building Height (max.):</b>	25'	25'	25'
<b>Front</b>	40'	30'	20'
<b>Side</b>	15'	10'	8'

<b>Rear</b>	15'	10'	8'
<b>Side Street</b>	25'	20'	15'
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.		

**C. Residential Main Street Transition (RMST).** The Residential Main Street Transition District (RMST) provides for neighborhoods in the residential area(s) surrounding the Main Street and contiguous Civic Districts. The intent of this district is to recognize that gradual transition from intense development to high quality mixed density residential development is needed to support the central core of the Town. Higher density residential development allows a greater number of households to walk or bike, thus supporting businesses while reducing the parking demand and providing environmental and health benefits. Allowed building/lot types in these districts are the Detached House, Attached House, and Multi-family Building. Streets in the Residential Main Street Transition District should be interconnected, with streets and sidewalks providing a connection from Wilson's Mills' Main Street and other mixed-use districts to the Single-Family Residential districts surrounding these neighborhoods. A range of housing types is encouraged. Criteria for the mix of building types establishes compatibility.

(1) **Permitted Uses.** See Table of Permitted Uses.

(2) **Open Space Requirements.** See Article 21.

(3) **Parking Requirements.** See Article 12.

(4) **Landscaping Requirements.** See Article 11.

(5) **Density & Dimensional Requirements.**

<b>Zoning:</b>	<b>RMST</b>			
<b>Housing Type:</b>	Single-Family Detached	Single-Family Attached	Multi-Family	Other
<b>Density:</b>	7 units/acre	16 units/acre	See Article 10	N/A
<b>Minimum Lot Size:</b>	6,000 sf	1,600 sf	N/A	N/A
<b>Minimum Lot Width:</b>	40 ft.	16 ft.	N/A	N/A

<b>Primary Structure Building Height (max.):</b>	30'	30'	36'	45'
<b>Accessory Structure Building Height (max.):</b>	25'	25'	25'	25'
<b>Front</b>	12'	12'	12'	12'
<b>Side</b>	4'	N/A	4'	4'
<b>Rear</b>	4'	4'	4'	4'
<b>Side Street</b>	8'	8'	8'	8'
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.			

**D. Main Street (MS).** The Main Street District (MS) provides for new development in establishing Wilson's Mills' core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

**(1) Permitted Uses.** See Table of Permitted Uses.

**(2) Open Space Requirements.** See Article 21.

**(3) Parking Requirements.** See Article 12.

**(4) Landscaping Requirements.** See Article 11.

**(5) Density & Dimensional Requirements.**

<b>Zoning</b>	<b>MS</b>
<b>Density:</b>	24 units/acre
<b>Minimum Lot Size:</b>	N/A



<b>Minimum Lot Width:</b>	N/A
<b>Primary Structure Building Height (max.):</b>	45'
<b>Accessory Structure Building Height (max.):</b>	25'
<b>Front</b>	10' (max.)
<b>Side</b>	N/A
<b>Rear</b>	8' (min.)
<b>Side Street</b>	10' (max.)
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.

**E. Civic (CIV).** The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the Town. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses.

(1) **Permitted Uses.** See Table of Permitted Uses.

(2) **Open Space Requirements.** See Article 21.

(3) **Parking Requirements.** See Article 12.

(4) **Landscaping Requirements.** See Article 11.

(5) **Density & Dimensional Requirements.**

<b>Zoning:</b>	<b>CIV</b>			
<b>Housing Type:</b>	Single-Family Detached	Single-Family Attached	Multi-Family	Other
<b>Density:</b>	2 units/acre	8 units/acre	See Article 10	N/A

<b>Primary Structure Building Height (max.):</b>	30'	30'	36'	45'
<b>Accessory Structure Building Height (max.):</b>	25'	25'	25'	25'
<b>Minimum Lot Size:</b>	1 acre			
<b>Minimum Lot Width:</b>	100'			
<b>Setbacks (min.):</b>				
<b>Front</b>	20'			
<b>Side</b>	12'			
<b>Rear</b>	12'			
<b>Side Street</b>	20'			
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.			

**F. Mixed-Use (MU-1&2).** The Mixed-Use District (MU-1&2) is established to provide opportunities for both compatible and sustainable re-development where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and

Multi-family. Dominant uses in this district are residential, retail and office. The Mixed-Use Districts are expected to serve Wilson's Mills residents as well as persons who travel from surrounding communities. The development pattern in this district

acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use District promotes the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to use in adjacent neighborhood districts.

**(1) Permitted Uses.** See Table of Permitted Uses.

**(2) Open Space Requirements.** See Article 21.

**(3) Parking Requirements.** See Article 12.

**(4) Landscaping Requirements.** See Article 11.

**(5) Density & Dimensional Requirements.**

Zoning:	MU-1&2			
Housing Type:	Single-Family Detached	Single-Family Attached	Multi-Family	Other
Density:	7 units/acre	17 units/acre	14.5 units/acre	N/A
Minimum Lot Size:	6,000 sf	1,600 sf	N/A	N/A
Primary Structure Building Height (max.):	30’	30’	36’	45’
Accessory Structure Building Height (max.):	25’	25’	25’	25’
*Minimum Lot Width:	16’	16’	N/A	N/A
Setbacks:				
Front	10’ (max.)			
Side	N/A			
Rear	12’			
Side Street	16’ (max.)			
Accessory Structure Setbacks:	A minimum of 5’ behind primary structure & 5’ from side and rear property lines.			
*120’ on US 70 & I-42, 40’ for all non-residential uses				

**G. Commercial (C-70).** The US Highway 70 & I-42 Commercial District (C-70) is established to provide opportunities for compatible and sustainable development along the US Hwy 70 & I-42 corridor. Development standards in the US Highway 70 & I-42 Commercial District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the US Highway 70 & I-42 Commercial District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include commercial goods & services, employment, and some limited industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shopfront.

**(1) Permitted Uses.** See Table of Permitted Uses.

**(2) Parking Requirements.** See Article 12.

**(3) Landscaping Requirements.** See Article 11.

**(4) Density & Dimensional Requirements.**

<b>Zoning</b>	<b>C-70</b>
<b>Density:</b>	N/A
<b>Minimum Lot Size:</b>	10,000 sf
<b>Minimum Lot Width:</b>	360' on US 70 & I-42; 125' elsewhere
<b>Primary Structure Building Height (max.):</b>	45'
<b>Accessory Structure Building Height (max.):</b>	35'
<b>Front</b>	30'
<b>Side</b>	15'
<b>Rear</b>	12'
<b>Side Street</b>	0'
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.

**H. Corporate Park (CP).** The Corporate Park (CP) is established to provide opportunities for compatible and sustainable development within the employment centers of Wilson’s Mills. Development standards in the Corporate Park (CP) District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the Corporate Park (CP) District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include office complexes, and limited commercial goods & services. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shopfront.

**(1) Permitted Uses.** See Table of Permitted Uses.

**(2) Parking Requirements.** See Article 12.

**(3) Landscaping Requirements.** See Article 11.

**(4) Density & Dimensional Requirements.**

<b>Zoning</b>	<b>CP</b>
<b>Density:</b>	N/A
<b>Minimum Lot Size:</b>	10,000 sf
<b>Minimum Lot Width:</b>	360’ on US 70 & I-42; 125’ elsewhere
<b>Primary Structure Building Height (max.):</b>	50’
<b>Accessory Structure Building Height (max.):</b>	35’
<b>Setbacks (min.):</b>	
<b>Front</b>	30’
<b>Side</b>	0’
<b>Rear</b>	12’
<b>Side Street</b>	12’

<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.
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- I. Vehicle Service & Repair (VSR).** The Vehicle Service and Repair District (VSR) is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and it's interconnecting network of streets outside the core area as shown in the adopted Town Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial.
- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Parking Requirements.** See Article 12.
- (3) **Landscaping Requirements.** See Article 11.
- (4) **Density & Dimensional Requirements.**

<b>Zoning</b>	<b>VSR</b>
<b>Density:</b>	N/A
<b>Minimum Lot Size:</b>	12,000 sf
<b>Minimum Lot Width:</b>	360' on US 70 & I-42; 80' elsewhere
<b>Setbacks (min.):</b>	
<b>Front</b>	30'

<b>Side</b>	4'
<b>Rear</b>	8'
<b>Side Street</b>	12'
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.

**J. Industrial (IND).** The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed-use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

(1) **Permitted Uses.** See Table of Permitted Uses.

(2) **Parking Requirements.** See Article 12.

(3) **Landscaping Requirements.** See Article 11.

(4) **Density & Dimensional Requirements.**

<b>Zoning</b>	<b>IND</b>
<b>Density:</b>	N/A
<b>Minimum Lot Size:</b>	30,000 sf
<b>Minimum Lot Width:</b>	150'
<b>Setbacks (min.):</b>	
<b>Front</b>	40'
<b>Side</b>	15'
<b>Rear</b>	20'
<b>Side Street</b>	40'
<b>Accessory Structure Setbacks:</b>	A minimum of 5' behind primary structure & 5' from side and rear property lines.

### 8.3 OVERLAY DISTRICTS

The following Overlay District(s) supersede the underlying primary general use zoning districts where additional listed uses and/or requirements and/or standards and/or conditions are established by the Overlay District. All other provisions of the Primary General-Use District shall apply where no superseding provisions of the Overlay Districts are established.

### **8.3.1 Traditional Neighborhood Development Overlay (TNDO)**

- A. Intent:** The Traditional Neighborhood Development Overlay District (TNDO) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.
- B.** A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Traditional Neighborhood Development Overlay (TNDO) District applications and apply to all projects within the TNDO District.
- C. Permitted Uses:** See Table of Permitted Uses.
- D. Residential Density Limits:** See Primary General Use District
- E.** A master site development plan in compliance with Traditional Neighborhood Development standards of this Ordinance Section 8.5.1 shall be provided with both the application for a Zoning Map Amendment and the Zoning Compliance Permit Submittal for a TNDO. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information,



including building elevations, which may be required to evaluate both the internal pedestrian environment and conditions at project edges.

- F.** A grading plan shall be provided for review and approval in accordance with the procedures of Article 7 of this Ordinance to demonstrate both positive drainage characteristics and smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between dwellings.

**G. Minimum Development Size:** 10 acres

**H. Maximum Development Size:** none.

**I. TND Design Standards & Specifications:**

**(1) Neighborhood Form:**

- a.** The descriptions of Traditional Neighborhood Building and Lot types in Article 9 will determine the general arrangement and distribution of elements in a TND.
- b.** The area of the TND shall be divided into blocks, streets, lots, and open space. Grading of blocks shall not produce abrupt “v” ditches, swales and other disruptions to the landscape between dwellings on either individual lots or the same lot.
- c.** Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

**(2) Streets, Alleys and Blocks:**

- a.** Public streets shall provide access to all tracts and lots.
- b.** Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development.
- c.** Cul-de-sacs shall not exceed 500 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable.
- d.** Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
- e.** Pedestrian connections should be provided as extensions of terminating streets where not precluded by topography or other physical constraints.

- f. Utilities may run along alleys provided that a permanent access and utility easement is recorded for the full length of alley being used for utilities or public services such as garbage collection.
- g. TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted site plan. Each street type in a TND shall be separately detailed. Street types as described in the Town of Wilson's Mills Standards and Specifications Manual identify the street types listed in a TND. An array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use. To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods to achieve this interruption include:
  - i. A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (see Town of Wilson's Mills Standards and Specifications Manual) and terminate vistas with a significant feature (building, park, natural feature);
  - ii. a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space;
  - iii. perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; and
  - iv. other traffic calming configurations are acceptable so long as emergency access is adequately provided.

**(3) Buildings and Lots:**

- a. All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.

- b. No minimum lot size, width, or setback dimensions are required, except as required in Article 12, Section 12.3-1 for non-alley served lots. Lot configurations and setback criteria shall be as denoted on the approved Major Site Development Plan approved for the project, provided all design criteria of Section 8.5-1, and applicable provisions of Article 9 are met.
  - c. Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
  - d. Building and lot types shall comply with the descriptions provided in Article 9.
  - e. Large-scale, single use facilities (conference spaces, theaters, athletic facilities, etc.) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.
- (4) **Open Space:** The provision and design of open space shall comply with the requirements set forth in Article 21.
- (5) **Parking, Landscaping and Buffers:** Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

## 8.4 TABLE OF PERMITTED USES

### 8.4.1 Table of Authorizes Uses Established

The following table lists the principal uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a Special Use

Permit. Function codes of the Land Based Classification Standards (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDO.

### 8.4.2 Permitted and Prohibited Uses

Uses not listed as permitted (P); permitted with supplemental use standards (PS); or requiring a special use permit (S) are presumed to be prohibited ( - ) from the applicable zoning district. Uses requiring a special use permit must also meet the

applicable supplemental use standards as well as the findings of fact associated with special use permits.

#### **8.4.3 Uses Not Listed**

Uses not listed as permitted (P); permitted with supplemental use standards (PS); or requiring a special use permit (S) are presumed to be prohibited ( - ) from the applicable zoning district. Uses requiring a special use permit must also meet the applicable supplemental use standards as well as the findings of fact associated with special use permits.

#### **8.4.4 Land Use Categories**

All uses permitted have been divided into nine (9) categories, defined as follows:

**A. Residential**

**B. Lodging/accommodations**

**C. Office and services**

**D. Commercial and entertainment**

**E. Industrial, wholesale and storage**

**F. Educational and institutional**

**G. Agricultural/forestry**

**H. Communications/transportation/infrastructure**

**I. Other**

#### **8.4.5 Similar Uses**

The Administrator may determine that a use is materially similar if a permitted use is similarly classified by the Land Based Classification Standards (LBCS) of the American Planning Association (APA); North American Industrial Classification System (NAICS) or Institute of Transportation Engineers (ITS) Trip Generation Guide.

LAND USE TYPE:	AG	SFR (1-3)	RMST	MS	CTV	MU 1&2	C-70	CP	VSR	IND
<b>A. RESIDENTIAL</b>										
Dwelling Unit – Accessory	PS	PS	PS	P	PS	PS	-	-	-	-
Dwelling - Manufactured Home (Type 2 on individual lot)	PS	PS	-	-	-	-	-	-	-	-
Dwelling – Multi-Family (Apartments or Condominiums)	-	-	PS	PS	PS	PS	-	-	-	-
Dwelling – Single Family Attached (Townhome)	-	-	P	P	P	P	-	-	-	-
Dwelling – Single Family Detached	P	P	P	P	P	P	-	-	-	-
Dwelling – Two Family (Duplex)	-	P	P	P	P	P	-	-	-	-
Family Care Home	P	P	P	P	P	P	-	-	-	-
Group Care Facility	S	S	S	S	-	S	-	-	-	-
Manufactured Home Park (Type 1)	S	-	-	-	-	-	-	-	-	-
<b>B. LODGING AND ACCOMMODATIONS</b>										
Bed and Breakfast Inn	PS	-	PS	PS	PS	PS	PS	-	-	-
Dormitories	-	-	-	-	PS	-	-	-	-	
Rooming and Boarding House	-	S	-	S	S	-	-	-	-	-
Hotel or Motel	-	-	-	P	P	P	P	P	-	-
<b>C. OFFICE AND SERVICES</b>										
Banks, Credit Unions, Financial Services	-	-	-	PS	PS	PS	P	P	-	-
Funeral Homes/Crematoria	-	-	-	P	P	P	P	-	-	-
General Office Uses (not specifically listed)	-	-	-	P	P	P	P	P	-	-
General Offices Use (with screened outdoor storage)	-	-	-	-	-	-	PS	PS	PS	PS
Home Occupation	PS	PS	PS	PS	PS	PS	-	-	-	-
Hospital	-	-	-	P	P	P	P	P	-	-
Medical, Dental or Related	-	-	-	P	P	P	P	P	-	-
Personal Care Service	-	-	-	P	P	P	P	-	-	-

LAND USE TYPE:	AG	SFR (1-3)	RMST	MS	CIV	MU 1&2	C-70	CP	VSR	IND
Post Office	-	-	-	P	P	P	P	P	-	-
Professional Office/Service	-	-	-	P	P	P	P	P	-	-
Veterinary Service, Pet Grooming w/o Outdoor Kennels or Runs	P	-	-	P	-	P	P	P	-	P
Veterinary Service, Pet Grooming with Outdoor Kennels or Runs	S	-	-	-	-	-	S	S	-	S
<b>D. COMMERCIAL AND ENTERTAINMENT</b>										
Appliance Repair	-	-	-	-	-	-	P	-	-	P
Adult Establishments/Uses	-	-	-	-	-	-	-	-	-	S
Alcoholic Beverage Sales or Services	-	-	P	P	P	P	P	-	-	-
Automobile Rental or Leasing	-	-	-	-	-	P	P	P	P	-
Automobile/Vehicle Repair Services	-	-	-	-	-	-	PS	-	PS	PS
Automobile Sales	-	-	-	-	-	-	P	-	P	-
Automobile Towing & Storage Services	-	-	-	-	-	-	-	-	PS	PS
Bar/Tavern/Microbrewery	-	-	-	P	P	P	P	-	-	P
Building Supply Sales (see outdoor storage)	-	-	-	-	-	-	PS	-	-	PS
Bus Terminal	-	-	-	P	P	P	P	P	-	-
Camping Establishments (Recreational Vehicle Park)	P	-	-	-	-	-	-	-	-	-
Car Wash (As Primary Use)	-	-	-	-	-	PS	PS	-	PS	-
Convenience Store with Gasoline Sales	-	-	-	P	-	P	P	P	-	P
Drive-In Theater	-	-	-	-	-	-	-	S	-	-
Drive-Thru/Drive-In Facility (principal or accessory)	-	-	-	PS	PS	PS	PS	PS	-	-
Electronic Gaming Operations	-	-	-	-	-	-	S	-	-	-
Event & Wedding Venue	P	-	-	P	P	P	P	-	-	-
Games Arcade Establishment	-	-	-	S	-	-	P	-	-	-
General Commercial/Retail	-	-	-	P	P	P	P	-	-	-

LAND USE TYPE:	AG	SFR (1-3)	RMST	MS	CIV	MU 1&2	C-70	CP	VSR	IND
Golf Course	P	S	S	S	S	S	P	-	-	-
Golf Driving Range	-	-	-	-	-	PS	PS	-	-	-
Junked Motor Vehicle Storage as Accessory Use	S	-	-	-	-	-	S	-	PS	PS
Junkyard, Salvage Yard, Used Auto Parts	-	-	-	-	-	-	-	-	-	S
Landscape Services w/ Outdoor Storage (see outdoor storage)	P	-	-	-	-	-	PS	-	-	-
Moving and Storage Service	-	-	-	-	-	-	P	-	P	P
Outdoor Amusement	-	-	-	-	-	-	S	S	-	-
Outside Storage	-	-	-	-	-	-	PS	-	-	PS
Night Club	-	-	-	S	S	S	S	-	-	-
Parking Lot/Structure (Principal Use)	-	-	-	P	P	P	P	P	-	P
Pawnshops	-	-	-	-	-	PS	PS	-	-	-
Pest or Termite Control Services	-	-	-	-	-	-	P	P	-	P
Portable Storage Unit (see Temporary Use in Article 15)										
Raceway (Go-Carts, Motorcycle, Automobile)	-	-	-	-	-	-	S	-	-	-
Restaurant	-	-	-	P	P	P	P	-	-	-
Retreat Center	P	-	P	P	P	-	P	P	-	-
Riding Stables	P	-	-	-	-	-	-	-	-	-
Shooting Range, Indoor	S	-	-	-	-	S	S	S	-	-
Shooting Range, Outdoor	S	-	-	-	-	-	-	-	-	-
Smoke & Tobacco Shop	-	-	-	P	-	P	P	-	-	-
Tattoo and/or Body Piercing Studio	-	-	-	-	-	P	P	-	-	-
Taxidermist	P	-	-	-	-	P	P	-	-	P
Temporary Construction Storage and/or Office (see Article 15)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Theater, Indoor Movie or Live Performance	-	-	-	P	P	P	P	-	-	-





LAND USE TYPE:	AG	SFR (1-3)	RMST	MS	CIV	MU 1&2	C-70	CP	VSR	IND
Sanitary Landfill	-	-	-	-	-	-	-	-	-	-
Sawmills	-	-	-	-	-	-	-	-	-	S
Soaps and Cosmetic Manufacturing	-	-	-	-	-	-	-	-	-	S
Solid Waste Disposal (non-hazardous)	-	-	-	-	-	-	-	-	-	P
Storage, Self-Service	-	-	-	-	-	P	P	-	-	P
Textiles Manufacturing	-	-	-	-	-	-	-	-	-	S
Tire Recapping	-	-	-	-	-	-	-	-	-	S
Utility Equipment Storage Yard	-	-	-	-	-	-	-	-	-	S
Warehouse & Storage (outdoor)	-	-	-	-	-	S	S	-	-	P
Warehouse & Storage (Indoor)	-	-	-	-	-	P	P	-	-	P
Wholesaling and Distribution Establishments (not specifically listed)	-	-	-	-	-	-	P	-	-	P
Wholesale of Chemical & Allied Products	-	-	-	-	-	-	-	-	-	S
Wholesale of Resins	-	-	-	-	-	-	-	-	-	S
Wholesale of Scrap & Waste Metals	-	-	-	-	-	-	-	-	-	S
<b>F. EDUCATION AND INSTITUTIONS</b>										
Business Associations, Non-profits, Civic Clubs, Lodges	PS	-	-	PS	PS	PS	PS	PS	-	-
Assisted Living Facility	S	-	-	S	S	S	S	-	-	-
Cemetery or Mausoleum	PS	-	-	-	PS	-	-	-	-	-
Child/Adult Day Care (6 or less)	PS	PS	PS	PS	-	PS	-	-	-	-
Child/Adult Day Care (more than 6)	-	-	-	PS	PS	PS	PS	PS	-	-
College or University	-	-	-	-	P	-	-	-	-	-
Correctional Institution	-	-	-	-	-	-	-	-	-	-
Hospital	-	-	-	P	P	P	P	P	-	-
Library	-	-	-	P	P	P	-	P	-	-



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**ARTICLE 9**  
**BUILDING AND LOT STANDARDS**

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## ARTICLE 9 BUILDING AND LOT STANDARDS

### 9.1 PURPOSE

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

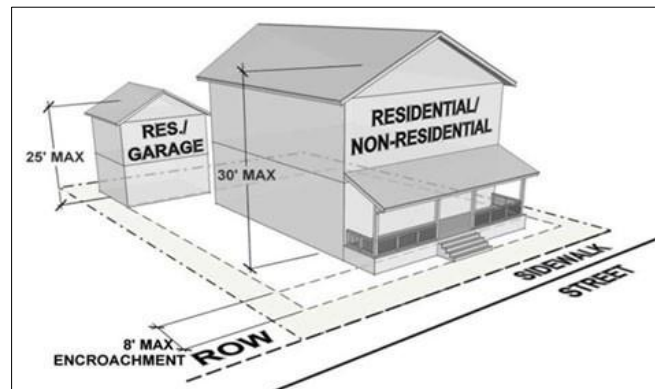
### 9.2 SINGLE-FAMILY DETACHED, ATTACHED (TOWNHOMES) & DUPLEXES

#### A. Building Placement

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

#### B. Encroachments & Pedestrian Access

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



*Figure 9.2*

2. Primary pedestrian access into the building shall be from the street frontage line. Secondary access may be from parking areas.
3. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8' (see Figure 9.2).

4. Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.

**C. Architectural Standards**

1. Single family dwellings (attached & detached) and duplexes subject to regulation under the North Carolina Residential Code for One and Two Family Dwellings shall be exempt from the regulation of this subsection. Voluntary architectural standards may be applied to single family dwellings (attached & detached) duplexes structures upon consent by the owner at the time of zoning, subdivision, or site plan approval.
2. To perpetuate the unique building character of the Town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment. Manufactured homes shall not be permitted as part of any attached residential development under this ordinance.
3. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street to maintain compatibility with structures within the Town. Setbacks should be used in a manner which encourages pedestrian activity.
4. Each building should be designed to form part of a larger composition of the area in which it is situated to maintain compatibility with structures within the Town.
5. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings to maintain compatibility with structures within the Town.
6. Porches should form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they shall extend over at least 40% of the front facade. All porches should be constructed of materials in keeping with those of the main building to maintain compatibility with structures within the Town.
7. Front loaded garages, if provided, shall meet the standards of Article 2 to maintain compatibility with structures within the Town.
8. The use of crawlspace to establish a Finished Floor Elevation (FFE) a minimum of two (2.0) vertical feet above adjacent sidewalk.
9. Configurations:
  - a. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:12 and 12:12 to maintain compatibility with structures within the Town. Mono-pitch (shed) roofs are allowed only if they are

attached to the wall of the main building. No mono-pitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main buildings to maintain compatibility with structures within the Town.

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

### **9.3 MULTI-FAMILY BUILDINGS**

#### **A. Building & Parking Placement**

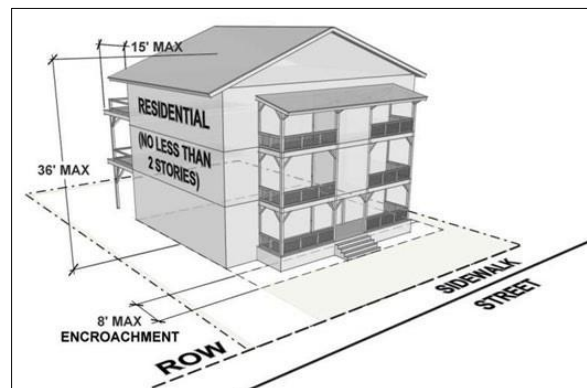
- 1. The front build-to line shall be 20’-35’ behind street ROW in residential districts. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In districts that allow commercial uses and where this building type is permissible, multi-family buildings may be set up to the sidewalk if the sum of the sidewalk and planting strip width are 12’ or greater.
- 2. Corners: Setback at street corners will generally replicate frontage conditions.
- 3. Within the limits described, side and rear setbacks will vary depending upon buffering requirements. When no buffer is required, a minimum 5’ side and rear setback is required.
- 4. Building facades shall be generally parallel to front property lines.
- 5. All buildings shall front onto a public street.
- 6. All ground floor residential units with exterior access shall front a public street.
- 7. Grading shall provide for smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons

actively utilizing the landscape and/or yard area. The use of crawl-space construction techniques in multi-family residential structures or professional landscape design is required to meet this characteristic of site development to establish a Finished Floor Elevation (FFE) a minimum of two (2.0) vertical feet above adjacent sidewalk.

8. Parking shall be located to the rear of the building, unless there are extenuating circumstances that make it impractical to park in the rear of the building, in which case parking may be permitted to the side. When parking is permitted to the side of the building, the parking area shall comprise no more than 35% of the road frontage and shall be buffered according to the buffering standards in Article 11.
9. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the architectural style of Wilson's Mills.
10. Trash containers shall be located in a rear parking area.
11. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened.
12. All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme to maintain compatibility with structures within the Town.
13. Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

**B. Building Height, Encroachments & Pedestrian Access** Maximum building height shall be a minimum of 2 stories and a maximum of 36' in height.

1. Main pedestrian access to the building and to individual units is from the street. Secondary access may be from parking areas.





2. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8' (see Figure 9.3).
3. Attached decks are permitted to encroach into the rear setback up to 15 feet (see Figure 9.3).
4. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment.
5. For buildings with pitched roofs, building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

## **B. Architectural Standards.**

### **1. Principles:**

- a. To perpetuate the unique building character of the Town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment.
- b. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Buildings in all locations shall relate the principal facade to the sidewalk and public space of the street to maintain compatibility with structures within the Town.
- c. Vinyl siding shall make up a maximum of 30% of the overall siding feature on each building.
- d. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration to maintain compatibility with structures within the Town.
- e. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings to maintain compatibility with structures within the Town.
- f. Porches should form a predominant motif of building designs, and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building to maintain compatibility with structures within the Town.
- g. Front loaded garages, if provided, shall meet the standards of Article 2 to maintain compatibility with structures within the Town.

- h.** At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

## **2. Configurations:**

- a.** Main roofs on multi-family buildings shall be symmetrical gables, hips with a pitch of between 4:12 and 12:12 or flat roofs with a parapet wall. Mono-pitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono-pitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main building to maintain compatibility with structures within the Town.
- b.** Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets to maintain compatibility with structures within the Town.
- c.** Two wall materials may be combined horizontally on one facade. The “heavier” material should be below to maintain compatibility with structures within the Town.
- d.** Exterior chimneys should be finished in brick, stone or stucco to maintain compatibility with structures within the Town.

## **3. Techniques:**

- a.** Overhanging eaves may expose rafters to maintain compatibility with structures within the Town.
- b.** The gable end-rake and minimum 8” overhanging vented eaves shall be finished by profiled molding or gutters to maintain compatibility with structures within the Town.

## **9.4 CIVIC BUILDINGS**

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

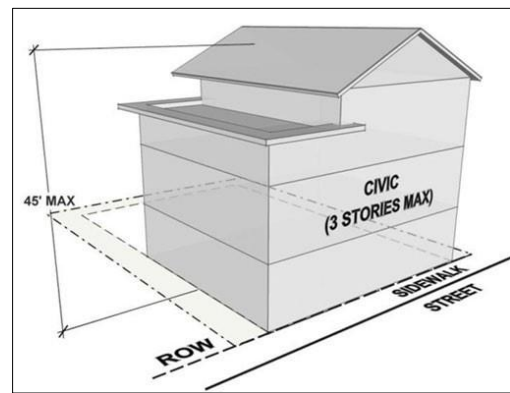
### **B. Building & Parking Placement**

- 1.** Parking shall be located to the rear of the building; side-yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.
- 2.** A planting strip, lawn or defined plaza should be provided to relate the building to the street.
- 3.** Building and street facades must be parallel to frontage property lines.
- 4.** Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5’ in height, maximum 3.5’ in height, shall be installed along any street frontage adjacent to parking areas.

5. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.
6. Trash containers shall be located in a rear parking area.
7. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by either an opaque screen or fence, or a Type D Buffer Yard per standards set forth in Article 11.
8. Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

**C. Building Height, Encroachments and Pedestrian Access.**

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



*Figure 9.4*

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

**D. Architectural Standards.**

**1. Principles:**

- a. To perpetuate the unique building character of the Town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment.
- b. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Vinyl siding shall not comprise a street fronting building face to maintain compatibility with structures within the Town.

- c. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment to maintain compatibility with structures within the Town.
- d. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration to maintain compatibility with structures within the Town.
- e. Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible, and shall be of sufficient design quality to create visual anchors for the community and serve as focal points for the neighborhood to maintain compatibility with structures within the Town.

## **2. Configurations:**

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

## **3. Techniques:**

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

## **9.5 SHOP-FRONT COMMERCIAL AND OFFICE BUILDINGS**

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

### **B. Building & Parking Placement**

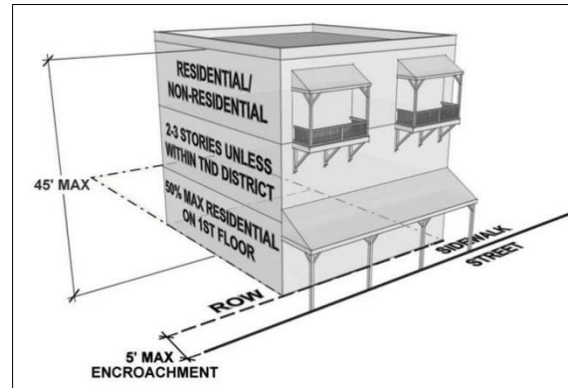
1. Buildings will range from 10' to 18' behind the street curb-line.
2. Setbacks should be used in a manner that encourages pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.
  - a. Corners: Setback at street corners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

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

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

### C. Building Height, Encroachments and Pedestrian Access.

1. Maximum building height shall be no less than 2 stories and a maximum height of 45'.
2. Balconies, bay windows, arcades, awnings and porches at an upper level and their supports are permitted and encouraged within the sidewalk as shown by the unshaded area. Encroachments



affixed to the building and *Figure 9.5* horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade.

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

### D. Architectural Standards.

#### 1. Principles:

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

height, and configuration to maintain compatibility with structures within the Town.

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

## **2. Configurations:**

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

## **3. Techniques:**

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

## **9.6 GENERAL COMMERCIAL & OFFICE BUILDINGS**

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

### **B. Building & Parking Placement**

- 1. Buildings will be 12’ to 115’ behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings on the same street within 500 feet of the proposed building may permit a larger setback.
- 2. Building facades shall be generally parallel to frontage property lines.
- 3. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall minimum 2.5’

in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas.

4. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.
5. Trash containers shall be located in the rear parking area.
6. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites.
7. Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

**C. Building Height, Encroachments and Pedestrian Access.**

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

**D. Architectural Standards.**

**1. Principles:**

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



- e. Trailers (mobile and/or manufactured units) may not be used as permanent highway buildings.

## **2. Configurations:**

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

## **3. Techniques:**

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

## **E. Massing and Rhythm**

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

## **F. Scale and Roofline**

- 1. The scale of buildings must be such that street edges are defined and relate to human proportions. This scale can be achieved through the use of architectural detailing on the first floor of buildings so that larger buildings are broken up into smaller units, by maintaining height limits, by using large picture windows along front facades and by using plantings around the buildings.
- 2. A range of roof forms is acceptable as long as they are compatible with the architectural character, scale, and height of surrounding buildings.

## **G. Fenestration**

- 1. Fenestration includes the structural openings to buildings, including doors and windows, to intuitively guide people toward their destination and improve emergency response.
- 2. All buildings shall have their principal entrance opening to a street, square, plaza, or sidewalk. Access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface.

3. A minimum of fifty percent (50%) of the length and twenty five percent (25%) of the surface of the primary structure(s) shall be in public entrances or windows. No more than fifty (50) percent of the surface of the building shall be windows.

#### **H. Access**

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

#### **I. Articulation**

1. To improve distinction of buildings and various building spaces along long walls viewed from sharp angles and at long distances, the following standards shall apply:
  - a. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding twenty (20) feet.
2. All building walls must include at least two of the following:
  - a. change in plane,
  - b. change in texture or masonry pattern,
  - c. windows, or
  - d. Include an equivalent aspect that subdivides the wall into proportions such as an articulated base with a height no more than ten (10) feet.
3. In the event that actual doors and windows are not feasible because of the nature of the use of the building, side or rear walls that face walkways should include false windows and door openings defined by the following:
  - a. Frames,
  - b. Sills,
  - c. lintels, or
  - d. Proportioned modulations of the wall.
4. All sides, including the rear, of the building shall include materials and design characteristics consistent with those on the front.
5. Use of inferior or lesser quality materials on side or rear walls is prohibited except for areas where public access is prohibited by the proprietor.
6. In the event that canopies, awnings or other similar appurtenances are used, the following standards shall apply:

- a. Such appurtenances shall be constructed of materials designed to full-fill the principles of the standards herein.
- b. Any appurtenance may extend from the building up to eighty (80%) percent of the width of the sidewalk area or nine feet, whichever is less.
- c. In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with maintenance of bio-retention pits with street trees for stormwater management, or maintenance of street lights or street signs.
- d. A minimum overhead clearance of seven (7) feet from the sidewalk shall be maintained.

#### **J. Materials**

- 1. All buildings shall be constructed of durable fire retardant and wind resistant materials to prevent hazards to persons and/or property. These materials include brick, either plain or painted, horizontal fiber-cement siding, wood shingle, stone, or concrete-based stucco. All trim materials shall be stone, cast stone, cast concrete, or painted wood.
- 2. It is recommended that the primary structure be neutral in color, i.e. light grays, browns, beiges, whites or earth tones and not of colors that are distractive to motorists or cause concern among proximate proprietors of diminished property value or customer discomfort. The trim may be of various contrasting colors to that of the primary structure.
- 3. Where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles (with natural texture and color), ribbed metal, or shingles.
- 4. Finish materials of buildings, signage, gasoline pump canopies and other accessory structures, shall be compatible with the architectural character of the principal structure(s) through compliance with the following guidelines:
  - a. all buildings, including gasoline pump canopies, shall utilize a consistent architectural style;
  - b. differing buildings, businesses, or activities within the same development may be distinguished by variations;
  - c. Sides and backs of buildings shall be as visually distinguishable as the front through the design of roof lines, architectural detailing, and landscaping features. Non-public and restricted access areas may be exempted from this provision upon review by the Administrator.

**ARTICLE 10**  
**USES WITH ADDITIONAL DEVELOPMENT STANDARDS**

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## ARTICLE 10

### USES WITH ADDITIONAL STANDARDS

#### 10.1 PERMITTED USES WITH ADDITIONAL DEVELOPMENT STANDARDS

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

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

##### **10.1.3 Accessory Dwelling Units.**

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

**B.** Standards.

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

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

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

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

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

B. Standards.

1. Vehicles awaiting repair shall not be parked in public right-of-way.
2. No outdoor automobile/boat work areas are to be located in front yard setback area.
3. All outdoor automobile/boat work areas and/or vehicle storage areas shall be screened from adjacent uses with a six (6) foot tall opaque fence and a type D buffer (see Article 11); plantings shall be on the exterior side of the fence.

#### **10.1.5 Automobile Towing and Storage Service.**

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

B. Standards.

1. No more than 110 automobiles per acre of storage area shall be stored at an automobile towing and storage service at a time.
2. The automotive storage area must be screened with a six-foot-tall opaque fence and a type C buffer (see Article 11); plantings shall be on the exterior side of the fence.
3. No outdoor disassembly or salvaging is permitted.

#### **10.1.6 Bank, Credit Unions, Financial Services.**

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

**B. Standards.**

1. Drive-through facilities shall be located at the rear of the building
2. No more than 2 drive-through lanes shall be permitted
3. Drive-through facilities shall be screened from adjacent uses with a type D buffer (see Article 11).
4. ATM may be located at side or front of building only if a walk-up facility.

#### **10.1.7 Reserved**

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

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

**B. Standards**

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

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

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

#### **10.1.9 Car Wash.**

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

B. Standards:

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

#### **10.1.10 Cemetery or Mausoleum.**

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

B. Standards:



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

#### **10.1.11 Religious Institutions**

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

**B.** Standards:

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

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

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

**B.** Standards

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

#### **10.1.13 Reserved**

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

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

B. Standards:

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

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

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

B. Standards:

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

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

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

#### **10.1.16 Dormitories.**

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

B. Standards:

1. Must be located on the campus of secondary or post-secondary school.
2. The dormitories must be administered and/or managed by the secondary or postsecondary school on whose campus they are located.

#### **10.1.17 Drive-through Window as Principal or Accessory Use.**

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

B. Standards:

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

#### **10.1.18 Food Trucks**

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

B. Standards:

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

**10.1.19 Golf Driving Range.**

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

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

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

**10.1.21 Home Occupation.**

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

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

#### **10.1.22 Junked Motor Vehicle Storage as Accessory Use.**

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

**B.** Standards:

1. Any vehicle meeting the definition of "motor vehicle, junked" shall be stored or placed in the side or rear yard of the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residential, mixed use, or civic zoned property. Total screening shall be provided by placement of the vehicle behind a building and/or by plant materials, fences, berms, or a combination thereof with a minimum height of six (6) feet.

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

**10.1.23 Kennels or Pet Grooming (Outdoor).**

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

**B.** Standards:

1. The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 400 feet from abutting property located in a residential or mixed-use district.
2. The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with a type B buffer (see Article 11).

**10.1-24 Multi-Family Development.**

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

**B.** Standards:

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

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

#### **10.1.25 Assisted Living Facility.**

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

B. Standards:

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

#### **10.1.26 Parks, Sports and Recreation Facilities (Outdoor).**

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

B. Standards:

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

#### **10.1.27 Special Events and Temporary Structures.**

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

B. Standards: See Article 15

#### **10.1.28 School, Elementary or Secondary.**

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

**B.** Standards:

1. Minimum lot size:
  - a. Kindergarten (only): One acre.
  - b. K-12: Two acres.
2. Minimum setback standards:
  - a. Front: Twice that for permitted uses in the respective zoning district.
  - b. Side: 25 feet.
  - c. Rear: 25 feet.
3. Parking and active recreation areas shall not be located within the required building setbacks.

#### **10.1.29 Reserved**

#### **10.1.30 Temporary Construction Storage and/or Office.**

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

**B.** Standards: See Article 15

#### **10.1.31 Veterinary Service with Outdoor Kennels.**

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

**B.** Standards:

1. The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 400 feet from abutting property located in a residential or mixed-use district.
2. The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with a type B buffer (see Article 11).

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

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

**B.** Standards

1. Microcellular wireless telecommunication facilities are permitted on buildings and other existing structures (other than off-premise signs) which do not require an increase in height to accommodate the facility. Electric distribution poles may be extended in height in residential zoning districts to the lesser of 20 feet above the vegetative canopy in



the vicinity of the site as determined by the Administrator, or 80 feet in height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.

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

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

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

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

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

**B.** Standards:

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

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

5. Antennas associated with a concealed wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
6. Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, except as provided in subsection 10.133(B)(4) above, equipment enclosures shall be screened so as to make them unobtrusive.
7. All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication facilities shall be colored or concealed in a manner as to render them unobtrusive.
8. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
9. Applicants for concealed wireless telecommunication facilities shall first be encouraged to consider properties owned by the Town or Johnston County, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.
10. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that

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

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

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

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

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

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

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



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

9. Co-located wireless telecommunication facilities shall not be constructed unless the facility owner has general liability coverage of at least \$1,000,000.00. The owner of a co-located wireless telecommunication facility shall provide the Town with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the Town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.
10. Modifications shall be permitted upon existing telecommunications tower facilities as of October 1, 2013 provided, they do not exceed any of the following criteria:
  - a. Increase in vertical height of the greater of either:
    - 1) ten percent (10%), or
    - 2) the height of one additional antennae array with separation from the nearest existing array of not more than twenty (20) vertical feet; provided the maximum height of 200 vertical feet is not exceeded.
  - b. Addition of an appurtenance protruding the greater of either:
    - 1) more than twenty (20) feet, or
    - 2) more than the width of the wireless support structure at the elevation of the appurtenance, unless:
      - (i.) necessary to shelter an antenna, and/or
      - (ii.) necessary to connect the antenna to the tower via cable
  - c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet; provided all applicable minimum yard area, buffering and screening provisions are maintained.

#### **10.1.35 Pawnshops**

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

**B.** Standards:

1. The owner shall comply with all applicable portions of NCGS Chapter 66, Article 45, Part 1: Pawnbrokers and Cash Converters.
2. Hours of operation: 8:00 A.M. until 8:00 P.M.
3. No outdoor storage or display of merchandise or goods.

4. No window tinting.
5. Five hundred (500) feet of separation between pawnshops, measured in a straight line between front door entrances (inclusive of rights of way).
6. No pornographic or sexually explicit material sales on site.

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

**A.** Zoning District where additional standards below apply: All zoning districts when replacing an existing manufactured dwelling per Article 22.5-2, and new installations.

**B.** Standards:

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

**10.1.37 Outdoor Storage.**

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

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

**C.** Standards:

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

#### **10.1.38 Light Industry.**

##### **A. Standards**

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

#### **10.1.39 Heavy Industry.**

##### **A. Standards**

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

## **10.2 SPECIAL USES REQUIRING ADDITIONAL STANDARDS**

**10.2.1 Purpose.** Certain uses may wish to locate in the Town of Wilson's Mills and its area of jurisdiction, which, due to their size and/or operation, have impacts that

could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these uses, they must meet certain standards to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require standards and establishes the standards they must meet. A Special Use Permit must be granted for these uses in accordance with the procedures set forth in Article 7.

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

**10.2.3 Adult Establishment.**

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

**B.** Standards:

1. No lot containing an adult use shall be located within a 1,200-foot radius of any lot containing another adult use.
2. No lot containing an adult use shall be located within a 1,200-foot radius of any residential or mixed-use zoning district.
3. No lot containing an adult use shall be located within a 1,200-foot radius of any dwelling unit, church or place of worship, school, library, licensed childcare center, public recreation center, or public park or playground.
4. The required distance shall be measured from the closest edge of the property occupied by an adult use to the closest edge of the property occupied by a protected use, zone, or by another adult use. Provided, however, that if an adult use is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such use.
5. No more than one adult establishment may be located within the same structure or on the same lot.
6. In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.
7. Except for permitted business identification signage, no printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the adult use.

**10.2.4 Agriculturally Based Business Facility.**

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

**B.** Standards:

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

#### **10.2.5 Reserved.**

#### **10.2.6 Asphalt Paving Plant.**

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

B. Standards:

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

#### **10.2.7 Equestrian Facility.**

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

B. Standards:

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

#### **10.2.8 Group Care Facility.**

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

B. Standards:

1. No such facility shall be located within one-half (1/2) mile of an existing group care facility unless located within the Civic (CIV) district and/or specifically approved within a Traditional Neighborhood Development Overlay (TNDO) district.
2. The facility shall be limited to no more than thirty (30) persons.

#### **10.2.9 Junkyards and/or Salvage Yards, Auto Parts.**

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

B. Standards:

1. The minimum area required to establish a salvage yard shall be five (5) acres.
2. A six-foot-tall opaque fence of uniform construction and a type A buffer shall be placed around the perimeter of the use; plantings shall be on the exterior side of the fence.
3. No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business.

#### **10.2.10 Manufactured Dwelling Park.**

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

B. Standards:

1. Minimum area: Five (5) acres.
2. The minimum number of spaces shall be 15 and the maximum number of spaces shall be 180.
3. Minimum setback: 70 feet from all public rights-of-ways and property lines.
4. No more than one manufactured dwelling or recreational vehicle, towed or self-propelled, shall be parked or set-up on any one space.
5. Access standards:
  - a. No space shall have direct vehicular access to a public street;
  - b. All spaces shall directly abut a private street in the park;
  - c. Each space shall have adequate access, with a minimum access width of 20 feet.
6. Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the park shall be provided and shall consist of at least:
  - a. A play lot for preschool children (2-5) containing a minimum size of 1,200 square feet within 500 feet of every space; and

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officials whose duties necessitate acquisition of the information contained in the register.

- 11. Park Manager Residence:** A single-family detached dwelling may be provided for the manager of the park.
- 12. Pre-existing Dwellings:** Pre-existing dwellings on the site may remain provided they occupy approved spaces.
- 13. Design Requirements Applicable to Manufactured Dwelling Parks:** The following design requirements apply to Manufactured Dwelling Parks:
  - a. Minimum Manufactured Dwelling Space Size:** A manufactured dwelling space shall consist of a minimum of 6,000 square feet and shall have a width of at least 45 feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of 40,000 square feet and shall have a width of at least 120 feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.
  - b. Each Manufactured dwelling space shall contain:**
    - i.** a manufactured dwelling stand consisting of a properly graded and compacted surface no less than 13 feet by 60 feet;
    - ii.** a patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of 240 square feet in area;
    - iii.** a hard surface walkway a minimum of two feet wide leading from the patio to the parking space or road;
  - c. Manufactured Dwelling Additions:** Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained.
  - d. Construction and Design of Private Streets:**
    - i.** Private entrance, collector, and interior streets with no parking or minor cul-de-sac streets with no parking shall meet the minimum design standards for private streets as set forth in the Town of Wilson's Mills Technical Standards and Specifications Manual;
    - ii.** One-way minor streets with no parking (acceptable only if less than 500 feet total length and serving less than 15 manufactured dwelling stands) shall have a 20-foot minimum right-of-way with 12-foot minimum paved surface;
    - iii.** all private streets shall have signage in accordance with Town standards for safety and identification;



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obtained only from faucets or other plumbing connections located within each manufactured dwelling.

- vi. Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Johnston County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.
- j. Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.
- k. Manufactured Dwelling Design Standards: Each manufactured dwelling shall have a roof pitch of at least 5 feet of rise for each 12 feet of horizontal run and a minimum width of 12 feet.

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

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

B. Standards:

1. Minimum lot area shall be five (5) acres.
2. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Wilson's Mills.
3. The use shall be buffered from adjacent properties and public streets with a type B buffer (see Article 11).

#### **10.2.12 Sewage Treatment Plant.**

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

B. Standards:

1. Minimum site area shall be ten (10) acres.
2. All buildings, lagoons, outdoor treatment areas, and other facilities shall be located at least 1,000 feet from residential and mixed use zoned property.

3. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Wilson's Mills.
4. Use shall be managed and operated by a municipality, county, or other governmental entity.

**10.2.13 Shooting Range, Indoor.**

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

B. Standards:

1. Access shall be controlled to prevent unregulated entrance to firing area.

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

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

B. Standards:

1. The applicant for a special use permit for a telecommunication tower shall bear the burden of demonstrating by substantial evidence in a written record that a bona fide need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunication tower.
2. Telecommunications transmission towers in the Main Street (MS) district must be a monopole design that does not exceed one-hundred and fifty (150) feet in height from average adjacent grade.
3. Telecommunication towers proposed on properties under the ownership or control of the North Carolina Department of Transportation shall simulate typical highway lighting towers in height and appearance and shall be clustered amongst or near such towers so as to be unobtrusive. If due to topography, existing vegetative canopy, or other local conditions, the Town Council determines that a tower disguised as a coniferous tree is a preferable aesthetic alternative to a simulated lighting tower, it may require such camouflage treatment as a condition of approval. If any portion of a telecommunication tower located on such properties is used to mount cameras, instruments, sensors or antennas for governmental use, and the same structure supports or incorporates commercial wireless telecommunication facilities, the governmental use shall be deemed incidental or accessory to the

commercial use and the entire facility shall be treated as a commercial use for purposes of this section.

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

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

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

provision, the Town shall give 30 days written notice of its intention to do so to the permittee at its last known address.

- 12.** All telecommunication towers shall comply with FAA lighting requirements. In addition, in a specific instance, the Town may impose lighting requirements for a tower that is not required by FAA regulations to be lit.
- 13.** Except as otherwise provided herein, minimum setbacks for telecommunication towers shall be in accordance with the setback requirements set forth in the development standards for the district in which the location of the tower is proposed. In addition, telecommunication towers must be set back from any residentially zoned or residentially used properties a distance equivalent to one-half the height of the tower being erected. The Town Council may reduce the setback requirement upon a showing by the applicant that there are special physical circumstances or conditions affecting the proposed site such that the strict application of the setback requirement would not allow the most effective use of the proposed site to minimize the visual impact of the wireless telecommunication facility.
- 14.** Telecommunication towers shall be buffered from adjacent properties with a buffer which, at a minimum, meets the requirements of a Type B buffer as described in Article 11 of this ordinance, regardless of adjacent zoning district classifications or uses.
- 15.** No telecommunication tower shall be located:
  - a.** On top of buildings; or
  - b.** In a locally or nationally designated historic area or property or on a nationally or locally designated historic structure or building. Nor shall a telecommunications tower be located such that it adversely impacts the historic integrity of a locally or nationally designated historic area, property, or structure.
- 16.** In cases where an applicant is required to perform an environmental assessment (EA) or an environmental impact statement (EIS) under the National Environmental Policy Act or the National Historic Preservation Act, such EA or EIS shall be submitted as part of its application for a special use permit. An application for a special use permit will not be deemed complete until any required EA or EIS has been submitted to the Town.
- 17.** Telecommunication towers shall not be constructed unless the company erecting the tower has general liability coverage of at least \$1,000,000.00. The owner of a telecommunication tower shall provide the Town with a certificate of insurance showing evidence of its

coverage and the certificate shall contain a requirement that the insurance company notify the Town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.

- 18.** Telecommunication towers shall be designed to meet the following standards:
- a.** Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. The Town Council may condition approval on the use of specific concealment techniques where it determines that doing so is necessary or desirable.
  - b.** Guyed towers are prohibited. Commercial wireless telecommunication transmission towers shall be of a monopole design unless the Town Council determines that an alternative design would better blend in to the surrounding environment.
  - c.** Use of dual-polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated), dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna), and use of combiners (allowing antenna sharing by providers using the same frequency band) are encouraged.
  - d.** Antennas shall be mounted on telecommunication towers so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
    - i.** Compact dual-polarized antennas in a cylindrical uni-cell arrangement extending no more than two feet from the sides of the supporting structure and mounted atop the tower;
    - ii.** Panel antennas flush-mounted against the tower;
    - iii.** Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
  - e.** No telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.



- f.** All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed 12 feet in height. Ground mounted equipment shall be screened from view with a minimum "B" buffer (see Article 11), except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- 19.** Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
- 20.** Telecommunication towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence shall not be topped with barbed wire. The Town Council may require as a condition of approval that the fencing be screened by appropriate landscaping or other means. The Town Council may waive or modify the fencing requirement if it determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
- 21.** Telecommunication towers shall have a flat gray or galvanized finish.
- 22.** No telecommunication tower shall be permitted that exceeds 200 feet in height.
- 23.** Signage at any telecommunication tower site shall conform to the following provisions:
  - a.** A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.
  - b.** Equipment hazard warning and informational signs are permitted.
  - c.** The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.
- 25.** The Town Council may require any other conditions deemed necessary or desirable to ameliorate the impact of the tower on the adjacent properties and uses. Such conditions shall include, but are not limited to: the height of the tower; the construction or type of tower; lighting; and co-location of the antennas and facilities of different parties on a single tower.

- 26.** Modifications shall be permitted upon existing telecommunications tower facilities as of October 1, 2013 provided they do not exceed any of the following criteria:
- a.** Increase in vertical height of the greater of either: 1) ten percent (10%), or 2) the height of one additional antennae array with separation from the nearest existing array of not more than twenty (20) vertical feet; provided the maximum height of 200 vertical feet is not exceeded.
  - b.** Addition of an appurtenance protruding the greater of either:
    - 1) more than twenty (20) feet, or
    - 2) more than the width of the wireless support structure at the elevation of the appurtenance, unless:
      - (i.) necessary to shelter an antenna, and/or
      - (ii.) necessary to connect the antenna to the tower via cable.
  - c.** Increasing the square footage of the existing equipment compound by more than 2,500 square feet; provided all applicable minimum yard area, buffering and screening provisions are maintained.

#### **10.2.15 Electronic Gaming Operations**

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

**B.** Standards:

- 1.** Separation from Residential Zoning - Electronic Gaming Operations (whether principal uses, or accessory to another use) shall be located no closer than 500 feet in any direction from any property zoned for residential use.
- 2.** Separation from Certain Uses - No Electronic Gaming Operation shall be located within 1,500 feet in any direction from any other Electronic Gaming Operation, or from any cemetery, Group Living facility, religious institution, public or private childcare center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.
- 3.** Major Gateway Setbacks - All Electronic Gaming Operations shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile inward from the Town limit line. For the purposes of this standard a major gateway is identified as an entry way into the zoning jurisdiction along any of the following transportation corridors: **a.** US 70

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

#### **10.2.16 Hazardous Industries**

- A. Zoning District where the standards appearing below apply: See Article 8 – Table of Permitted Uses.
- B. Standards:
  1. Minimum Building/Parking Lot/Storage Area Setbacks:
    - a. The minimum building/parking/storage area setbacks shall be as follows:
      - i. From any arterial or collector street right-of-way – 500 feet
      - ii. From any local street right-of-way – 500 feet
      - iii. From an interior lot line adjacent to a school or day care facility

500 feet **iv.** From an interior lot line adjacent to a residential zoning district – 500 foot

**iv.** From an interior lot line adjacent to a non-residential zoning district – 250 foot.

**2. Building Height Requirements:**

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

**3. Additional Requirements:**

- a.** Any such hazardous industry facility shall be serviced by a public water and wastewater system.
- b.** Any such hazardous industry facility shall be enclosed with a security fence of adequate height and structure that would reasonably prohibit access to the site by the general public. All security gates and/or gate houses shall be set back a minimum of 50 feet from the public right-of-way line.
- c.** All Chemical Bulk Storage Structures and/or Areas housing the storage of bulk liquid and/or hazardous or toxic materials shall be set back from any property line a minimum of 550 feet.
- d.** There shall be no industry created noise more than 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
- e.** There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
- f.** There shall be no industry created air pollution including:
  - i.** No noxious odors; no noxious, toxic or corrosive gases or fumes.
  - ii.** No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, and approved density scale equivalent to the Ringelmann Chart shall be used.
  - iii.** No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of the Oversight Board.

- iv. There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III. vii

Miscellaneous Prohibitions:

- (1) Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.

- (2) In any industrial unit or accessory all operations and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure.

Exemption: Outside storage of bulk or large raw materials which are fireproof if enclosed by a security fence with provisions for visual inspection and where screened from public view in its entirety from adjacent properties and public streets/roadways.

g. Operations and Closure Plans Required:

- i. An emergency operations plan shall be developed and be on file at the Town of Wilson's Mills and Johnston County Emergency Management Offices and reviewed for update annually. An operations plan shall be submitted to include:

- (1) The date of commencement of operations and their expected duration;
- (2) Proposed hours and days of operation;
- (3) A complete description of operation, including source of materials, method of compaction, type of sealing proposed to be used, types and number of equipment to be used and disposal of by-products;
- (4) Any phasing schedule of operations and relationship among phases,
- (5) Operating practices to be followed to ensure compliance with regulations of this ordinance, and;
- (6) Complete assessment by the local Fire Department in conjunction with local emergency management agencies that all necessary equipment, training, and personnel are available at the emergency response level to adequately handle all emergency scenarios.

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

**ARTICLE 11**  
**LANDSCAPE REQUIREMENTS & TREE PROTECTION**

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## **ARTICLE 11**

### **LANDSCAPE REQUIREMENTS & TREE PROTECTION**

#### **11.1 PURPOSE**

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

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

#### **11.2 ADMINISTRATION**

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

#### **11.3 APPLICABILITY**

The provisions of this article shall apply to the following:

**11.3.1** All new major subdivisions with four (4) or more new lots, all new nonresidential developments, and all new multi-family developments with four (4) or more units except for those projects listed under Section 11.4 - Exemptions below.

**11.3.2** Changes in use, expansions, and new buildings for already existing residential, nonresidential, or mixed-use developments as per the following:

- A.** Changes in use to a higher intensity, such as a change from residential to commercial. The requirements shall be applicable to the entire lot;
- B.** All non-residential expansions of buildings, except the first three thousand (3,000) square feet of gross leasable area. The requirements of this article shall be applicable only to the expansion area;
- C.** Expansions exceeding 50 percent of the pre-expansion floor area must bring the entire site into compliance, super-ceding 11.3.2.B;
- D.** Renovations with a total cost exceeding 50 percent of the appraised value of the building as established by the Johnston County Tax Office. The value of



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

**11.3.3** Vehicular use areas shall be subject to the landscape requirements as outlined under the Parking Lot Landscape Requirements as follows:

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

#### **11.4 EXEMPTIONS**

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

**11.4.1** Properties within and abutting the Main Street (MS) District shall be exempt from the buffer and tree conservation area requirements but are still required to meet the street trees and parking lot landscaping requirements;

**11.4.2** Property lines abutting utility easements in excess of sixty (60) feet in width and all railroad rights-of-way;

**11.4.3** Tree removal on an area of three thousand (3,000) square feet or less, after the Administrator has determined that such a removal is not associated with a forthcoming development proposal and will not be inconsistent with any plan previously approved by the Town; however, watershed and/or soil erosion requirements may still apply if triggered;

**11.4.4** Property covered by an active forestry management plan prepared by a North Carolina Registered Forester, provided that documentation has been furnished to the Administrator.

#### **11.5 LANDSCAPE PLAN PROCEDURE**

**11.5.1 Landscape Plan Approval Required.** An applicant must receive approval of a landscape plan from the Administrator prior to grading or before site work may begin.

**11.5.2 Installation of Plant Materials Required.** Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.

**11.5.3 Performance Guarantee In lieu of Installation of Plant Materials.**

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

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

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

performance guarantee on hand is insufficient to pay for completion of the plant installation, the property owner shall pay to the Town of Wilson’s Mills the total amount of the insufficiency. If the Town is not re-paid in full, the amount of the insufficiency shall be the basis for a claim against the property and constitute a lien on the property in favor of the Town upon filing with the Register of Deeds.

## 11.6 LANDSCAPE REQUIREMENTS

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

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

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

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

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

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

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

**A. Buffer Yard Alternative Standards and Conditions.**

1. The minimum buffer width for all buffer yards except the Type D yard may be reduced by 30% with the use of an opaque wall or fence constructed of masonry, stone or pressure treated lumber providing such reductions do not disturb the Critical Root Zone (CRZ) of existing trees.
2. The wall or fence should be a minimum of five (5) feet in height. The wall or fence shall be set back from the property line a minimum of five (5) feet and shall be planted with half the required plantings, including all types of shrubs and trees required, on the outside of the wall or fence (facing the adjacent property).

3. Understory trees shall be substituted for canopy trees at the rate of two (2) understory trees for every canopy tree to be planted within fifteen (15) feet of an overhead utility line.
  4. Canopy trees may be substituted for shrubs at the rate of one (1) canopy tree for eight (8) shrubs and understory trees may be substituted for shrubs at the rate of one (1) understory tree for five (5) shrubs if approved by the Administrator.
- B. Location of Buffer Yard.** Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements, electric utility easements below overhead lines, and in drainage maintenance and utility easements upon approval by the Administrator.
- C. Setback Less Than Buffer Yard.** If the required building setback is less than the required buffer yard width, the building setback shall reduce the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
- D. Encroachments Permitted in Required Planting Yards.** The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:
1. Cornices, steps, canopies, overhanging eaves and gutters, windowsills, bay windows or similar architectural features, at-grade patios, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line or handicap ramps except for porches and landings.
- E. Obstructions.** Landscaping shall not be placed in the sight visibility triangle which would obstruct the view of motorists using any street, driveway, or parking aisle.

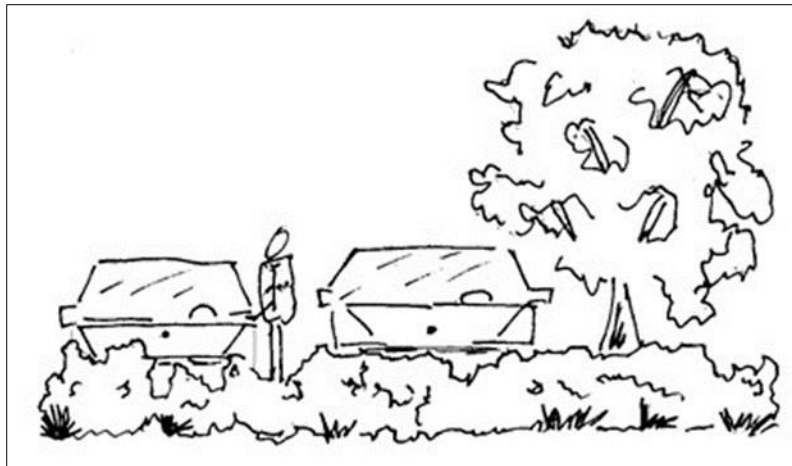
**11.6.2 Screening of Dumpsters, Outdoor Storage, and Utility Structures.** All dumpsters, loading docks, outdoor storage areas over 40 square feet, and utility structures must be screened if they are visible to adjacent public or private streets or any adjacent properties. Screening of a dumpster shall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

- A.** A single opaque material wall or fence with a minimum height of 6 feet.
- B.** A combination of opaque materials, berming, and/or evergreen landscaping spaced at 8 feet on center that provides the required screening effect. The combination of opaque materials, berming, and/or evergreen landscaping shall have a minimum height of 6 feet within three (3) years of planting.

- C. The wall(s) of a principal or accessory structure may also count for screening.
- D. Chain-link fencing with woven slats of opaque material is not acceptable.

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

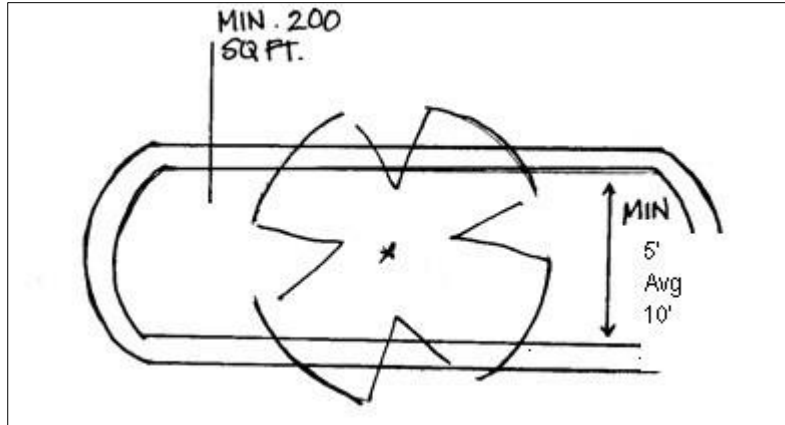
- A. One large maturing tree required for every 80 linear feet of street frontage. If overhead utilities are present, planting of one small maturing tree for every 40 linear feet of property abutting a street is required.
- B. Where the street abuts a parking lot over 3,000 square feet in area and located within 50 feet of the edge of the pavement, shrubs shall be planted at the rate of one deciduous or evergreen shrub for every 5 linear feet of vehicular use area abutting the street in addition to the required street trees. The shrubs must achieve a minimum height of three feet at maturity.



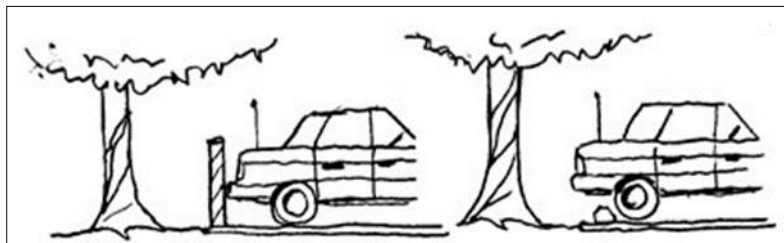
- C. Street trees may be evenly spaced or spaced to accommodate existing site features.
- D. Street trees shall be a minimum of fifteen (15) feet apart and a maximum of ninety (90) feet apart. No street tree shall be located more than twenty-five (25) feet from the edge of pavement.
- E. Street trees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

#### **11.6.4 Parking Lot Planting Areas.**

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



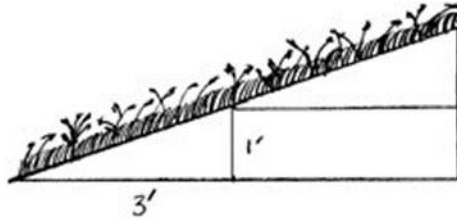
- F. Multiple Parking Bays.** When there are more than 4 bays of parking, an interior island with an average width of ten (10) feet and a length equivalent to the parking bay shall be constructed. The median should be located in such a way as to enhance pedestrian circulation within the development,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





## 11.7 REFORESTATION OF SLOPES STEEPER THAN 3:1

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



The following standards apply:

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

## 11.8 TREE CONSERVATION AND PROTECTION

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

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

**Table 11.3 – Tree Conservation Area (TCA)**

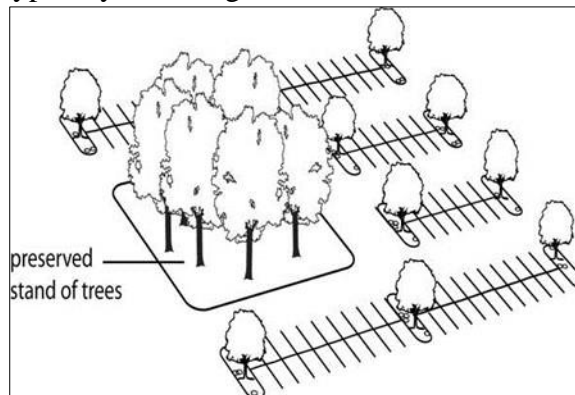
Size of Parcel	TCA Required to Include
0 – 55,000 sq. ft.	One percent (1%) of lot area and located within the required planting yard
55,000 sq. ft. – 5 acres	One and one-half percent (1.5%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yards

5.01 – 10 acres	Three percent (3%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yard or within fifteen (15) feet of the side and rear property lines, whichever is greater
Greater than 10 acres	Six percent (6%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yard or within twenty-five (25) feet of the side and rear property lines, whichever is greater

### 11.8.3 Tree Conservation Area Selection.

**A.** In selecting which existing tree stands are to be designated as Tree Conservation Area (TCA), the landowner shall give due consideration to building, parking lot, driveway, street, and utility location as they relate to the practicality of preservation and shall use the following tree preservation priority list:

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



**B.** If it is necessary to pick among two or more stands of trees within a category listed above, then Tree Conservation Areas adjacent to the following priority list shall be used in order of significance:

1. Type A buffer yards, as a first priority, then
2. Type B buffer yards, then
3. Type C buffer yards, then
4. Type D buffer yards, then
5. Street tree yards, and lastly

6. Vehicular use areas

- C. **Smaller Trees:** Trees less than four (4) inches DBH within the TCA may be preserved at the landowner's option and counted toward buffer yard, street tree, or vehicular use area requirements.

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

- A. **Trees in Sensitive Areas:** If there are trees that meet the TCA requirements on other areas of the site (riparian buffers, stream corridors, floodplains, etc.), the landowner may request that the required TCA be designated around such trees instead of the usual locations.
- B. **Stream Buffer Credits:** Properties falling under the Stormwater Management Control Requirements, which are required to maintain an undisturbed stream buffer, may use some of or the entire buffer to satisfy the required TCA, provided that the undisturbed stream buffer contains trees that are a minimum of four (4) inches in DBH.
- C. **Land Dedication:** Land dedicated to the Town that is contiguous to the property being developed may be used towards the tree preservation requirement, if the dedicated land contains trees that are a minimum of four (4) inches in DBH.
- D. **Reforestation Credits:** In situations where TCA requirements cannot be met based on site conditions and when approved by the Administrator, reforestation efforts on the property can be used to satisfy up to fifty (50) percent of the required TCA.
- E. **Reduction in the Amount of TCA Required for Specimen Tree Preservation Within the Lot:** To allow developers the flexibility to manipulate the location of required Tree Conservation Areas, and to encourage the preservation of certain specimen trees or tree stands within developed lots rather than just at the periphery, the Administrator may, at their or their discretion, allow the developer the right to reduce the total amount of required TCA using the following table:

Table 11.4

DBH of Existing Specimen Tree(s) in Inches	Allowable Reduction in TCA
8 – 12	5 % reduction
13 – 20	10% reduction

21 – 30	25% reduction
31+	40% reduction

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

## 11.9 TREE CREDITS

**11.9.1 Buffer Yards.** All trees of appropriate size and type preserved in the Tree Conservation Area (TCA) that are within the buffer yard shall be credited toward meeting all or part of the buffer yard requirements. The protection of tree stands, rather than individual trees, is strongly encouraged.

**11.9.2 Street Trees.** Existing preserved trees may count toward up to 100% of the street tree requirement, providing there is no more than 65' between trees.

**11.9.3 Parking Lots.** For new, expanded, or rebuilt parking lots where trees are being preserved adjacent to the parking lot in order to meet the parking lot planting requirements, trees preserved in a TCA and within fifteen (15) feet of the parking lot may be used to satisfy up to fifty (50) percent of the required number of parking lot trees. Non-TCA trees located within the parking area may count towards up to 100% of the requirement. Trees in the TCA counted toward planting yard requirements may not count for required parking lot trees.

**11.9.4 Tree Health.** No credit will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations. Trees should have a life expectancy of greater than ten (10) years and have a relatively sound and solid trunk with no extensive decay, major insect, or pathological problems. For the purposes of determining the health or condition of any tree, the Administrator may defer to a qualified expert with the cost of the expert to be reimbursed by the applicant.

**11.9.5 Tree Replacement.** Except for storm damage, the death of any tree used for preservation credit within two (2) years of site development shall require the landowner to plant new trees equal to the number of credited trees. After two (2) years any trees that were used for preservation credit that die shall be replaced.

**11.9.6 Calculation of Credit.** Credits are to be given in accordance with the chart below.

**Table 11.5 – Tree Credits**

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

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

- A. Critical Root Zone.** To preserve existing trees within the designated TCA, the Critical Root Zone (CRZ) of the trees shall be preserved. The CRZ includes a radius around the tree equal to, or at least, one foot for every one inch of DBH. It is recommended to preserve the entire CRZ of each preserved tree.
1. If the entire CRZ cannot be preserved, tree roots must be cut prior to the grading of the site and no closer than 10 feet from the tree trunk.
  2. Disturbance within the CRZ will be allowed only on one side of the tree(s) to be saved and only with prior approval by the Administrator.
  3. Construction site activities such as parking, material storage, dirt stockpiling, concrete washout, and other similar activities shall not be permitted within the TCA.
  4. The same land uses can encroach in the TCA as established in the Buffer Yards Section 11.6 provided there is no disturbance to the CRZ of the preserved trees.
  5. Changes that significantly raise the grade of soil adjacent to the TCA shall be avoided.
  6. Utility line trenches and similar uses shall avoid the TCA. Due to certain site conditions, where disturbance within the TCA is unavoidable, underground tunneling or directional boring of utilities is preferred and allowed on one side only. Trenching shall be used only as the last alternative and root-pruning equipment specifically designed for that

purpose shall be used. The Administrator shall be notified prior to this type of activity and an on-site meeting shall be performed to ensure compliance. See the Town of Wilson's Mills Technical Standards & Specifications Manual for trenching detail.

7. Protective fencing shall be installed around the TCA prior to any tree disturbing activities. Such fences shall be at least four (4) feet high and shall consist of orange polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed, and the Administrator has approved its removal. See the Town of Wilson's Mills Technical Standards & Specifications Manual fencing detail.
8. The TCA should be designated as such with "Tree Conservation Area" signs (in both English and Spanish) posted visibly on the outside of the fenced-in area. Signs may not be posted on the trees.

**B. Tree Removal within the TCA.** Trees less than four (4) inches DBH not being preserved, undergrowth and plant material in poor condition may be removed from the TCA. No roots shall be removed from the TCA. Stumps may be removed only by grinding. All requests for tree removal within the TCA must have prior approval by the Administrator pursuant to the provisions of this chapter. Any tree within the TCA, including the CRZ, which the landowner chooses to remove or that must be removed due to poor health or impractical means of preservation shall be removed in a manner that is in accordance with standard arboricultural practice (Per American National Standards Institute (ANSI) Standards) so as to cause as little disturbance or harm to those trees intended to be saved as practical. However, in an emergency situation due to storm damage; to alleviate an immediate hazard to the health, safety, and welfare of the citizens; or to repair property damage, prior approval for tree removal in previously approved designated areas is not required.

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

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

**11.10.1 Approved Personnel.** No person except an authorized employee or contractor of a public utility or other approved public personnel shall cut, prune, or remove any living tree on or in a public highway, right-of-way, public park, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property.

**11.10.2 Owner Responsibility for Private Trees Interfering with Public Space.**

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not significantly obstruct the view of any street intersection and so that there shall be a clear space of thirteen (13) feet above the street surface or eight (8) feet above the sidewalk surface. Said owners shall remove all dead, diseased or unsafe trees, or broken or decayed limbs that constitute a nuisance to the safety of the public. The Town shall have the right to prune any tree or shrub on private or public property when it constitutes a public safety hazard, interferes with pedestrian traffic or the visibility of any traffic control device, sign, or sight triangle.

**11.10.3 Placement of Materials Around Plants.** No person shall pile building or other material around any tree or shrub in a public right-of-way in any manner that will injure such tree or shrub.

**11.10.4 Paving Adjacent to Trees.** No person shall pave or place gravel, soil, or other such material within eight (8) feet of any tree on public property, unless approved by the Administrator.

**11.10.5 Dumping of Deleterious Matter.** No person shall dump, pour or spill any oil, pesticide, or other deleterious matter upon any tree or tree space in any public rights-of-way, or keep or maintain upon any public rights-of-way, any receptacle from which any oil, pesticide, or other deleterious matter leaks or drips onto any soil, parking area, or concrete gutter so as to injure any tree on any public property.

**11.10.6 Disposal of Materials on Public Places.** No person shall use parks, sidewalks, utility easements, or other public places to dump grass clippings, tree trimmings, rocks or other organic refuse. This shall not apply to properly placed yard waste that is intended for pickup by Town of Wilson's Mills Public Services or Solid Waste crews.

**11.10.7 Decoration, Posting and/or Advertising on Public Trees.** No person shall decorate a tree or shrub in any public right-of-way, neutral ground, park, sight triangle or sidewalk, either with or without lights, or place advertising material, posters, political placards, rope, or wire on trees in public properties.

**11.10.8 Planting of Street Trees.** No part of this section is intended to prohibit the planting of street trees by adjacent property owners within tree planter strips, providing that the selection and location of said trees is in accordance with planting specifications set forth in this section and that any such planting conducted under utility lines shall be limited to planting material taken from the list of recommended small-maturing trees in this Ordinance.

## **11.11 HAZARD TREES**

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

**11.11.1 Removal of Trees.** The Administrator may order the removal of any tree, shrub, or part thereof on private or public property, which is unsafe or injurious to sewers or other public improvements, structures, or to the general public.

**11.11.2 Right to Enter upon Property.** The Administrator or their designee may enter upon public or private property in the Town to spray or otherwise treat any tree infected or infested by any parasite, insect, or disease to prevent the breeding or scattering of any parasite or animal pest and to prevent danger to persons or property or to trees planted on Town property.

**11.11.3 Owner Notification and Opportunity to Correct.** Prior to exercising the authority conferred by this section, the Administrator shall give the owner notice and an opportunity to correct the condition by requesting that corrective action be taken. The request shall be in writing and sent via First Class Mail to the owner of the property in question and shall be acted upon within twelve (12) days (or a lesser period of time if an imminent threat to life or property exists) from the date of the receipt of the request. If, after twelve (12) days, the owner has not corrected the condition or undertaken action that would lead to a timely correction of the condition, the Administrator may enter upon the property, perform the work necessary to correct the condition, and bill the owner for the actual costs incurred. If the property owner fails to pay the bill for such work within thirty (30) days of such notice, the amount of the bill and any collection costs, including attorney's fees and court costs, incurred shall become a lien against the subject property and shall be collected in the same manner provided for the collection of delinquent taxes. In situations involving an immediate threat to public health, safety, or welfare, the Town may act without prior notification to the property owner.

## **11.12 SPECIES SELECTION AND PLANTING TECHNIQUES**

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

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

**11.12.2 Plant Size:** Specific plant sizes are listed below:

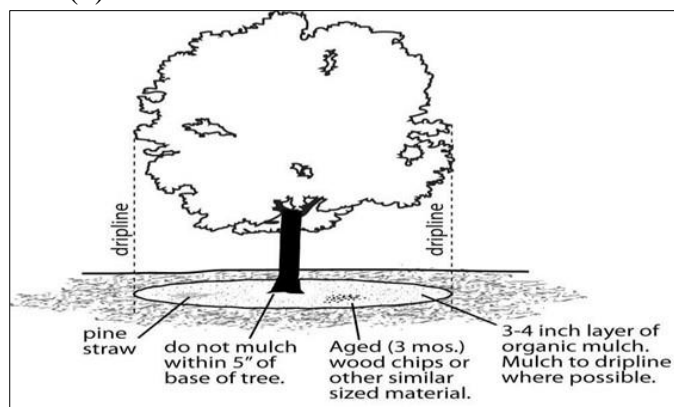


- A. Canopy Tree Size:** When mature, a canopy tree should have a minimum height of forty (40) feet and have a minimum crown width of thirty (30) feet. Canopy trees must be a minimum of two (2) inches in caliper, measured six (6) inches above grade, when planted.
- B. Understory Tree Size:** When mature,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

### 11.12.3 Planting Techniques

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

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



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

- C.** Earthen basins are to be constructed around the installed plants.

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

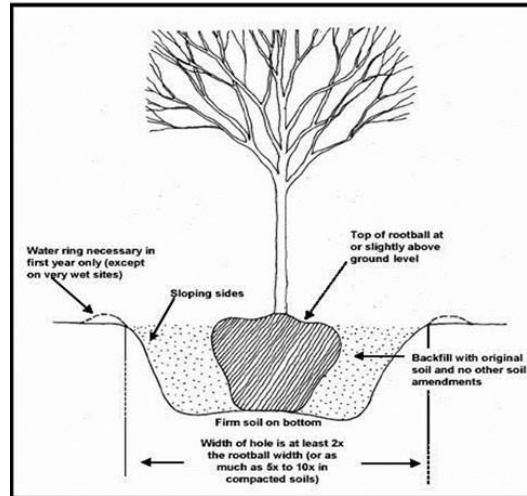


Figure 2. Recommended Tree Planting Method

## 11.13 MAINTENANCE OF REGULATED PLANTING SPACES

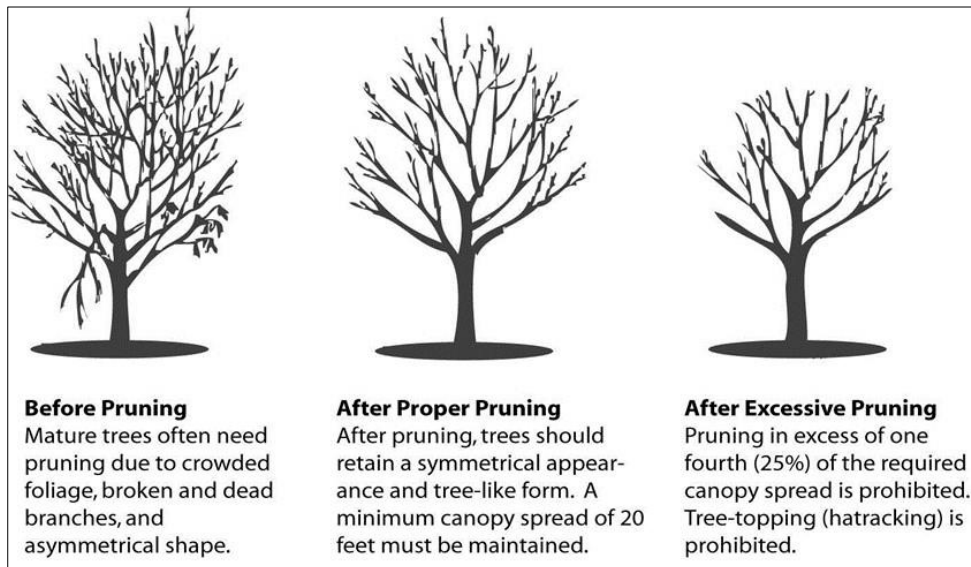
**11.13.1 Owner Responsibility.** The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Any dead, unhealthy, or missing plants (preserved or planted) shall be replaced with new plant material equal to the number of credited plants planted or preserved, subject to the provisions of this Ordinance. The replacement plant material shall be sized according to the requirements of this section and shall conform to the initial planting rates and standards. The replacement plant material shall be planted within one hundred eighty (180) days of the date that dead, unhealthy, or missing plants are identified. Regulated spaces include those physical areas in which trees and landscape materials are required by this section.

**11.13.2 Failure to Maintain.** Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall (where such fence or wall is considered a required portion of the landscape as outlined by this section) shall constitute a violation of this Ordinance and shall be subject to the provisions in Section 11.18, Enforcement, if not replaced within 30 days of notification.

**11.13.3 Destruction by Natural Event.** In the occurrence of a natural event which destroys a large quantity of vegetation, the owner or lessee shall have 180 days to replant. Replaced plant material must be in compliance with the minimum size, spacing and quantity standards of this section.

**11.13.4 Irrigation.** It is suggested that drip irrigation, which includes drip misters, be used for required landscaping planting beds during the required establishment period. After establishment, supplemental watering can be reduced and used on an as needed basis. Traditional spray irrigation is prohibited except for turf areas.

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



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

## **11.14 REGULATION OF TREE CARE PROFESSIONALS**

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

#### **11.14.1 Town-Owned Lands.**

- A.** It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees or trees within Town owned public rights-of-way without first applying for and procuring a Tree Disturbance Permit. Such a permit will only be granted to individuals, businesses, or companies who employ a Certified Arborist to perform or supervise all tree work.
- B.** In order to receive a Tree Disturbance Permit, applicants must first sign an affidavit agreeing to abide by ANSI 300 Standards for tree care. Specifically, the “topping” of trees shall be prohibited except in cases where the top of the tree has been injured beyond repair by a storm or related incident.
- C.** Before any permit shall be issued, each applicant must first file evidence of possession of liability insurance and workman’s compensation insurance, in the minimum amounts as required by the Town of Wilson’s Mills, indemnifying the Town or any person injured or damage resulting from the pursuit of such endeavors as herein described.
- D.** The Administrator is authorized to suspend or revoke the right of any person or business to perform work for the Town of Wilson’s Mills that engages in work practices that do not comply with tree care standards as specified in this section and the related ANSI Standards.

#### **11.15 ENFORCEMENT**

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

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

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## **ARTICLE 12**

### **OFF-STREET PARKING, STACKING, AND LOADING AREAS**

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

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

#### **12.2 PAVING AND MAINTENANCE**

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

#### **12.3 STANDARDS FOR PARKING IN RESIDENTIAL DISTRICTS**

##### **12.3.1 Medium and Low-Density Lots.**

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

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

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

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

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

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

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

## **12.4 ACCESS**

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

## **12.5 USE FOR NO OTHER PURPOSE**

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

## **12.6 REQUIREMENTS FOR CHANGE IN USE**

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

## **12.7 ACCESSIBLE SPACES**

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

## **12.8 BICYCLE PARKING**

All non-residential uses, except agricultural and agriculturally based businesses, and all multi-family residential uses, including condos and townhomes with shared parking,

shall include bicycle parking spaces in the amount, at a minimum, equal to 5% of the parking spaces required for automobiles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include bike rack(s) and/or locker(s).

## **12.9 OVERFLOW PARKING**

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

## **12.10 OFF-STREET PARKING LOTS AND ACCESS AREAS FOR NONRESIDENTIAL DEVELOPMENT**

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

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

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





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

**12.11.3 Enclosure of Parking Lots.** Parking lots shall be enclosed by tree planting and/or building walls(s). Plantings shall be in accordance with the provisions of Article 11. For small lots (thirty-six spaces or less), landscaping shall be required at the perimeter; for large lots (more than thirty-six spaces), landscaping shall be at the perimeter and placed to break the lot into parking areas of no more than thirty-six spaces.

**12.11.4 Pedestrian Corridors.** Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building(s). These corridors should be delineated by a paving material which differs from that of vehicular areas and planted to provide shade and an edge. Small posts or bollards may be used to define/protect the pedestrian corridors. The minimum width of the sidewalk or pedestrian corridor shall be five (5) feet, with vehicle encroachment calculated as extending two (2) feet beyond curb or wheel stop.

**12.11.5 Driveway Width.** To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should be no wider than 24 feet. Driveways connecting to state roads shall meet the requirements of the NC Department of Transportation.

**12.11.6 Interconnection of Parking Lots.** To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected. When vehicular connections are not practical, pedestrian walkways shall be provided to enable pedestrian connections between parking lots.

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

may provide PEV charging stations within designated parking spaces for a minimum number equal to four percent (4%) of all guest rooms. Restaurants may provide a PEV charging station within a designated parking space.

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

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

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

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

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

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

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

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

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

Minimum required parking spaces can be reduced by twelve percent (12%) 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
<b><u>Residential</u></b>		
Accessory dwelling unit	1	2
Dwellings, multi-family with 2 bedrooms or less	1 per unit	2 per unit
Dwellings, multifamily 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, singlefamily with 3 bedrooms or more	2 per unit	not applicable
<b><u>Public Facilities and Institutions</u></b>		
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
<b><u>Office, Business, and Industrial Uses</u></b>		
Banks & financial institutions	1 per 350 Sq. ft. gross floor area	1 per 200 sq. ft gross floor area

Barber shops and salons	1 per 0.5 operator stations, plus one space per 2 employees on shift of greatest employment	1 per 0.33 operator stations, plus one space per 2 employees on shift of greatest employment
Batting cages, driving ranges, miniature golf, shooting ranges	1 per 1.5 cages, tees, or firing points	1 per 1 cage, tee, or firing point

Bed and breakfast establishments, tourist home, boarding house	1 per room, plus 1 space for the resident manager/owner and 1 for each employee	not applicable
Car wash (full service)	2 spaces in manual drying area plus 1 space per 2 employees on shift of greatest employment plus stacking for 20 vehicles	3 spaces in manual drying area plus 1 space per employee on shift of greatest employment plus stacking for 30 vehicles
Car wash (self service)	1 staking space per wash bay	not applicable
Clubs, lodges	1 per 350 sq. ft.	not applicable
Convenience stores with gas pumps	1 per 350 sq. ft. (spaces at gas pumps are not recognized as parking spaces)	not applicable
Delivery services	1 per 2 employees on largest shift plus 1 per vehicle used in operation	not applicable
Drive through (not otherwise classified)	1 per 2 employees plus stacking for 3 vehicles at each window or machine	not applicable
Equipment rental and leasing establishments	1 per 350 sq. ft.	not applicable

Flea markets; open air sales	1 per 0.5 acre of site area plus 1 per 2 employees on largest shift	not applicable
Funeral establishments	1 per 4 seats of largest public room	not applicable
Furniture sales, floor covering sales	1 per 1500 sq. ft. gross floor area	not applicable

Health and fitness facilities, similar indoor recreation	1 per 200 sq. ft.	not applicable
Hotels and motels	1 per 2 guest rooms, plus additional spaces as required for other uses within the hotel/motel	1 per 1 guest room, plus additional spaces as required for other uses within the hotel/motel
Kennels or pet grooming	1 per 500 sq. ft. of sales, grooming, or customer waiting area plus 1 space per 2 employees on largest shift	1 per 350 sq. ft. of sales, grooming, or customer waiting area plus 1 space per 1 employee on largest shift
Live-work unit	1 per residential unit plus each 350 sq. ft. of office/business space	2 per residential unit plus each 250 sq. ft. of office/business space
Manufacturing, assembly or finishing operations	1 per 2 employees on shift of greatest employment, plus 1 space per 400 sq. ft. of retail sales or customer service area	1 per 1 employee on shift of greatest employment, plus 1 space per 200 sq. ft. of retail sales or customer service area
Motor vehicle, motorcycle, or recreational vehicle sales or display rental; manufactured home sales	1 per 20,000 sq. ft. of display area plus 1 space per 2 employees on largest shift	1 per 5,000 sq. ft. of display area plus 1 space per employee on largest shift
Office	1 per 350 sq. ft.	1 per 200 sq. ft.
Repair and service businesses providing on-site services	1 per 350 sq. ft.	1 per 200 sq. ft.

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



<b><u>Other</u></b>		
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 offstreet 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 offstreet parking extend into the public street right-of-way, or into an easement for a public sidewalk on private property.

**12.13.7 Shared and Remote Parking Shared parking.**

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

**B. Remote parking.** If the required number of parking spaces for any use cannot be reasonably provided on the same lot on which the principal use is located, such parking space may be provided, for up to a maximum of 50% of the required parking, on any land within 750 feet walking distance of the property on which the principal use is located, provided that the standards and specifications for the district in which the remote parking space is located permit the principal use which the parking spaces serve and,

provided further, that no crossing of a major thoroughfare is required to travel from the use to the remote parking spaces, unless the pedestrian may access the remote parking by crossing said thoroughfare at a signalized crosswalk. Uses that cannot provide the remaining 50% of the required parking on-site must pay a fee-in-lieu or otherwise comply with the off street parking requirements. Any remote parking spaces located on a different parcel than the use for which the remote parking spaces serve shall be guaranteed by a written agreement between the owner of the remote parking area and the owner of the use located on a different parcel and served by the remote parking area. Parking agreements shall be for a minimum of five (5) years, shall contain a provision that the agreement runs with the property, and is binding on all parties, their heirs, and assignees. The agreement shall be recorded in the office of the Register of Deeds for Johnston County.

## **12.14 LOADING SPACES**

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

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

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

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

### **12.14.4 Minimum Number of Loading Spaces Required.**

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

Gross Floor Area (sq. ft.)	Number of Spaces
1 – 10,000	0
10,001 - 50,000	1
50,001 – 125,000	2

For each additional 125,000 square feet or fraction there of	1 additional
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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
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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
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**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 in Wilson's Mills are public spaces and integral components of community design. A hierarchical street network accommodates a variety of uses, including bicycle, pedestrian, motor-vehicle and transit routes. All streets shall connect to help create a comprehensive network that enables the efficient movement of automobiles, bicycles, and pedestrians. In order for this street network to be safe for motorists, bicyclists and pedestrians, design elements must consistently be applied to calm vehicular traffic throughout the Town.

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

### **13.2 STREET AND ASSOCIATED INFRASTRUCTURE STANDARDS**

Streets in the Town of Wilson's Mills shall:

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

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

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

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

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

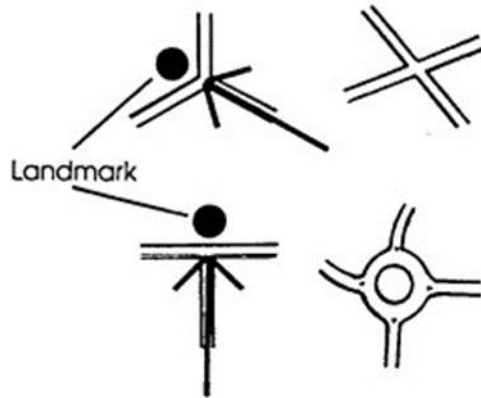
**13.2.6 Street Lights.** Be illuminated by street lights located on at least one side and at all intersections, with exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Street lights along streets shall be located in a planting strip as per standards set forth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

### **13.3 INTERSECTIONS**

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

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

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



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

#### **13.4 BLOCKS**

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

#### **13.5 STREET PLAN**

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

#### **13.6 STREET AND ASSOCIATED INFRASTRUCTURE DESIGN**

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



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

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

**13.6.3 Design speeds.** Design speeds shall not exceed 30 miles per hour on any neighborhood, mixed-use and/or non-residential street. Only arterials and Town boulevards may exceed this design speed. Design speeds for non-residential streets shall not exceed 30 miles per hour on any internal circulation street.

Petitioners for acceptance by the Town for public maintenance shall include a request for designation of not more than 25 miles per hour.

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

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

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

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

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

**ARTICLE 14**  
**FLEXIBLE DEVELOPMENT STANDARDS**

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## **ARTICLE 14**

### **FLEXIBLE DEVELOPMENT STANDARDS**

#### **14.1 PURPOSE**

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

#### **14.2 APPROVAL OF FLEXIBLE DEVELOPMENT STANDARDS**

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

#### **14.3 FLEXIBLE DEVELOPMENT STANDARDS PERMITTED**

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

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

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

existing, legally established wall or walls of a principal structure already within the minimum setback area.

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

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

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

#### **14.4 VARIANCES**

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

**ARTICLE 15**  
**SPECIAL EVENTS AND TEMPORARY STRUCTURES**

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15.3 Special Events and Temporary Structures Allowed.	15-3

## **ARTICLE 15**

### **SPECIAL EVENTS AND TEMPORARY STRUCTURES**

#### **15.1 GENERAL STANDARDS AND LIMITATIONS**

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

#### **15.2 REQUIREMENTS FOR SPECIAL EVENT AND TEMPORARY STRUCTURE PERMITS**

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

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

### 15.3 SPECIAL EVENTS AND TEMPORARY STRUCTURES ALLOWED.

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

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



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

**NOTES:**

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

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

located in a manner which does not hinder access to the site or to off-street parking spaces.

3. In all non-residential districts, portable on-demand storage units may be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, up to two times per calendar year, provided they are placed on a paved surface and do not obstruct sight visibility. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces. Multiple units may be used at one time.

**B. Event of public interest.** An event of public interest is a special event involving the expected congregation of 100 or more persons at any one event. An event of public interest includes, but is not limited to: picnics, dinner dances, fund raisers, haunted houses, outdoor concerts, auctions, carnivals, fairs, tent revival meetings, and supervised public display of fireworks. An event of public interest shall be subject to the following standards:

1. All activities and uses shall be limited to the dates and hours of operation specified in the permit.
2. Traffic control shall be arranged by the operators of the event in accordance with the requirements of the Town.
3. Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way except as allowed by the temporary use permit.
4. The site shall be cleared of all debris within twenty-four (24) hours after the closing of the event and cleared of all temporary structures within three (3) days after closing of the event.
5. An approved public safety plan identifying the means by which public safety will be ensured during the conduct of the special event shall be required for an event of public interest. If the public safety plan is violated or if unforeseen circumstances arise that result in the special event becoming a threat to the public health, safety or welfare, authorized personnel from the Town.

**C. Model home or real estate sales office.** A model home sales office shall be allowed within a new residential development of more than eight units or lots, subject to approval by the Administrator as a temporary structure, subject to the following:

1. There is no more than one temporary real estate sales office in the development.
2. Model home sales office may be approved for a period of up to one year or when all units are sold to resident owners, whichever occurs first. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the Administrator. The request shall be submitted to the Administrator at least 30 days prior to the expiration of the special event/temporary use permit.

3. No sleeping quarters are permitted within the model home or sales office during the period for which the structure is used for sales.

**D. Temporary portable office.** A temporary portable office may be placed on a property to serve as the following:

1. Temporary offices for construction and security personnel during the construction of a development for which the Town of Wilson's Mills has issued either/or a zoning permit and/or approved preliminary plat, and/or a building permit.
2. Disaster relief and/or emergency management related uses including medical facilities. Temporary portable offices for emergency relief and/or management may be approved for a period of up to one year. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the Administrator.

**E. Required Interval between Events.** A minimum of forty (40) consecutive days are required before recurrence of the same event to qualify as a Temporary Use. Uses found not in compliance with applicable limitations on duration and/or frequency shall be considered permanent and subject to applicable standards and specifications for permanent uses in accordance with this Ordinance.

**ARTICLE 16**  
**SUBDIVISIONS**

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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 subdivision regulations of this Article:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the 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 rightof-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.
6. 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 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 homeowner's association.
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 Administrator, upon application of the property owner or agent, with supporting documentation (maps, plats, etc.), as needed. Upon a determination by the Administrator that the proposed subdivision is exempt, a certificate of exemption shall be issued, and the subdivision shall not be subject to the subdivision regulations of this Article.

**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 compliance 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 compliance or building permit may be issued for the property.

**E. Platting Required.** A subdivision plat meeting the requirements of N.C.G.S. 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 Administrator for review. Following their review of the subdivision plat, the 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 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 Administrator.

#### **16.1.4 Submittal.**

Applications for subdivision approval shall be submitted to the Administrator and must include plats with all information as required by 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 Administrator and approved as set forth herein. The signature of the 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. 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 Article.
- 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.
5. 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.**

Per N.C.G.S.160D-803 the 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 - Nonconformities of this Ordinance. In addition to being subject to the provisions for enforcement in Article 23 – Nonconformities 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 for the public of the right-of-way of each public street and public easements 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 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 public park on a plat, in accordance with Article 21 – Open Space of this Ordinance, shall be considered to be offered for dedication, but not accepted until the Wilson's Mills Town Council 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 Johnston County 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 Administrator for recording.

**A. Street and utility construction.**

- 1. Construction Plans.** Construction plans for all streets, sidewalks, 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 streets, sidewalks, 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.

- 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 private 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 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.

**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 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 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 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 this Ordinance. The applicant may request, in writing, adjustments of the approved schedule and the 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 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 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 oneyear 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 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 Requirements and Compliance with Adopted Plans.** Land shall be subdivided in accordance with good land planning practices including adequate consideration of the natural topography and drainage features and the type of development proposed.

**16.2.2 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 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 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 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 25 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 1,500 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 Administrator. Where deemed necessary by the 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 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 - Districts 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 - Districts 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.

**16.2.3 Landscaping and buffering.** See Article 11 – Landscape Requirements and Tree Protection of this Ordinance.

**16.2.4 Open space.** See Article 21 – Open Space of this Ordinance.

**16.2.5 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.

**16.2.6 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 - Streets 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 250 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 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 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 Administrator before being placed in said right-of-way.

**16.2.7 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.

**16.2.8 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 before the Town will take any action.

**16.2.9 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.
- 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.

**16.2.10 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 250' measured by right angles along identified travel way(s).

**16.2.11 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 – Watershed and Stormwater Protection of this Ordinance.
- B.** The stormwater management system design shall comply with the specifications set forth in the stormwater section of Article 19 – Watershed

and Stormwater Protection 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.

**16.2.12 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 – Flood Damage Prevention 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 this Article and the flood prevention standards set forth in Article 18 – Flood Damage Prevention.

**16.2.13 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 – Watershed and Stormwater Protection of this Ordinance.

**16.2.14 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.

**16.2.15 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.

**16.2.16 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 onsite 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.

## ARTICLE 17 SIGN REGULATIONS

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## **ARTICLE 17**

### **SIGN REGULATIONS**

#### **17.1 TITLE**

This Article shall be known and may be cited as the “Town of Wilson’s Mills Sign Regulations.”

#### **17.2 APPLICABILITY AND PURPOSE**

This Article applies to all signs erected in the Town of Wilson’s Mills. The purpose of this article is to ensure the installation of safe and effective signage that promotes both business activity and the aesthetic character of the Town, as well as communicating essential information to the public. The following statements elaborate on this purpose.

- A.** To provide opportunities for neighborhoods and commercial endeavors to be identified in an effective and equitable fashion.
- B.** To promote public safety by reducing hazards associated with distracting or excessive signage.
- C.** To establish and promote enhanced community character through signage that is reflective of the adopted goals of the Town and its scale of development.
- D.** To promote the integration of signage with the architectural characteristics and aesthetic quality of the Town’s development.
- E.** To provide for flexibility in amount, type and scale of signage depending on the context of the development and the surrounding area.
- F.** To facilitate efficient, thorough, consistent and effective enforcement of the sign regulations.

#### **17.3 DEFINITIONS**

Please see definitions in Article 3 – Definitions, Abbreviations & Symbols of this Ordinance.

#### **17.4 APPLICABILITY**

Except as specifically exempted in this Article, no sign shall be erected, altered or displayed without a sign permit issued by the Town of Wilson’s Mills confirming compliance with the provisions of this Article. Signs made nonconforming by this Article shall be grandfathered until altered, abandoned, relocated, or removed except for prohibited signs, which shall be removed within ten (10) days as required in Section 17.5 of this Article.

## **17.5 PROHIBITED SIGNS**

Signs prohibited by the enactment of this Article shall be removed within ten (10) days from the date of notification by the Administrator ; however, where deemed dangerous or prejudicial the Administrator may act in accordance with Section 23.10 of this Ordinance. The following signs are specifically prohibited by this Ordinance.

- A.** Snipe signs.
- B.** Signs attached to light fixtures, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees.
- C.** Windblown signs not specifically permitted in this Article such as pennants, streamers, spinners, balloons, inflatable figures, and similar signs, except as specifically permitted in this article.
- D.** Signs which prevent free ingress to or egress from any door, window, or fire escape.
- E.** Signs erected or displayed in such a manner as to obstruct free and unobstructed vision at any street, intersection, or driveway.
- F.** Any sign which interferes with vehicular or pedestrian traffic because of its position, size, shape, movement, color, fashion, manner, or intensity of illumination, including signs with the potential to be confused with any authorized traffic sign, signal, or device not found in compliance with the provisions of of this Article.
- G.** Signs erected or displayed on or over public street rights-of-way, other than those erected by governmental agencies or for which appropriate encroachment agreements have been executed pursuant to this Ordinance. Signs specifically protected by the provisions of NCGS 136-32 are not prohibited, provided the requirements of NCGS 136-32 are met.
- H.** Portable signs, except as specifically permitted herein.
- I.** Signs that mechanically alter their height, location, or size; signs that revolve; or signs that strobe; or any other similarly constructed signs.
- J.** Signs attached to the roofs of buildings or are otherwise located above the roofs of buildings or are part of roofing finish and/or materials.
- K.** Off-premises billboard signs, including outdoor advertising signs, except those placed by governmental agencies for public purposes. Existing off-premises billboard signs that are non-conforming may be disassembled and replaced with a newer structure upon approval of a permit issued by the Administrator. The new signage shall be designed to result in no expansion of or increase in the non-conformity; shall allow replacement with a digital sign; shall not exceed 48 feet in height above adjacent grade; shall be designed to limit lighting to the sign face; and shall be designed to enhance the architectural features of adjacent buildings. Color renderings or photographic simulations shall be submitted to the Administrator, who shall have the authority to deny permits for signs that do not meet the intent of this Article.

## **17.6 EXEMPT SIGNS**

The following signs are exempt from the requirements of this article; however, in some instances building permits may be required, such as an electrical permit for wiring, and a zoning compliance permit is a prerequisite to a building permit.

- A.** Warning and security signs, including signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying fire department connections or high voltage, public telephone, or underground cables and/or gas pipelines.
- B.** Government signs and signs for non-profit organizations sponsored by governments including insignia; statutorily required legal notices; and informational, directional, wayfinding, and traffic safety signs. This exemption shall not include permanent and temporary signs covered in this Article but may include signs or flags erected on public property or private property immediately proximate to public property to commemorate public holidays recognized by resolution of the Town Council.
- C.** Warning and security signs, including signs placed by private property owners restricting activity such as "No Dumping", "No Hunting" and "No Trespassing" signs containing less than two square feet in copy area per sign face.
- D.** Signs placed inside ball fields and outdoor amphitheaters that face toward the interior of the field or amphitheater and are primarily visible for viewing by persons attending events and/or performances.
- E.** Accent lighting, as defined herein, provided that not more than two architectural elements are accented per occupancy (e.g., two windows or a window and a roofline, etc.).
- F.** Signs associated with events of short duration for a nonprofit or charitable organization posted for 14 days or less, provided that not more than a total of 24 square feet of signage is posted per property per street frontage and they are removed within two (2) days.
- G.** Incidental signs affixed to windows containing no more than two square feet in copy area provided that not more than a total of six (6) square feet of incidental signage is displayed per occupancy. An incidental sign may flash provided they are located within a building and no more than one such sign is displayed per occupancy.



*Example of Incidental Signs*

- H.** Machine signs containing no more than eight (8) square feet in copy area, except drive-through menu and/or kiosk machine signs may contain up to twelve (12) square feet in copy area provided the portion of the signs devoted to a logo or business name contains no more than six (6) square feet of the total sign copy area.



*Example of Machine Signs*

- I.** Menus and kiosks displayed outdoors at restaurants provided they contain no more than six (6) square feet in copy area.
- J.** Signs attached to collection bins, provided they contain no more than six (6) square feet in copy area.
- K.** Any sign, public notice or warning required by a valid and applicable federal, state, or local law, regulation, approved development plan, or ordinance, including traffic control signs on private property.
- L.** Address signs no greater than four (4) square feet in copy area.
- M.** Retail store window displays of merchandise.



- N. Signs attached to licensed roadworthy vehicles, provided the vehicles are not parked unattended and in such a manner as to create the effect of additional signage, whether on-premises or off-premises (see Section 17.5, Prohibited Signs).
- O. Signs attached to umbrellas provided no more than 25% of the total surface area of the umbrella is devoted to signage.
- P. One Temporary sign per property street frontage containing no more than four (4) square feet in copy area in “SRF” and “MFT” districts; no more than 16 square feet in copy area in the “MS”, “CIV”, and “MU 1&2” districts; and, no more than 32 square feet in the “AG”, “C-70”, “CP”, “VSR”, and “IND” Districts. Temporary signs are limited to duration of not more than six (6) consecutive months in any one calendar year.
- Q. Flags of the United States, the State of North Carolina, Johnston County or the Town of Wilson’s Mills if they do not exceed 50 square feet in area, that they are displayed on flagpoles not exceeding 48 feet in height, that no more than three flags are displayed on a lot of less than one acre in size and not more than five flags are displayed on zone lots of one acre or more in size. Flagpoles may be roof or wallmounted provided size, height and setback requirements are met.
- R. Holiday, sports, and good-will decorations with non-promotional message if lights are not illuminated and decorations are not displayed for longer than a total of 60 days per calendar year on nonresidential property.
- S. Signs for “temporary businesses” such as, but not limited to, produce stands, street vendors, and vendors at special events that shall operate for a specified time, not to exceed seven consecutive days. If the business is a recurring operation, such as produce stands that operate on weekends or on select days during the week, then said “temporary business” shall comply with the regulations set forth in this Article; the exception being that the Administrator may permit “temporary businesses” to use banners and temporary signage that comply with the standards and intent of this Article to be used as signage.
- T. Fence wraps displaying signage when affixed to perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction site or 24 months from the time the fence wrap was installed provided it contains only advertising sponsored by parties directly involved in the construction project in accordance with G.S. 160A-381(j).

## **17.7 REQUIREMENTS FOR PERMANENT SIGNS REQUIRING AN APPROVAL OF A ZONING COMPLIANCE PERMIT**

**17.7.1 Permanent sign requirements.** The following tables and text provide the design and dimensional requirements for permanent signs that require a permit. Requirements include copy area, number, type of illumination, and letter height for both attached and freestanding signs. Setback and height requirements are established for

freestanding signs and detailed design requirements are provided for monument and pole signs.




- A.** Only one general attached sign (blade, V-type, or flat) is allowed per street or parking frontage.
- B.** Only one monument or pole freestanding sign is allowed per street frontage.
- C.** Height of freestanding signs shall be measured from the elevation of the ground at the point of contact with the sign provided that the grade of the site is not artificially altered to increase the allowable height of the sign. For sloping sites, the applicable point of contact shall be the point having the highest elevation.
- D.** One sign per approved Home Occupation within the Single Family Residential (SFR), Residential Main Street Transition (RMST), Mixed Use (MU 1&2), and Main Street (MS) districts, not to exceed four (4) square feet in area.
- E.** The following permanent special purpose signs are in addition to general attached and freestanding signs under the limitations provided in the following tables and elsewhere in this Article.
  - 1.** Window.
  - 2.** Directional.
  - 3.** Directory.
  - 4.** Community identification.
- F.** Clocks and Thermometers (including digital displays of time and temperature information) are allowed as either attached or freestanding components of signs provided, they are:
  - 1.** incorporated into the general or attached signage for a non-residential property,
  - 2.** no more than two (2) per property, and
  - 3.** the area does not exceed 16 square feet. The square footage allowance constitutes an area bonus in addition to the maximum allowable area for the applicable sign type to which clocks and/or thermometers are attached.
- G.** Changeable Copy signs are allowed as either attached or freestanding signs provided, they are:
  - 1.** incorporated into the general or attached signage for a nonresidential property,
  - 2.** not more than one such sign is allowed per occupancy,
  - 3.** the sign message changes no more frequently than once every twenty-four hours for manually and/or mechanically changing signs and once every twelve hours for digitally changing signs.
- H.** Digitally Changing signs are allowed only on properties zoned “C-70”, “CP”, “CIV”, and “MU 1&2” provided message change intervals are a minimum of a twelve-consecutive hour period.
- I.** All subdivisions requiring the development of new public roads within the Single Family Residential District (SFR) and Agriculture District (AG) must be

named. Subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the Town of Wilson's Mills and must be approved by Johnston County's emergency address coordinator. The minimum identification requirement is that a sign clearly showing the name of a named subdivision be posted at the primary vehicular entrance to the subdivision from a major and/or minor thoroughfare(s). Residential subdivisions in all other zoning districts may install temporary signage identifying the subdivision until lots are sold. Commercial subdivisions are not required to use identification signage.






**J.** Requirements for signs extending over pedestrian and vehicular travel areas: Signs extending over pedestrian and vehicular travel areas shall maintain a minimum clear distance between the finished grade surface material and any portion of the sign and its associated support structure of seven (7) vertical feet on public and/or private sidewalks, and fourteen (14) vertical feet over paved vehicular parking and/or maneuvering areas. Signs shall not extend over public streets, except as stipulated in this Article.

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Table 17.1 – Permanent Sign Standards and Criteria

Sign Type	Example	Sign Copy Area	Allowed Illumination	Min. Letter Size	Max # of Signs	Other Requirements
<b>Permanent Attached Signs – General</b>						
Blade* (or Projecting)		32	Ambient External Internal	6"	One per street or parking frontage per occupancy	Only one <i>sign</i> (blade, V-type or flat <i>sign</i> ) allowed per occupancy per street or parking frontage  Internally illuminated <i>signs</i> – <i>sign</i> face can be illuminated  No attached signage above second story except in monolithic multistory buildings fronting major thoroughfares.  May encroach into adjoining street right-of-way pursuant to an encroachment agreement. See 17.5(G), also see 17.7-1(J)
V-type*						
Flat* (or Wall)						

*\*May encroach into adjoining street right-of-way in the Main Street (MS) and Mixed Use (MU 1&2) Districts pursuant to an encroachment agreement subject to the provisions of this Article.*

Sign Type	Example	Sign Copy Allowance	Sign Illumination	Min Letter Size	Maximum Number	Other Requirements
<b>Permanent Attached Signs – Special Purpose</b>						
Window		8	Ambient	Not Applicable	One per each 100 square feet of display or doorway window area or fraction thereof	A maximum allowance of three signs per street or parking frontage per occupancy
Directional		4	Ambient External Internal	4"	Not Applicable	
Outdoor Directory		6	Ambient External	Not Applicable	One per street or parking frontage per building	
Awning*		6	Ambient Backlit	4"	One per street or parking frontage per awning	Not more than two awning signs per occupancy per street or parking frontage.
Canopy		16	Ambient Internal	6"	One per side of canopy	

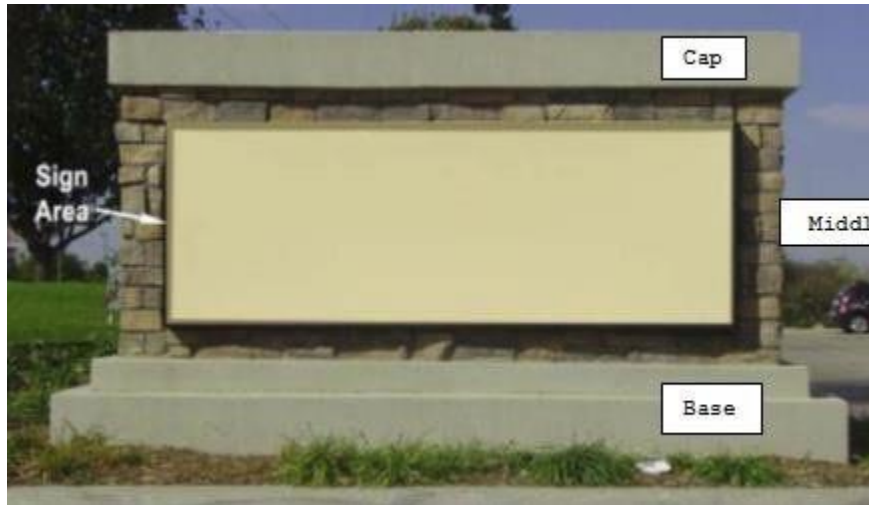
*\*May encroach into adjoining street right-of-way in the Main Street (MS) and Mixed Use (MU 1&2) Districts pursuant to an encroachment agreement subject to the provisions of this Article.*

Sign Type	Example	Max Copy Area	Max Sign Height	Sign Illum.	Min Letter Size	Max Number	Min Set Back	Other Requirements
<b>Permanent Freestanding Signs – General and Special Purpose</b>								
Non-residential Monument		48	8	Ambient External Internal	6"	One per street frontage having access to the site	5 ft	Monument signs shall comply with the design requirements of section 17.7-2
Non-residential Pole		12	10	Ambient External Internal		One per street frontage providing access to the site	4 feet	Pole signs shall comply with the design requirements of section 17.7-3
Residential Monument		32	6	Ambient		One per each gateway or primary entrance	0 feet*	Shall comply with design requirements for monument signs
Non-residential Directory		24	6	Ambient External Internal	4"	One per street frontage having access to the site	25 feet	Sites with multiple buildings only
Non-residential Directional		3	2.5	Ambient External Internal	4"	Two per each driveway access to the site	0 feet*	Not more than 25% of sign face shall contain a logo w/no commercial text

*\*May encroach into adjoining street right-of-way in the Main Street (MS) and Mixed Use (MU 1&2) Districts pursuant to an encroachment agreement subject to the provisions of this Article.*

**17.7.2 Monument sign design requirements.** Monument signs are intended to serve a wider range of aesthetic and architectural purposes than pole signs. Consequently, the following design requirements are established for monument signs.

**A. General design requirements and sign copy area measurement for monument signs.** As in traditional building design, monument signs shall be designed to include a base, middle, and cap. The following illustration shows a monument sign having these architectural characteristics, as well as how sign copy area is to be measured on a monument sign.



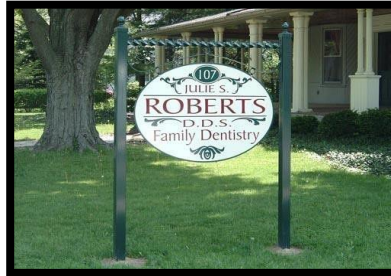
*Monument Sign Design Elements*

- B. Sign structure materials.** In general, monument sign structures should be constructed of materials that are like or complementary to the principal building(s) on the premises where they are located. Only the following materials shall be used in monument sign structure construction, singly or in combination.
1. Brick (painted or unfinished)
  2. Wood
  3. Concrete or stucco
  4. Natural stone or manufactured stone having a natural appearance
  5. Metal
  6. Glass
- C. Sign copy materials.** Sign copy materials for monument signs shall include the sign structure materials listed above. For internally illuminated monument sign copy, acrylic may be utilized, provided not more than 50% of the sign face is illuminated.

**17.7.3 Pole sign design requirements.** The following design requirements are established for pole signs:

- A. General design requirements.** Pole signs in Wilson’s Mills have traditionally been supported by two posts or suspended from a single post as shown in the following non-local sample illustrations. Pole signs shall use one of these two forms of design.

*Examples of Allowable  
Types of Pole Signs*



- B. Materials.** In general, pole signs should use materials that complement the principal building(s) on the premises where they are located. The following materials are acceptable for use in pole signs, singly or in combination:
1. Wood
  2. Metal
  3. Brick (painted or unfinished)
  4. Concrete or stucco
  5. Natural stone or manufactured stone having a natural appearance

## **17.8 TEMPORARY SIGNS REQUIRING A PERMIT**

The following tables provide the design, dimensional, and time of display requirements for Temporary Signs, refer to section 17.5 for Prohibited Signs and Section 17.6 for



Exempt Signs. Additionally: Nonconforming temporary signs shall not be grandfathered.

**17.8.1 Requirements for temporary signs that require a permit.** The temporary signs listed in the following table require a permit and shall comply with the indicated zoning location and other requirements. All such signs, except for searchlights, shall be illuminated solely by ambient light sources.

Temporary Sign Type	Allowable Zoning Districts	Requirements
Sandwich board signs	“AG”, “MS”, “CIV”, “MU 1&2”, “C-70”, “CP”, “VSR”, & “IND”	One <i>sign</i> per occupancy having direct access onto any public or private sidewalk where <i>sign</i> is placed. “Direct access” shall mean an occupancy having a public entrance immediately from the sidewalk where the <i>sign</i> is placed. See additional sandwich board <i>sign</i> requirements in section 17.82 (below) of this Article.
Banners and flags	“MS”, “MU 1&2”, & “C-70”	Up to 60 square feet of banner/flag materials per occupancy. Banners shall remain tethered and/or anchored to resist movement. Display time limit: 30 days, four times per calendar year with a 60day separation between permits and/or installations.

**17.8.2 Additional requirements for sandwich board signs.**

Sandwich board signs offer businesses in pedestrian-oriented zoning districts an effective and creative way to market products or services. However, unless carefully regulated, sandwich board signs can create hazards for pedestrians and a cluttered and unattractive appearance. The following design standards are established to permit sandwich board signs to be utilized in a fashion which meets community safety and design expectations, as well as the need for businesses to market their products and services.

- A. Sandwich board signs shall not exceed four feet in height and 30 inches in width.
- B. Sandwich board signs shall be located only on sidewalks that serve the establishment with which they are associated.

- C. Five feet of sidewalk clearance shall be provided along at least one side of the sign to allow for unobstructed pedestrian access in accordance with ADA regulations.
- D. Sandwich board signs are intended to inform and orient pedestrians to business locations and available products and services. Consequently, such signs shall be placed twenty (20) feet to the primary public entrance to the occupancy with which they are associated and shall be oriented to communicate information primarily to pedestrian traffic utilizing the sidewalk on which they are located as opposed to vehicular traffic utilizing nearby public or private streets or private drives and parking areas.
- E. Sandwich board signs shall be moved to an indoor location for storage during times when the associated businesses are not open for customers.
- F. Standard design for sandwich board signs. Sandwich board signs shall be located in frames constructed of black anodized aluminum, black wroughtiron, or wood which has been painted black, as illustrated in the following photographs. Plastic, PVC, or other similar materials shall not be used as the frame. The display area within the frame shall be constructed of durable metal or wood if containing permanent messages; such permanent messages shall be applied to the display area with paint, metal or durable vinyl or shall consist of carved wood or cut metal lettering or images. Sandwich board signs containing changeable message display areas may be constructed of chalk board style materials, durable plastic (such as a “dry erase” board), or similar materials, provided the display area background is either black, dark green or white in color and that the changeable message is applied using erasable chalk or erasable ink in a handwritten application. Unless otherwise specified, a muted color palette shall be used for any background or message, including lettering and images.



*Example of Standard Sandwich Board Sign Frame*

**G. Alternative design for sandwich board signs.** As an alternative to the standard design described above, the Administrator may permit alternative sandwich board sign designs which exhibit a distinctive and creative flair which the owner would otherwise be unable to replicate if the standard frame design was used. Such signs shall not contain changeable copy and images and lettering shall be permanently attached, painted, cut or carved onto the sign using a muted palette of colors. Wooden signs are preferred, but all such signs shall be made of durable materials. An example of an acceptable alternative design is illustrated in the following photograph.



*Example of Alternative Sandwich Board Sign*

## **17.9 MASTER SIGN PLAN**

Regardless of the other provisions of this Article, the Town Council may, at its sole discretion, approve a master sign plan for specified areas of Town or for certain development projects listed in this section through the conditional zoning process associated with a subdivision or site plan. The approved master sign plan may include signs of different sizes, types, locations, placement and height from those otherwise enumerated in this Article.

**17.9.1 Purpose.** The purpose behind this section is to permit creativity in sign design and placement to address site issues and constraints associated with topography, pedestrian-orientation, wayfinding/directional/directory and other conditions unique to the subject development or area of Town.

**17.9.2 Application.** Master sign plans may be submitted for the following types of developments:

**A.** Traditional Neighborhood Development (TNDO) projects, in accordance with the provisions of Article 8 of this Ordinance.

- B. Commercial, institutional, industrial, or mixed-use developments containing three or more acres in area.
- C. Areas of Town that are governed by a corridor plan or area plan that includes sign guidelines.

**17.9.3 Submittal process.** Master sign plan applications may be submitted for consideration at the time of original submittal of the proposed development or separately from the original development proposal. The following information or material shall be required for a signage plan application and shall be indicated on an application form provided by the Administrator.

- A. Owner and contact name, address, telephone number and signature(s), as applicable.
- B. A master sign plan proposal illustrating the proposed signs, their proposed location, and their proposed purpose, along with a statement as to why the existing sign code cannot or should not be followed in the subject case.
- C. An analysis showing how the proposed signage plan differs from what could be provided under the existing sign regulations set forth in this Article.
- D. Other similar information determined by the Administrator to be necessary for understanding the purpose and intent of the proposed master sign plan application.

## **17.10 PERMITTING**

Applications for sign permits and the associated fee schedule may be obtained from the Administrator. Completed applications, including payment of fees, shall be reviewed for compliance with the requirements of this ordinance.

Signs requiring sign permits under the provisions of this ordinance may also require additional permits, including building permits and electrical permits. It shall be the responsibility of the applicant to obtain all applicable permits.

## **17.11 NONCONFORMING SIGNS**

A permanent sign which does not comply with one or more of the requirements of this Article shall be grandfathered (deemed a vested right) until such sign is removed, physically altered beyond maintenance (as defined), relocated, damaged or destroyed, after which it shall be brought into compliance with all requirements of this Article. Nonconforming temporary signs shall not be grandfathered and shall be brought into compliance with all requirements of this Article within ten (10) days from the date of notification by the Administrator or duly authorized code enforcement agent of the Town.

## **17.12 DISCONTINUED AND ABANDONED SIGNS**

Signs identifying a discontinued occupancy or use shall be considered abandoned signs and shall be removed by the owner of the property on which they are located. Failure to remove a discontinued or abandoned sign shall be considered a violation of this ordinance. In addition, correction of a discontinued or abandoned sign violation may include removal of a discontinued or abandoned sign or signs by the Town at the owner's expense after proper notice of the violation and failure to act by the owner within the timeframe established in the notice of violation.

### **17.13 MAINTENANCE**

All signs, including exempt signs, shall be maintained in a satisfactory state of repair. This shall include, without limitation, correction of peeling or faded paint, repair or replacement of damaged panels, trimming of vegetation that obscures the sign(s), replacement of defective lighting of illuminated signs, secure attachment to the building for attached signs, and stable vertical alignment of freestanding signs.

**ARTICLE 18**  
**FLOOD DAMAGE PREVENTION**

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**ARTICLE 18**  
**FLOOD DAMAGE PREVENTION**

Wilson's Mills, NC Community ID Number 370262  
Required for Eligibility in the National Flood Insurance Program

Non-Coastal Regular Phase

**18.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

**SECTION A. STATUTORY AUTHORIZATION.**

The Legislature of the State of North Carolina has in Chapters 143, 160A, and 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of Wilson's Mills, North Carolina, does ordain as follows:

**SECTION B. FINDINGS OF FACT.**

- (1) The flood prone areas within the jurisdiction of Wilson's Mills are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

**SECTION C. STATEMENT OF PURPOSE.**

It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction; Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (3) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (4) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **SECTION D. OBJECTIVES.**

The objectives of this Ordinance are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;



- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

## **18.2. DEFINITIONS.**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance it's most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance.

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood” see “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before November 29, 2004.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community on November 29, 2004.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this Ordinance and other zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose Ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is watersoluble or is not resistant to alkali or acid in water, including normal adhesives for

abovegrade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located

within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced November 29, 2004 or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

“Non-Encroachment Area” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after November 20, 2000.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before November 20, 2000.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:



- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 18.3, Section B of this Ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one (1) year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. The term “Substantial Damage” also means floodrelated damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. “Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1) year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 18.4 Section E of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

NOTE: It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this Ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 18.4 and 18.5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### **18.3. GENERAL PROVISIONS.**

#### **SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of Wilson’s Mills.

#### **SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 20, 2018 for Johnston County and associated DFIRM panels, including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of this Ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Wilson’s Mills are also adopted by reference and declared a part of this Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

#### **SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 18.3, Section B of this Ordinance.

#### **SECTION D. COMPLIANCE.**

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

#### **SECTION E. ABROGATION AND GREATER RESTRICTIONS.**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **SECTION F. INTERPRETATION.**

In the interpretation and application of this Ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **SECTION G. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Wilson's Mills or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

#### **SECTION H. PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NCGS § 143215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Wilson's Mills from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **18.4. ADMINISTRATION.**

##### **SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

##### **SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.**

- (1) Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
    - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
    - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 18.3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
    - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 18.3, Section B;
    - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 18.3, Section B;
    - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 18.3, Section B; Article 18.4, Section C; or Article 18.5, Section D;
    - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
    - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.
  - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
    - (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

- (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
  - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
  - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
  - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 18.5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 18.5, Section B, subsections (6) and (7) of this Ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the floodcarrying capacity of the watercourse and the effects to properties located

both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

- (2) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
  - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 18.3, Section B.
  - (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
  - (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
  - (e) All certification submittal requirements with timelines.
  - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 18.5, Section F have been met.
  - (g) The flood openings requirements, if in Zones A, AE, AH, AO, A99.
  - (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
  - (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.
- (3) Certification Requirements.
- (a) Elevation Certificates
    - (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit



holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- (ii) A final Finished Construction Elevation Certificate (FEMA Form 086-033) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected asbuilt construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has splitlevel or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It

shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 18.5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  - (i) Recreational Vehicles meeting requirements of Article 18.5, Section B(6)(a);
  - (ii) Temporary Structures meeting requirements of Article 18.5, Section B(7); and
  - (iii) Accessory Structures that are 150 square feet or less or cost of structure is \$3,000 or less and meeting requirements of Article 18.5, Section B(8).

(4) Determinations for Existing Buildings and Structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

**SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 18.5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 18.4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 18.4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 18.4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 18.4, Section B(3) and Article 18.5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article 18.3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 18.5, Section D(2)(c), in order to administer the provisions of this ordinance.

- (12) When Base Flood Elevation (BFE) data is provided but no floodway or nonencroachment area data has been provided in accordance with the provisions of Article 18.3, Section B, obtain, review, and reasonably utilize any floodway data or nonencroachment area data available from a Federal, State, or other source in order to administer the provisions of this Ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local Ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stopwork order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for

refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 18.4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 18.3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

#### **SECTION D. CORRECTIVE PROCEDURES.**

- (1) **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - (a) That the building or property is in violation of the floodplain management regulations;

- (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
  - (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
  - (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NCGS § 143-215.58 and shall be punished at the discretion of the court.

## **SECTION E. VARIANCE PROCEDURES.**

- (1) The Board of Adjustment as established by the Town of Wilson's Mills, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this Ordinance.

- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
  - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 18.2 of this Ordinance, provided provisions of Article 18.4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
  - (c) Any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity to the facility of a waterfront location as defined under Article 18.2 of this Ordinance as a functionally dependent facility, where applicable;
  - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;



- (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this Ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:

- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or Ordinances.
  - (b) Variances shall not be issued within any designated floodway or nonencroachment area if the variance would result in any increase in flood levels during the base flood discharge.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (d) Variances shall only be issued prior to development permit approval.
  - (e) Variances shall only be issued upon:
    - (i) A showing of good and sufficient cause;
    - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
    - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
  - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
  - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
  - (d) The use complies with all other applicable Federal, State and local laws.

- (e) The Town of Wilson's Mills has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

## **18.5. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

### **SECTION A. GENERAL STANDARDS.**

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
  - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
  - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 18.4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 18.4, Section B(3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

## **SECTION B. SPECIFIC STANDARDS.**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 18.3, Section B, or Article 18.5, Section D, the following provisions, in addition to the provisions of Article 18.5, Section A, are required:

- (1) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 18.2 of this Ordinance.
- (2) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 18.2 of this Ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 18.5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 18.4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) **Manufactured Homes.**

- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 18.2 of this Ordinance.
  - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
  - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 18.5, Section B(4).
  - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
  - (b) Shall not be temperature-controlled or conditioned;
  - (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

- (d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
  - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
  - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.

- (ii) a substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
  - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a two (2) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the two (2) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:



- (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
  - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (6) Recreational Vehicles. Recreational vehicles shall either:
  - (a) Temporary Placement
    - (i) Be on site for fewer than 180 consecutive days; or
    - (ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions).
  - (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
  - (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
  - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
  - (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

- (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
  - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
  - (b) Accessory structures shall not be temperature-controlled;
  - (c) Accessory structures shall be designed to have low flood damage potential;
  - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 18.5, Section A(1);
  - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 18.5, Section A(4); and
  - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 18.5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of three thousand dollars (\$3,000) or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 18.5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 18.4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
  - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
  - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
  - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
    - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
    - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (10) Other Development.
- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 18.5, Section F of this ordinance.

- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 18.5, Section F of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 18.5, Section F of this ordinance.

#### **SECTION C. RESERVED.**

#### **SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 18.3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 18.5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
  - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in Article 18.5, Sections A and B.
  - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway

and nonencroachment areas shall also comply with the requirements of Article 18.5, Sections B and F.

- (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 18.3, Section B and utilized in implementing this Ordinance.
- (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 18.2. All other applicable provisions of Article 18.5, Section B shall also apply.

#### **SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NONENCROACHMENT AREAS.**

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 18.5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

#### **SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 18.3, Section B. The floodways and non-encroachment

areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 18.5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
  - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (2) If Article 18.5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
  - (a) The anchoring and the elevation standards of Article 18.5, Section B(3); and
  - (b) The encroachment standards of Article 18.5, Section F(1).

#### **SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).**

Located within the Special Flood Hazard Areas established in Article 18.3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 18.5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the

highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 18.5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 18.4, Section B(3) and Article 18.5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).**

Located within the Special Flood Hazard Areas established in Article 18.3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent annual chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 18.5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **18.6. LEGAL STATUS PROVISIONS.**

##### **SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This Ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted November 29, 2004 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Wilson's Mills enacted on November 29, 2004, as amended, which are not reenacted herein are

repealed. The date of the initial Flood Damage Prevention Ordinance for Johnston County is September 30, 1983.

#### **SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.**

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.

#### **SECTION C. SEVERABILITY.**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

#### **SECTION D. EFFECTIVE DATE.**

Article 18 shall become effective upon adoption of the Wilson's Mills Development Ordinance as stipulated in Article 1.



**ARTICLE 19**  
**WATERSHED & STORMWATER PROTECTION**

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**ARTICLE 19**  
**WATERSHED AND STORMWATER PROTECTION**  
**STORMWATER PROTECTION**

**19.1 PURPOSE**

The purpose of this article is to establish minimum criteria to control and minimize quantitative impacts of stormwater runoff from development within the town. Further, prudent site planning should include special consideration for the purposes of preserving natural drainageways, maximizing infiltration, and slowing stormwater runoff from individual sites in route to streams and rivers by use of effective runoff management, structural and nonstructural best management practices, drainage structures and stormwater facilities.

**19.2 DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means an owner or developer of a site who executes the need for a stormwater review.

*Best management practices (BMPs)* means a wide range of practices that have been demonstrated to effectively manage the quality and/or quantity of stormwater runoff and which are compatible with the planned land use. BMPs can be structural (detention ponds, wetlands etc.) or nonstructural (reduced road pavement width, cluster development etc.).

*Development* means any of the following actions taken by a public or private individual or entity:

- A. The division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels or other divisions by plat or deed; or
- B. Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.

*Drainage structures* includes swales, channels, storm sewers, curb inlets, yard inlets, culverts and other structures designed to convey stormwater.

*Existing development* means an individual nonresidential site with site plan approval by the planning department or a nonresidential or residential subdivision with preliminary subdivision approval from the planning board.

*Impervious surface* means a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Gravel areas shall be considered impervious.

*Land disturbance* means the removal of topsoil, grubbing, stump removal and/or grading.

*Natural drainageway* means an incised channel with a defined channel bed and banks that are part of the natural topography. Construction channels such as drainage ditches shall not be considered natural drainageways that has been relocated, widened or otherwise improved.

*New development* means any activity that disturbs more than one acre of land or creates more than 17,000 square feet of impervious surfaces for a single-family or duplex residential development, recreational facility or multifamily, institutional, commercial, or industrial development. The term "new development" shall not include mining, agricultural or forestry activities.

*Riparian buffer* means an area of trees, shrubs or other forest vegetation that is adjacent to surface waters.

*Stormwater* means flow resulting from and occurring after any form of precipitation.

### **19.3 INTERPRETATION**

- A.** In interpreting and applying this article, the requirements are intended to be minimum requirements, which are imposed and are to be conformed to, and are in addition to, and not in lieu of, all other legal requirements.
- B.** This article shall not be deemed to interfere with or otherwise affect in any manner whatsoever any ordinance, rules, regulations, permits, or easements, covenants, or other agreements between parties; provided, however, that where this article imposes greater restrictions and controls with respect to stormwater management, the provisions of this article shall prevail.

### **19.4 APPLICABILITY**

Section 19.5 shall apply to all development, as previously defined, unless specifically stated otherwise herein. Sections 19.6 through 19.13 shall apply to all new development, as previously defined, unless specifically stated otherwise herein.

## 19.5 ON-SITE DRAINAGE

- A. Drainage devices in public town rights-of-way or easements, (i.e., ditches, culverts, storm drainage systems, etc.) shall be designed to convey the ten-year storm without causing any negative impacts either locally, upstream or downstream. Culverts or systems that convey at least ten acres of stormwater runoff directly across a town street shall be designed to convey a 25-year storm without causing any negative impacts.
- B. Private drainage devices on site (including most commercial drainage) or devices located in private easements, (drainage outfalls between lots in a subdivision) shall also be designed to convey the ten-year storm.
- C. When other agency drainage criteria are required, then the applicable/relevant agency design criteria may be utilized such as NCDOT, NC Division of Land Resources, etc.
- D. Drainage devices on site shall consider all upstream/off-site drainage areas and utilize a built-out basin according to the latest town zoning map or land use plan.
- E. Off-site basins that are greater than 50 acres and are zoned agricultural or are rural in nature or extend to rural areas beyond the town's jurisdiction may assume that a reasonable portion of the basin be built out; but in no case may such large, rural areas be designed below a 30 percent built-out scenario.
- F. Rational methodology is typically the hydrologic method of choice, although some situations may warrant other methodologies.
- G. Rational method rainfall intensities shall utilize the IDF equation for the county:

$I$	=	$\frac{g}{(h + T)}$
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(Ref: Latest county stormwater manual for "g" and "h" values.)

## 19.6 IMPERVIOUS AREA LIMITATIONS

- A. Any development, residential or commercial/industrial, that exceeds 15 percent new/additional impervious area shall be required to attenuate, or detain, the additional runoff so that it does not exceed the pre-development runoff for both a two-year/24hour storm event and a ten-year/24-hour storm event (see additional design criteria for detention ponds below).
- B. New/additional impervious area shall be any impervious area added to a site after the effective date of the ordinance from which this article is derived, regardless of whether the new/additional impervious is added at one time or incrementally over time.
- C. Existing impervious areas that show up on 2005 County GIS aerials are considered exempt and may be subtracted from the total site area for a "net" site area for stormwater.

- D.** Existing impervious areas that were installed after the 2005 aerial maps were flown, but prior to the effective date of the ordinance from which this article is derived, are also exempt, but the burden of proving when these areas were installed shall be on the owner/developer.
- E.** Impervious area calculations must be submitted with all plans. Impervious lot restrictions must be stated on all plats for subdivisions. When plats are required for commercial site plans, impervious area restrictions must also be stated on the required plat.
- F.** For the purposes of these regulations, proposed single-family development that creates a subdivision of three lots or less or creates a private access drive for three home sites or less are exempt from the maximum impervious area limitation; and a duplex home site on a single lot is also exempt from the maximum impervious area limitation. However, a downstream analysis as described in the Section 19.10 must be performed and any negative impacts must be mitigated.
- G.** Any residential development that proposes a public street shall be subject to the maximum impervious area limitation.

## **19.7 DESIGN CRITERIA FOR DETENTION PONDS**

- A.** As stated in Section 19.6 when detention ponds are required, they shall be designed to attenuate runoff so that it does not exceed pre-development runoff for both a two-year/24-hour storm event and a ten-year/24-hour storm event (post-development  $Q < \text{pre-development } Q$ ).
- B.** Additional design criteria for detention ponds shall be as follows:
  - 1.** SCS 24-hour rainfall amounts shall be specific to the county. (Ref: Latest county stormwater manual for 24-hour rainfall data.)
  - 2.** When upstream/off-site areas draining to a proposed detention pond are less than or equal to 5.0 acres, then detention pond designs shall consider proposed conditions on site and only existing conditions where upstream/off-site basins drain to the pond.
    - a)** It is encouraged to plan the site layout and location of detention ponds so that excessive drainage from upstream/off-site areas does not affect the design.
    - b)** Pond sizes with excessive off-site drainage will be much larger than the onsite drainage alone would require. Planning for regional detention ponds that purposely detain additional off-site areas for the areas for future development will be considered on a case-by-case basis.
  - 3.** When upstream/off-site areas exceeding 5.0 acres drain to a proposed detention pond, then the pond shall be checked separately for a future built-out scenario of 15 percent impervious for the upstream/off-site basin. In these cases, the future built-out runoff shall not exceed pre-development runoff by more than ten percent

for the given design storms (Future-development  $Q < \text{pre-development } Q + \text{ten percent}$ ).

4. In certain circumstances where storm routing for the proposed design-criteria (post-development  $Q < \text{pre-development } Q$ ) conflicts directly with the future build-out design-criteria (future-development  $Q < \text{pre-development } Q + \text{ten percent}$ ), and creates a design burden, then the future built-out criteria alone will suffice for routing.
5. Detention ponds will be checked for the 100-year storm event and routing calculations included with the other routing calculations. Significant downstream impacts to existing property or structures may require additional mitigations.
6. All detention ponds shall have an emergency spillway designed to pass a 100year/24-hour storm event with 1.0 feet of freeboard.
  - a) In special cases where the 100-year/24-hour storm spillway design creates a design burden and downstream impacts are not significant, then a 25-year/24hour storm with 1.0 feet of freeboard may suffice for the spillway design.
  - b) In no case shall the spillway be designed for less than one 25-year/24-hour storm.
7. All detention ponds shall be shown with a proposed private drainage easement and minimum 15 feet wide, private access easement from the public right-of-way to the proposed facility. (See Section 19.8 for additional information for easement.)
8. All detention ponds are private and shall be privately maintained and inspected annually.
9. Maintenance and inspection agreements shall be executed and notarized by the responsible party and recorded with the county register of deeds.

## **19.8 EASEMENTS**

- A. Drainage easements are required for any development that creates public or private drainage facilities.
- B. Except for streets and drainage facilities within public, town rights-or-way, the responsibility for maintenance of drainage easements and any structures located within the easements is the landowner, developer, property owner's association or other person or association as noted in the stormwater application.
- C. The town is not responsible for maintenance of any drainage easements outside of town rights-of-way or stormwater structures located within an easement.
- D. It is the responsibility of the developer to clearly indicate who is responsible for maintenance of proposed drainage facilities.

- E.** Drainage easements shall be provided for the following facilities outside of the town or NCDOT right-of-way:
- 1.** All culverts.
  - 2.** All new or existing open channels or watercourses on or near the perimeter of the site or development.
  - 3.** All new or existing storm drainage pipes and points of concentrated flow.
  - 4.** All attenuation facilities, including berms, primary and emergency spillways, etc.
  - 5.** Other locations deemed appropriate by the town engineer.
- F.** Minimum easement widths shall be as follows:

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Drainage Structure	Drainage Structure Size	Minimum Easement Width
<b>Culverts</b>	0 to 72" diameter	20 feet
	>72" diameter	The diameter or width plus 20 feet
	Multiple culverts	The total width (measured from the outside of the end culverts plus the width specified for the pipe diameters defined above)
	Culverts in deep fill (top of pipe to surface > 5 feet)	Use the above widths plus 1.5 times the depth of fill
<b>Existing Open Channels</b>	Open channels: <10 acres contributing drainage area	20 feet
	10 to <25 acres	30 feet
	25 to <100 acres	50 feet
	>100 acres	The floodway width or 50 feet, whichever is greater
<b>BMP &amp; Stormwater Ponds (access)</b>	Varies	15 feet wide from public ROW to facility, including inflow and outflow points (e.g., pond forebay and outlet structure)
<b>Stormwater Pond (Wet and dry detention facilities)</b>	Varies	20 feet around the high-water surface elevation in the pond 100year storm event)
<b>BMP's and Level Spreaders</b>	Varies	Sufficient length and width must be provided and surround each BMP with an additional 5' along the edge of one side of the BMP for access and maintenance
<b>Proposed Open Channels</b>	Varies	20 feet width for all swales accepting roadway or parking lot runoff. 10 feet width for swales accepting only residential lot runoff

**G.** All drainage easements and any other site easements shall be presented to the town on a plat based on field surveys following construction to ensure that drainage structures,



channels and watercourses are approximately centered, or otherwise properly located within the easement.

- H.** All drainage easements shall be designed to tie into existing easements, road rightsof-way, existing natural watercourses, or other appropriate locations.
- I.** The plat shall be provided to the town for signing and then recorded at the county register of deeds.
- J.** For subdivisions, such easements shall be adequately shown on the subdivision plat, prior to the town signing the plat.
- K.** For site plans requiring an easement plat, the town may issue a zoning compliance upon site plan approval; but a "flag" will be placed on the project with the county inspections department so that a certificate of occupancy cannot be issued until the required plat is signed by the town and recorded.

## **19.9 EXCEEDING 15 PERCENT IMPERVIOUS AREA WITHOUT ATTENUATION**

If 15 percent impervious area is exceeded for the total site, then attenuation may still not be required if any one of the following can be demonstrated and the project engineer states in writing either on the plans, in the calculations or both specifically the results of the applicable section below:

- A.** When total site runoff, or runoff for any given subbasin leaving the site, for the tenyear storm does not exceed the pre-development runoff plus ten percent, then attenuation is not required.
  - 1. Note that total site runoff and runoff in each subbasin must be analyzed and all applicable subbasins shall be checked to verify the ten-year/ten percent additional runoff criteria; therefore, attenuation could be required in a given subbasin on site but not in another.
  - 2. Drainage area delineation maps must be submitted with drainage calculations showing all subbasins on site.
  - 3. Subbasins shall be delineated at all points where runoff leaves the site.
  - 4. Subbasins leaving commercial sites that drain less than 0.5 acres do not have to attenuate and subbasins leaving residential sites that drain less than 1.0 acre do not have to attenuate; but it must still be shown that there would be no negative impacts to adjacent/developed properties within these small subbasins.
  - 5. Subbasins that release areas of sheet flow runoff from the site shall be included in the total site runoff and such areas of sheet flow runoff shall not negatively impact any adjacent, developed properties.
  - 6. Where it can be demonstrated that all downstream runoff from a site converges at a distance less than 500 feet downstream, then only the total site runoff has to be analyzed, and analysis of the individual subbasins is not required.

7. It should be noted that use of questionably high C-values or CN-values for the pre-development condition in order to make the ten-year/ten percent criteria "work" shall be scrutinized.
- B.** Sites or subbasins of a site that have a stream running through, or directly adjacent to, the property and drains a basin area greater than 50 acres (at the point the stream leaves the site) do not have to attenuate if the total site area or subbasin area is less than five percent of the total drainage area. Other subbasins on site must still demonstrate that attenuation is not required by the other criteria herein.
- C.** If it can be demonstrated through other engineering analyses that downstream impacts are negligible, then attenuation is not required.

#### **19.10 DOWNSTREAM ANALYSIS**

- A.** A pre-development versus post-development runoff analysis for the ten-year storm is required at all points where runoff leaves the site and/or may impact adjacent property. This is especially true for sites where there is no attenuation, while sites that typically require attenuation inherently mitigate such downstream effects.
- B.** A cursory analysis is required downstream from the site at the first public drainage culvert downstream.
  - 1.** Inlet control calculations are sufficient and undersized culverts in existing or proposed conditions may require notification to NCDOT if located in NCDOT rights-of-way.
  - 2.** If the downstream culvert is a town-maintained culvert and the proposed runoff causes it to be undersized for the required design-year storm, then a more detailed analysis may be required, showing inlet and outlet control and depending on the local impact, the culvert may be required to be replaced.
  - 3.** Town-maintained culverts that can be shown to be undersized for existing conditions shall be duly noted within the design calculations.

#### **19.11 ALTERNATIVE DESIGNS**

- A.** A pre-development versus post-development runoff analysis for the ten-year storm is required at all points where runoff leaves the site and/or may impact adjacent property. This is especially true for sites where there is no attenuation, while sites that typically require attenuation inherently mitigate such downstream effects.
- B.** Where the owner/developer requests a waiver from any of the above criteria, then it shall be demonstrated through engineering analysis that downstream impacts for both water quality and quantity have been mitigated.

**19.12 VARIANCE** Where the owner/developer requests a waiver from any of the above criteria, then it shall be demonstrated through engineering analysis that downstream impacts for both water quality and quantity have been mitigated.

**19.13 FEES**

A list of fees associated with this article shall be found on the fee schedule of the town.

**WATERSHED PROTECTION**

**DIVISION 1. GENERALLY**

**19.14 AUTHORITY AND ENACTMENT**

The state legislature has, in G.S. 160A-174 and in G.S. 143-211 (watershed protection rules), delegated the responsibility or directed local governmental units to adopt regulations that promote the public health, safety and general welfare of its citizenry. The town council ordains and enacts into law the ordinance from which this article is derived as the watershed protection regulations of the town.

**19.15 RELATION TO OTHER REGULATIONS**

These watershed regulations supplement the regulations applicable to the base zoning district. If the watershed regulations conflict with the base district requirements, the requirements of the watershed regulations shall govern.

**19.16 JURISDICTION AND APPLICABILITY**

The provisions of this article shall apply within areas designated as a public water supply watershed by the state environmental management commission and located in the territorial jurisdiction of this chapter.

**19.17 EXCEPTIONS TO APPLICABILITY**

- A. Conflicts with existing laws.** Nothing in this chapter shall repeal or amend any federal or state law or regulation, or any regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this chapter amend or restrict any provisions of this chapter or the town's Code of Ordinances; however, the adoption of the ordinance from which this chapter is derived does amend any ordinance, resolution and regulation in effect in the town at the time of the adoption of the ordinance from which this article is derived that impairs or reduces its effectiveness or conflicts with any of its provisions.
- B. Conflicts with agreements between private parties.** It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or

higher standards for the use of a building or land, then the provisions of these regulations shall control.

**C. Applicability to existing developments.**

1. Existing developments as defined in this chapter are not subject to the requirements of this article. Expansions to structures classified as existing development must meet the requirements of this chapter. The built-upon area of the existing development is not required to be included in the density calculations.
2. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this article if it is developed for single-family residential purposes. Any lot created as part of a family subdivision after the effective date of the ordinance from which this article is derived shall be exempted if it is developed for one single-family detached residence and if it is exempt from the town's subdivision regulation. Any lot created as part of any other type of subdivision that is exempted from the subdivision regulations set forth in Article 16 is subject to the land use requirements (including impervious surface requirements) of this article, except that such a lot must meet the minimum buffer requirements to the maximum extent practicable.

**19.18 REPEAL OF EXISTING WATERSHED REGULATIONS**

- A. This article in part carries forward by reenactment some of the watershed regulations of the town previously adopted by the town council, and it is not intended to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued are preserved and may be enforced.
- B. All provisions of the watershed regulations that are not reenacted herein are hereby repealed.
- C. All suits at law or in equity and all prosecutions resulting from the violation of any ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this chapter, but shall be prosecuted to their finality the same as if this chapter had not been adopted; and any and all violations of the existing watershed protection regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this chapter shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending or that may have been instituted or prosecuted.

**19.19 REMEDIES**

In addition to the remedies available to the town for violations of this chapter, the state environmental management commission may assess civil penalties in accordance with G.S. 143-215.6(a) for violations of these watershed regulations.

## 19.20 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section when used in the context of these watershed regulations, except where the context clearly indicates a different meaning:

*Agricultural use* means the use of waters for stock watering, irrigation and other farm purposes.

*Best management practices (BMP)* means a structural or nonstructural managementbased practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

*Buffer area* means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

*Building* means any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be considered to make them one building.

*Built-upon area* means that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

*Cluster development* means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term "cluster development" includes nonresidential development as well as single-family residential and multifamily developments. For the purpose of this article, planned unit developments and mixed-use developments are considered as cluster development.

*Critical area* means the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool

elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

*Customary home occupation* means any use conducted entirely within a dwelling and carried on by the occupants thereof, and is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof; provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over 25 percent of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

*Development* means any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area, or which otherwise decreases the infiltration of precipitation into the soil.

*Family subdivision* means a division of a tract of land:

- A. To convey the resulting parcels, except parcels kept by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or
- B. To divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

*Impervious surface* means any material that reduces or prevents the infiltration of stormwater into the ground, including, but not limited to, buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), compacted soils, sand, lime rock, clay, etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

*Industrial development* means any nonresidential development that requires an NPDES permit for an industrial discharge or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

*Major variance* means a variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- A. The relaxation, by a factor greater than ten percent, of any management requirement under the low-density option.
- B. The relaxation, by a factor greater than five percent, of any buffer, density or built-upon area requirement under the high-density option.
- C. Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

*Minor variance* means a variance from the minimum statewide watershed protection rules that result in a relaxation, by a factor of up to:

- A. Five percent of any buffer, density or built-upon area requirement under the high-density option; or
- B. Ten percent of any management requirement under the low-density option.

*Nonconforming lot of record* means a lot described by a plat or a deed that was recorded before the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

*Nonresidential development* means all development other than residential development, agriculture and silviculture.

*Protected area* means the area that adjoins and is upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within ten miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

*Residential development* means buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc., and customary home occupations.

*Residuals* means any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the environmental management commission.

*Single-family residential* means any development where:

- A. No building contains more than one dwelling unit;
- B. Each dwelling unit is on a separate lot; and
- C. No lot contains more than one dwelling unit.

*Toxic substance* means any substance or combination of substances (including diseasecausing agents) which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

*Water-dependent structure* means any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

*Watershed* means the entire land area contributing surface drainage to a specific point (i.e., the water supply intake).

## **19.21 WATERSHED MAP**

The watershed map attached to the ordinance from which this section is derived is added as the official watershed map along with the USGS quad map for the town.

## **DIVISION 2. SUBDIVISION REGULATIONS**

### **19.22 GENERAL PROVISIONS**

- A. No subdivision plat of land within the public water supply watershed shall be filed or recorded by the register of deeds until it has been approved in accordance with the provisions of this article and the subdivisions regulations set forth in Article 16. Likewise, the clerk of superior court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this article.
- B. The approval of a plat does not constitute or effect the acceptance by the town or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.
- C. All subdivision plats shall conform to the mapping requirements of G.S. 47-30.



- D. All subdivisions of land within the jurisdiction of the town after the effective date of the ordinance from which this chapter is derived shall require a plat to be prepared, approved and recorded pursuant to this article and the subdivision regulations set forth in Article 16.

### 19.23 SUBDIVISION APPLICATION AND REVIEW PROCEDURES

- A. All subdivision applications shall be reviewed by the zoning enforcement officer to determine whether or not the property is located within the designated public water supply watershed. Subdivisions that are not within the designated watershed area are not subject to the provisions of this article and may be recorded provided the zoning enforcement officer initials the vicinity map. Subdivisions within a WS-IV watershed are subject to the provisions of this article when state law requires an erosion and sedimentation control plan. Subdivisions within the designated watershed area shall comply with the provisions of this article and all other applicable state and local requirements.
- B. Subdivision applications shall be filed, processed and reviewed in accordance with the subdivision regulations set forth in Article 16. The application shall include two additional copies of the plat and supporting documentation that the zoning enforcement officer or the planning board considers are necessary.
- C. The zoning enforcement officer or the planning board may provide public agencies an opportunity to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:
1. The district highway engineer with regard to proposed streets and highways.
  2. The director of the health department with regard to proposed private water systems or sewer systems normally approved by the health department.
  3. The state division of water quality with regard to proposed sewer systems normally approved by the division, engineered stormwater controls or stormwater management in general.
  4. Any other agency or official designated by the zoning enforcement officer or planning board.
- D. If the application is approved, such approval shall be indicated on both copies of the plat by the following certificate, which shall be signed by the Administrator:

*Certificate of Approval for Recording*

*"I certify that the plat shown hereon complies with the watershed protection regulations and is approved by the Development Compliance Officer for recording in the Register of Deeds office."*

Date	Town of Wilson's Mills, DCO
Notice: This property is located within a public water supply watershed; development restrictions may apply.	

- E.** If the application is disapproved or approved with conditions, the reasons for such action shall be stated in writing and submitted to the applicant and entered in the minutes. The applicant may submit a revised plan, which shall constitute a separate request for the purpose of review.
- F.** All subdivision plats shall comply with the requirements for recording of the county register of deeds.
- G.** The plat shall be recorded within 30 days of approval. The applicant shall provide the zoning enforcement officer with evidence that the plat has been recorded with the register of deeds within five working days of recording.

#### **19.24 SUBDIVISION STANDARDS AND REQUIRED IMPROVEMENTS**

- A.** All lots shall provide adequate building space in accordance with the development standards contained in the development regulations to come. Lots that are smaller than the minimum required for residential lots may be developed using built-upon area criteria described in the development regulations to come.
- B.** For the purpose of calculating built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.
- C.** Applications shall be accompanied by a description of the proposed method of providing stormwater drainage. The applicant shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.
- D.** If a sedimentation and erosion control plan is required, a written statement specifying that a sedimentation and erosion control plan has been submitted to and approved by the appropriate approving authority shall accompany the application.
- E.** Where possible, roads shall be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

#### **19.25 CONSTRUCTION PROCEDURES**

- A.** No construction or installation of improvements shall commence in a proposed subdivision until a subdivision preliminary plat has been approved.
- B.** No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of the ordinance from which this chapter is derived

until all requirements of this article have been met. The applicant, before commencing any work within the subdivision, shall make arrangements with the zoning enforcement officer to provide for adequate inspection.

#### **19.26 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS**

Any person who subdivides land in violation of this chapter 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 this chapter and recorded in the office of the register of deeds shall be guilty of a 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 this penalty. The town may bring an action for injunction for any illegal subdivision, transfer, conveyance or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this chapter.

### **DIVISION 3. DEVELOPMENT REGULATIONS**

#### **19.27 DEVELOPMENT ACTIVITIES SUBJECT TO DIVISION**

New development activities that require an erosion and sedimentation control plan under state law are required to meet the provisions of this division when located in a watershed overlay district.

#### **19.28 WS-IV-PA WATERSHED REGULATIONS**

- A.** Uses allowed. The following uses may be permitted in a WS-IV-PA watershed area as permitted under the base zoning district:
  - 1.** Agriculture uses, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
  - 2.** Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A NCAC 11.0101—11.0209).
  - 3.** Residential development.
  - 4.** Nonresidential development.
- B.** Density and built-upon requirements. In order to accommodate a moderate to high land use intensity, development shall comply with the following density requirements:
  - 1.** Single-family residential development shall not exceed a density of two dwelling units per acre, as defined on a project-by-project basis. For projects with a curb and gutter system, no residential lot shall be less than one-half acre or 20,000

square feet excluding street right-of-way. For projects without a curb and gutter system, no residential lot shall be less than one-third of an acre unless approved under a cluster development.

2. All other residential and nonresidential development shall not exceed 24 percent built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed 36 percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.
  3. Off-street parking shall be designed to minimize built-upon area.
  4. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- C. New and expansion development. In addition to the development allowed under subsections (a) and (b) of this section, new development and expansions to existing development may occupy up to ten percent of the protected area with up to 70 percent built-upon area on a project by project basis, when approved as a special intensity allocation (SIA). The watershed administrator is authorized to approve SIAs consistent with the provisions of this chapter. The watershed administrator may refer the SIA to the town council for their consideration and approval on a project by project basis. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate best management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

## **19.29 WS-IV-CA REGULATIONS**

### **A. Allowed uses.**

1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the soil and water conservation commission.
2. Silviculture, subject to the provisions of the forest practices guidelines related to water quality (15A NCAC 11.0101—11.0209).
3. Residential.
4. Nonresidential development, excluding landfills and sites for land application of residuals or petroleum contaminated soils.

### **B. Density and built-upon limits.**

1. Single-family residential development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half

acre or 20,000 square feet, excluding roadway right-of-way, except within an approved cluster development.

2. All other residential and nonresidential development shall not exceed 24 percent built-upon area on a project-by-project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

### **19.30 CLUSTER DEVELOPMENT**

Cluster development may be permitted in watershed districts subject to the provisions of this section:

- A. Lot sizes. Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in the applicable zoning district. Density or built-upon area for the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- B. Built-upon areas. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- C. Dedicated open space. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government upon mutual agreement for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

### **19.31 BUFFER AREAS REQUIRED**

- A. Buffer width. In the WS-IV watershed district, a minimum 50-foot vegetative buffer is required for development activities along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5-minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted. A minimum 100-foot vegetative buffer is required for SIA development activities.
- B. Development restrictions. No new development is allowed in the buffer area except for water-dependent structures and other structures such as flag poles, signs, and security lights that result in only diminutive increases in impervious area; and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area and direct runoff away from the surface waters, and maximize the utilization of stormwater best management practices.

### **19.32 APPLICATION OF REGULATIONS**

- A.** Applicability. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- B.** Calculation of area. No area required for the purpose of complying with the provisions of this chapter shall be included in the area required for another building.
- C.** Prohibited uses. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

### **19.33 EXISTING USES OF LAND**

- A.** Uses prior to ordinance. This category consists of uses existing at the time of adoption of the ordinance from which this chapter is derived, but is not permitted hereafter in the watershed area in which they are located. These uses may be continued except as follows:
  - 1.** A change in the use of land shall be only to a use that is permissible in the applicable zoning district.
  - 2.** Once the use has been changed, it may not be reverted to a prohibited use.
  - 3.** When the use ceases for a period of one year, it shall not be reestablished.
- B.** Reconstruction of buildings or built-upon areas. An existing building or built-upon area not in conformance with the restrictions of this chapter that has been damaged or removed may be repaired or reconstructed (except that there are no restrictions on single-family residential development) provided:
  - 1.** Repair or reconstruction is initiated within 12 months and completed within two years of such damage.
  - 2.** The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

**DIVISION 4.**  
**PUBLIC HEALTH REGULATIONS**

**19.34 GENERAL RESTRICTION WITHIN WATERSHED**

No activity, situation, structure or land use shall be allowed within the watershed that poses a threat to water quality or the public health, safety and welfare. Such threats may arise from:

- A.** Inadequate on-site sewage systems that utilize ground absorption.
- B.** Inadequate sedimentation and erosion control measures.
- C.** The improper storage or disposal of junk, trash or other refuse within a buffer area.
- D.** The improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

**19.35 ABATEMENT**

- A.** The zoning enforcement officer shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- B.** The zoning enforcement officer shall report all findings to the board of adjustment. The zoning enforcement officer may consult with any public agency or official and request recommendations.
- C.** Where the board of adjustment finds a threat to water quality and the public health, safety and welfare, the board shall institute any appropriate action or proceeding to restrain, correct or abate the condition or violation.

**19.36 ADMINISTRATION, ENFORCEMENT, AND APPEALS**

- A.** Administration and enforcement of watershed regulations.
  - 1.** The zoning enforcement officer shall keep records of development within the watershed within the town's zoning jurisdiction. Records for each watershed shall include the total acres of non-critical watershed area, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable).
  - 2.** The zoning enforcement officer may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him by this article.
- B.** Variances and appeals. Requests and review of variances and appeals to these watershed rules shall comply with the procedures for such prescribed under division 4 of article VI of this chapter, administration and amendments, in addition to the following:

1. The town shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.
2. The zoning enforcement officer shall give written notification of all variances and appeals to local governments with jurisdiction in the watershed and the entity using the water supply for consumption. The notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the zoning enforcement officer before a decision is made. The comments shall become a part of the record of proceedings of the board of adjustment.
3. The board of adjustment shall refuse to rehear an appeal or an application for a variance that has been denied if the board finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
4. Major variances shall be approved by the division of water quality before becoming effective.

#### **19.37 AMENDMENTS TO WATERSHED REGULATIONS**

Amendments to these watershed regulation provisions shall comply with the provisions of this article. The zoning enforcement officer shall provide copies of all amendments to these watershed regulations upon adoption to the water quality section of the division of water quality.



**ARTICLE 20**  
**SOIL EROSION AND SEDIMENTATION CONTROL**

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## **ARTICLE 20**

### **SOIL EROSION AND SEDIMENTATION CONTROL**

#### **20.1 GENERAL REQUIREMENTS**

**20.1.1 Plan Required.** No person shall initiate any land-disturbing activity in excess of one (1.00) acre for residential or commercial purposes without a Soil Erosion and Sedimentation Control plan approved by the North Carolina Department of Environmental Quality (NCDEQ). A copy of the approved Soil Erosion and Sedimentation Control Plan shall be on file in the office of the Administrator not less than ten (10) days prior to the initiation of such land disturbing activity.

**20.1.2 Protection of Property.** Persons conducting permitted land-disturbing activity shall take all reasonable measures to protect all public and private property from damage or nuisance caused by such activity.

#### **20.2 BASIC CONTROL OBJECTIVES**

Zoning approval shall be withheld until such time as an officially approved Soil Erosion and Sedimentation Control plan is filed with the Administrator. At a minimum, the stateapproved plan shall address the following control objectives:

- 1. Limit Time of Exposure.** All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;
- 2. Limit Exposed Areas.** All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;
- 3. Control Surface Water.** Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
- 4. Control Sedimentation.** All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage and nuisances to adjacent properties, streets or streams; and
- 5. Manage Storm Water Runoff.** When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

## **20.3 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITY**

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

**20.3.1 Buffer Zone.** No land-disturbing activity shall be permitted within 30 feet of a water body shown on the most recent published version of the soil survey map prepared by the Natural Resources Conservation Service or the most recent 1:24,000 scale quadrangle topographic maps prepared by the US Geological Survey, including perennial streams, intermittent streams, modified natural streams, lakes or reservoirs, ponds (including beaver ponds), estuaries and rivers (See 15A NCAC 02B .0233 Neuse River Basin Nutrient Sensitive Water Strategies);

**20.3.2 Prior Plan Approval.** No person shall initiate any land-disturbing activity if more than one (1.00) contiguous acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by NCDEQ.

## **20.4 RESPONSIBILITY FOR MAINTENANCE**

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, or by any ordinance adopted pursuant to this Ordinance. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

## **20.5 EXISTING UNCOVERED AREAS**

**20.5.1 Applicability.** All uncovered areas existing on the effective date of this Ordinance which are the result of land-disturbing activity, which exceed one (1.00) contiguous acre, which are subject to continued accelerated erosion, and which are causing offsite damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

**20.5.2 Notice of Violation.** The Jurisdiction will serve upon the landowner a written notice of violation by registered or certified mail, return receipt requested. The

notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonably attainable time limits for compliance.

**20.5.3 Exemption.** This rule shall not require ground cover on cleared land forming the future basin of a permitted reservoir.

**ARTICLE 21  
OPEN SPACE**

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## **ARTICLE 21 OPEN SPACE**

### **21.1 PURPOSE.**

The open space standards contained herein are established to provide for the reservation of various forms of open spaces, including parks and greenways in all forms of developments located in the Town of Wilson's Mills jurisdiction. Preservation of open space in developing areas serves a variety of purposes, including meeting the recreational needs of residents, improving the aesthetic character of the community, reducing stormwater runoff, improving stormwater runoff water quality, and enhancing air quality. The standards set forth below establish regulations for open space.

### **21.2 OPEN SPACE & PARKS.**

Although open space can be agricultural or natural in character, sub-urban open space is typically planned and developed as part of a development. The following standards are hereby established for open space, with the exception of the Main Street (MS) District which shall be exempt from the requirements of this section.

**21.2.1 Open space land area requirements.** Open space shall be provided in accordance with the following table for:

- A.** initial residential development containing eight or more units,
- B.** redevelopment or additional development that adds eight or more residential units,
- C.** initial non-residential or mixed-use development greater than 0.6 acres, and
- D.** re-development or additional development that adds 25 percent more nonresidential or mixed-use floor area on a site that exceeds 0.6 acres within any 36-consecutive month period.

**TABLE 21.1**

ZONING DISTRICT	REQUIRED OPEN SPACE
Single Family Residential (SFR) Districts.	Single-family/and/or duplex subdivisions: 11.5% of total subdivision project site area.  Other residential: the greatest of 500 square feet of open space per dwelling unit or 9% of lot area.

All other districts, <i>excluding “MS” which is exempt from these requirements</i>	7.5% of lot area
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**21.22 Land designated as future open space.** Regardless of the requirements and exemptions of this subsection, any portion of the site of the proposed development that is designated as future open space or greenway in the Town’s Officially Adopted Comprehensive Land Use & Master Plan, as amended from time to time, shall be reserved for open space. This area may be counted toward the total amount of open space required for the development.

If the total amount of land designated as future open space or greenway is less than the total amount of open space required for the development by Table 21.1, then the developer shall provide additional open space to meet the requirement of Table 21.1. If the amount of land designated as future open space or greenway exceeds the total amount of open space required by Table 21.1, then the developer must provide the open space designated in the official adopted plan.

As compensation for any open space dedication associated with implementing any official adopted plan above that requirement listed in Table 21.1, the developer is eligible for a density bonus of one dwelling unit per each 4,356 square feet of land area in excess of that required in Table 21.1 or 500 square feet of non-residential gross floor area per each 2,178 square feet of land area in excess of that required in Table 21.1, up to a maximum of a fifteen (15%) percent increase above the maximum density or intensity allowed in the applicable zoning district. The density bonus in the proposed development is limited to additional yield that can be configured with less than a ten (10%) percent reduction in(s) in lot area and/or setback dimensions specified in Article 8 - Districts.

**21.2.3 Minimum open space area.** Individual areas designated as open space areas shall not contain less than 500 square feet, although smaller areas may be approved by the Administrator if the intent of this Ordinance is determined to be met.


**21.2.4 Improvement of open space.** With the exception of Natural and Agricultural Open Space, open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain four or more of the following improvements: landscaping, walls/fences, walks, statues, fountains, demarked ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood

and shall not exceed 3.5 ft. in height with the following exceptions: fences used in conjunction with ball fields, tennis courts, swimming pools, and/or playgrounds.

**21.2.5 Design and location.** In major subdivisions and multi-building developments in all zoning districts, except Agricultural, open space shall be integrated into the design of the site. In subdivisions where 50% or more of the lots are less than 0.75 acre in size, open space shall be located within ¼ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two. In subdivisions where 50% or more of the lots are 0.75 acre or more in size, open space shall be located within ½ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two.

**21.2.6 Focal point.** Open space features shall provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There shall be a variety of features provided in accessible open space within new neighborhoods so that open space serves the needs of multiple age groups.

**21.2.7 Types of open space.** Open space types include Squares, Parks, Forecourts, Plazas, Greenways, and Natural and Agricultural. Standards for these open space types are set forth in the table below:

<b>A. Squares</b>		Min size: 500 sq. feet, unless approved per Section 21.2.3 of this Ordinance.	Max Size: 4 acres
<i>Description: Squares are areas for passive recreational use. Squares shall be bounded by streets on either a minimum of three sides or 56% of their perimeter. Squares shall be used in high-density environments where residents have little yard space. Squares are used to bring a natural landscape into a high-density environment. As such, not more than 25% of a square should be impervious</i>			



*surface coverage. Hardscaping shall be of an enhanced decorative finish to improve aesthetic impact for persons viewing and/or visiting the Square (example brick pavers or decorative concrete edges instead of solid asphalt ribbon or broom finished concrete for walkways).*

## **B. Parks**



Minimum  
Size: 6,500  
square feet

Maximum  
Size: 8 Acres.  
Maximum  
size may  
exceed eight  
acres if the  
park serves  
multiple  
neighborhoods  
or preserves  
environmental  
features.

*Description: Parks are areas for passive or active recreational use. Parks shall be bounded by streets on either a minimum of two sides or 32% of their perimeter. Parks shall be areas where both passive and active recreation may occur simultaneously (example: park benches for elderly and a tot-lot for young children), encouraging intergenerational interactions among park users.*



## **C. Forecourt**




Minimum  
Size: 500  
sq feet,  
unless  
approved  
per Section  
21.2-3 of  
this  
Ordinance.

Maximum  
Size: 1.5 acre

*Description: Forecourts are open spaces that act as buffers between residential buildings and streets or non-residential buildings. Forecourts are entirely bounded by buildings or streets. Forecourts shall be planted parallel to all primary street rights-of-way as shown in the illustration above.*

<b>D. Plaza</b>		Minimum Size: 500 sq feet, unless approved per Section 21.2-3 of this Ordinance.	Maximum Size: unlimited
<p><i>Description: A plaza is an open area adjacent to a civic or commercial building. Plazas shall be planted with deciduous trees to provide shade in the summer. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as outdoor farmers markets or craft fairs. Temporary overflow parking is permissible on plazas in accordance with Section 12.9 of this Ordinance. Plazas shall match the architectural style of the buildings that they are adjacent to regarding materials and design. Plazas shall be level or gently sloping.</i></p>			
<b>E. Greenway</b>		Minimum Size: N/A	Maximum Size: N/A
<p><i>Description: Greenways are spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Greenways shall have streets or pedestrian ROWs parallel to or integrated into at least 70% of their length. Greenways are used for walking, jogging, biking, and they are used as wildlife corridors. Greenways may have infrequent small-scale active recreational facilities such as playgrounds, although the majority of greenways shall be for passive, pedestrian and/or bicycle recreation.</i></p>			



<b>F. Natural &amp; Agricultural Open Space</b>		Minimum Size: N/A	Maximum Size: N/A
<p><i>Description: Natural and Agricultural Open Space preserves agricultural lands, environmentally sensitive areas such as stream buffers and floodplains, scenic views, cultural features, and rural character that would likely be lost through conventional development approaches. To accomplish this goal, the Town of Wilson's Mills encourages creativity and allows for greater flexibility in the design of developments through use of the Mini-Farm and Traditional Neighborhood Development Overlay Districts in Article 8 - Districts of this Ordinance. Natural and Agricultural Open Space shall be placed in preserves, which adjoin housing areas.</i></p>			

**21.2.8 Open Space Ownership and Conservation Easement.** Open space may be owned or administered by one or a combination of the following methods: fee simple ownership by a unit of government or private non-profit land conservancy; owned by a property association; or by individual private ownership such as a farmer, developer or other private entity that perpetually maintains the open space (i.e. farming, equestrian facility, etc.).

All lands within areas required to be maintained as open space shall be protected by a permanent conservation easement, prohibiting further development beyond improvements approved for the land, and setting other standards safeguarding the site's special resources from negative changes.

Public use of the open space may be limited to residents of the development, except for land used for public sidewalks and multi-use trails, provided that such open space is held in private or property association ownership.

**21.2.9 Maintenance.** The owner or lessee of the property designated as the open space shall be responsible for the maintenance of the open space area. Landscaped areas shall be maintained in good condition and the entire area shall be kept clear of

debris. Failure to maintain the area shall constitute a violation of this or other applicable ordinances. Alternatively, if acceptable to the Town Council, as applicable, the land may be dedicated to the Town for public use and thereafter maintained by the Town.

**21.2.10 Land Acceptable for Open Space Designation.** The classes of land enumerated below may be utilized to meet the requirements of this section.

- A.** Open water, wetlands, utility transmission rights-of-ways, and undisturbed floodplains may account for up to 80 percent of the area requirement.
- B.** Land used for landscape buffers (Type A, B and C only), public sidewalks in excess of standard sidewalk requirements, streetscape and hardscape areas accessible to the public including sidewalk cafe areas, areas containing public art, and similar high density area open space amenities.
- C.** Land on which locally or nationally designated historic structures are located and determined to be contributing to the designation.
- D.** Land which exceeds a eighteen (18%) percent slope may be used to provide up to 70 percent of the required open space if existing slopes and vegetation so designated remain undisturbed.
- E.** Land used for stormwater retention, provided such land is natural in appearance and is not separately fenced, may be used for up to thirty-two (32%) percent of the required open space; green roofs are eligible to be counted as open space under this provision on a 2:1 ratio (two square feet of green roof = one square foot of conventional open space). Additionally, land used for stormwater retention, provided such land is natural in appearance and is not separately fenced, that is developed using best management practices (e.g., constructed wetlands, rain gardens, green roofs or similar features), and either exceeds the required amount of retention or treats offsite stormwater may be used for up to eighty (80%) percent of the required open space at the discretion of the Administrator.
- F.** Land available to residents or tenants for active or passive recreation, including parks, walking trails not used to meet sidewalk requirements, playgrounds, benches, picnic tables, and similar land uses or facilities. Playgrounds and athletic fields installed shall be counted at a 2:1 ratio (two acres of unimproved land = one acre playground and/or athletic field) for calculation compliance provide all improvements are installed.
- G.** Land that is suitable for agriculture, land that has environmentally sensitive areas (ex. mature trees), or land that has cultural significance (ex. important view such as a rural entrance into Town).

**21.2.11 Land not Acceptable for Open Space Designation:** The classes of land enumerated below shall not be utilized to meet the requirements of this section:

- A.** Land that is contaminated with hazardous or toxic waste or materials as defined by state or Federal regulations, except for land covered by an approved mitigation plan and deemed acceptable by the Town Council or land that is designated in an officially adopted Open Space, Park or Greenway master plan.
- B.** Land occupied by streets, drives, parking areas, or structures other than recreational structures.
- C.** Land with a minimum width less than twenty (20) feet. Mixed use developments in the TND district are exempt from the minimum width requirement.
- D.** Playgrounds and athletic fields that have not been maintained to adequate standards for safe and sanitary use.

### **21.3 FEE-IN-LIEU.**

For open space and/or park requirements of 500 square feet or less in area and not involving property designated as a greenway on any official plan adopted by the Town of Wilson's Mills, a property owner may elect to pay a fee-in-lieu of open space instead of providing the open space provided that the Administrator deems that there is reasonable existing or future open space proximate to the subject parcel. For other required open space areas, a property owner may pay a fee-in-lieu of open space designation for all or a portion of the open space requirement if such fee-in-lieu is acceptable to the Town Council. For developments and subdivisions containing more than 30 residential units, the fee-in-lieu option may only be used for up to 50 percent of the open space requirements in order to ensure that these larger projects provide on-site open space for their residents.

This fee shall be calculated by using the pro rata value of the designated property relative to the value of the entire site to be developed using current property tax appraisal data; for properties covered by agricultural or other exemptions, the Town may utilize a separate appraisal method in its sole discretion. Funds collected in this manner shall be maintained in a separate fund and shall be used to purchase or to enhance recreational use of property provided such features are reasonably proximate to the site(s) from which the funds are collected. Where practical, the collected fees for each project shall be designated for specific parks and recreation acquisitions and/or enhancements by the Town.

**ARTICLE 22**  
**NONCONFORMITIES**

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22.6 Maintenance and Repair	22-4

## **ARTICLE 22 NONCONFORMITIES**

### **22.1 PURPOSE**

It is recognized that, over time, lawful nonconformities may develop as a result of amendments to the zoning map or Wilson's Mills Development Ordinance which change the application of the Town of Wilson's Mills development regulations to particular properties. It is important that such properties, while nonconforming, be adequately maintained and permitted to continue, but not expanded or enlarged in any fashion that increases the extent of nonconformity. Where possible, such nonconformities should be made, wholly or incrementally, conforming.

### **22.2 APPLICATION AND EXCEPTIONS**

The provisions of this article apply only to lawful nonconformities, except as noted below. Nonconformities other than lawful nonconformities shall be considered violations of the Wilson's Mills Development Ordinance. This article shall not apply, however, to any feature which is the subject of a variance from a particular regulation that has been granted by the Board of Adjustment or to applications of flexible development standards to such features. Where a variance or flexible development standards determination has been granted for a feature which does not otherwise conform to the requirements of this chapter, that feature shall be deemed conforming. Nonconformities associated with signs are addressed in Article 17 – Sign Regulations.

### **22.3 DIMENSIONAL NONCONFORMITIES**

**22.3.1 Lawfully Established Nonconforming Lots.** Lawfully established nonconforming lots having one or more dimensional nonconformities may be used for any permitted or special use (formerly conditional use) allowed in the zoning district in which the lot is located provided that any structure or expansion/addition to an existing structure proposed for the use meets all applicable dimensional and numerical requirements and all applicable procedures are followed. Such lots may be recombined with adjoining lots to increase the extent of their conformity provided new nonconformities are not created.

**22.3.2 Structures, including Signs.** Structures of any type having one or more dimensional nonconformities may be used for any permitted or special use (formerly conditional use) allowed in the zoning district in which the structure is located, and, upon any change in use, shall comply with the landscaping, buffering, and parking requirements of Articles 11 – Landscaping Requirements & Tree Protection and Article 12 – Off-street Parking, Staking & Loading Areas.

Structures may be expanded or enlarged; provided the extent of the applicable nonconformity is not increased or new nonconformities are not created by expansion or enlargement. Expansions, enlargements or reconstruction of such structures to an extent equal to or greater than fifty (50%) percent of appraised value, shall require such structures to meet all applicable dimensional and numerical requirements, except density, which may be retained at the prior nonconforming level but not increased. For the purpose of this section, the value of any expansions, enlargements, or reconstruction of such structures over a threeyear period shall be cumulated in calculating the fifty percent threshold. A structure undergoing renovation (defined in Article 3 – Definitions, Abbreviations & Symbols) having a renovation cost equal to or greater than fifty percent of the structure’s appraised value shall not be subject to the above provisions but shall be required to meet the landscaping, buffering, and parking provisions of Articles 11 – Landscaping Requirements & Tree Protection and Article 12 – Off-street Parking, Staking & Loading Areas. Signs shall also comply with the provisions of Article 17 – Sign Regulations of this Ordinance.

## **22.4 NONCONFORMING USES**

**22.4.1 Discontinuation of Nonconforming Uses.** A nonconforming use is allowed to continue unless the use is discontinued for any reason for a period of 730 or more consecutive days, and there are no substantial good faith efforts to re-establish the use during this period. Obtaining permits to maintain the existing use or significant continuous efforts to market the property for sale or lease for the existing use (e.g., MLS listing, Realtor contract, etc.) shall be regarded as substantial good faith efforts. A nonconforming use shall be deemed discontinued after a period of 1095 consecutive days regardless of any substantial good faith efforts to re-establish the use. Thereafter, the structure or property associated with the use may be used only for conforming use. Where multiple nonconforming uses occupy the same premises, the reallocation of any combination of the nonconforming uses shall be allowable provided there is no net increase in the gross area of the combined nonconforming uses. Special uses (formerly conditional uses) discontinued for a period of 730 or more consecutive days shall be regarded as nonconforming uses and shall not be re-established without new special use permit (formerly conditional use permit) approval.

## **22.5 NONCONFORMITIES ASSOCIATED WITH MANUFACTURED HOMES.**

Dimensional or use nonconformities associated with manufactured homes shall be addressed in the following manner.



- 22.5.1 Replacement of One Manufactured Home with Another Manufactured Home in a Lawfully Established Manufactured Housing Park.** Such replacement shall be permitted without regard to dimensional nonconformity provided that the replacement manufactured home is constructed to the United States Department of Housing and Urban Development (HUD) standards, the replacement home is placed in the same location as the original home, and such replacement occurs within 365 days of the removal of the original manufactured home. In all other situations, replacement shall be prohibited.
- 22.5.2 Replacement of One Manufactured Home with Another Manufactured Home in Areas Other Than a Lawfully Established Manufactured Housing Park or Area Covered by a Manufactured Housing Zoning Overlay.** Such replacement shall be permitted provided that new dimensional nonconformities are not created, the replacement manufactured home is constructed to the United States Department of Housing and Urban Development (HUD) standards, the replacement home is placed in the same location as the original home, the replacement home conforms to the development standards of this ordinance, and such replacement occurs within 365 days of the last day of occupancy of the original manufactured home. In all other situations, replacement shall be prohibited.
- 22.5.3 All Non-Conforming Manufactured Home Parks not found in compliance with the requirements of this Ordinance shall either cease and desist or meet full compliance standards no later than eight (8) years following either the effective date of this Ordinance or its application to newly annexed property, whichever is the latter. Exception is taken where the Non-Conforming Manufactured Home Park satisfies the applicable requirements of Article 2 – General Provisions.**

## **22.6 MAINTENANCE AND REPAIR**

In the interest of the public safety and health, structural alterations or remodeling of nonconforming structures or conforming structures on nonconforming lots that are required by any public law, and so ordered by a public officer in authority, shall be permitted. Routine maintenance shall also be permitted for nonconforming situations so long as no expansion of the nonconformity in conflict with the provisions of this Article occurs as a result of the maintenance.

**ARTICLE 23**  
**ADMINISTRATION AND ENFORCEMENT**

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**ARTICLE 23**  
**ADMINISTRATION AND ENFORCEMENT**

**23.1 APPLICABILITY AND ESTABLISHMENT OF ADMINISTRATOR**

This Ordinance and the provisions set forth herein shall apply to all property within the Town of Wilson's Mills. The Town Council shall appoint an Administrator to be responsible for the impartial administration of this Ordinance. The Administrator shall have the authority to administer and enforce the provisions of the Ordinance within this area of jurisdiction.

**23.2 ADMINISTRATOR AS ENFORCEMENT OFFICER**

**23.2.1 Establishment and Authority.** Unless specifically set forth otherwise in this Ordinance, the Administrator shall be the Enforcement Officer with the duty of administering and enforcing the provisions of this Ordinance. The may designate one or more persons to assist in the administration and enforcement this Ordinance. Orders issued by the Administrator's designee shall have the effect as if issued by the Administrator. The Administrator, or designee may enter any building, structure, or premises as provided by law, to perform any duty imposed upon him/her by this Ordinance.

**23.2.2 General Duties.** The Administrator shall:

- A.** establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
- B.** issue permits and certificates pursuant to this Ordinance;
- C.** review and approve all development plans and permit applications to assure the requirements of this Ordinance have been satisfied;
- D.** interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
- E.** maintain all records pertaining to the provisions of this Ordinance in their office(s) and make said records open for public inspection;
- F.** periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;
- G.** cause to be investigated violations of this Ordinance;
- H.** enforce the provisions of this Ordinance;
- I.** issue notice of corrective action(s) when required;
- J.** use the remedies provided in this Ordinance to gain compliance;
- K.** be authorized to gather evidence in support of said activities;

- L. receive appeals and forward cases to the appropriate body;
- M. perform other duties as may be assigned by the Town Council and/or the Planning Board.

### **23.3 VIOLATIONS**

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

**23.3.1 Development Without Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.

**23.3.2 Development Inconsistent with Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

**23.3.3 Violation by Act or Omission.** To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Town Council or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

**23.3.4 Use in Violation.** To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.

**23.3.5 Subdivide in Violation.** To subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Johnston County. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.

**23.3.6 Continuing Violations.** Each day's violation of any provision of this Ordinance is a separate and distinct offense.

#### **23.4 ENFORCEMENT INTENT**

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from a written decision made by the Administrator and in accordance with Article 6 – Variances & Administrative Appeals of this Ordinance. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court of Johnston County as provided by law and in accordance with Article 6 – Variances & Administrative Appeals of this Ordinance.

#### **23.5 ENFORCEMENT PROCEDURE**

When the Administrator and/or a duly authorized agent finds a violation of this Ordinance, it shall be their duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

**23.5.1 Notice of Violation.** If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Administrator shall give the owner or occupant written notice, by first class mail, general delivery mail, certified or registered mail to their last known address, or by personal service, by posting notice of the violation conspicuously on the property, or in accordance with Rule 4 of the North Carolina Rules of Civil Procedure. The notice of violation shall include, but not be limited to:

- A.** that the land, building, sign, structure, or use is in violation of this Ordinance;
- B.** the nature of the violation, and citation of the section of this ordinance violated;
- C.** the measures necessary to remedy the violation;
- D.** the opportunity to cure the violation within a prescribed period of time.

Where the person violating a provision of this article is not the owner of the property, the Town shall send a notice of violation to both the occupant and the owner of the property.

**23.5.2 Extension of Time to Remedy.** Upon receipt of a written request from the alleged violator or the property owner for an extension of time to remedy or correct the violation, the Administrator or other Town official charged with the duty of enforcing the regulations(s) being violated may grant a single extension of time, not to exceed a period of thirty (30) calendar days, in which the alleged

violator may cure or correct the violation before the Town pursues enforcement action as provided for in this section.

**23.5.3 Appeal.** Any owner or occupant who has received a Notice of Violation may appeal in writing the written decision of the Administrator to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within thirty (30) days following receipt of the Administrator's written decision. The Board of Adjustment, or other designated board, shall hear an appeal within thirty-six (36) days of the date of submittal of a complete application, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Administrator in the Notice of Violation shall be final. Notice of such hearing shall be provided as required by Article 6 of this Ordinance.

**23.5.4 Order of Corrective Action.** If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

**23.5.5 Failure to Comply with an Order.** If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by State law and Section 23.6 (Remedies) of this Article. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

## **23.6 REMEDIES**

Any one or all of the following procedures may be used to enforce the provisions of this Ordinance.

**23.6.1 Injunction.** Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

**23.6.2 Civil Penalties.** Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 23.7 (Civil Penalties - Assessments and Procedures) of this Article.

**23.6.3 Denial of Permit or Certificate.** The Administrator may withhold or deny any permit, certificate, occupancy permit or other form of authorization on any land, building, sign, structure, or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, or other authorization previously granted.

**23.6.4 Conditional Permit or Temporary Certificate.** The Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

**23.6.5 Stop Work Orders.** Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with N.C.G.S. 160A-421 as applicable, or the NC Building Code.

**23.6.6 Revocation of Permits.** The Administrator may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked. (See N.C. Gen. Stat. 160D-1115 for statutory authorization by law.)

**23.6.7 Criminal Penalties.** Any violation of this Ordinance shall be a misdemeanor or infraction as provided by N.C.G.S. 14-4.

## **23.7 CIVIL PENALTIES – ASSESSMENT AND PROCEDURES**

**23.7.1 Penalties.** Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount prescribed for the first and each successive violation of the same provision. The following penalties are hereby established:

Warning Citation	Correct Violation Within Prescribed Period of Time
First Citation	\$100.00
Second Citation for Same Offense	\$300.00
Third and Subsequent Citations for Same Offense	\$500.00

If the offender fails to pay the civil penalties within fifteen (15) days after having been cited, the Town may recover the penalties and cost of collection, including attorney fees and court costs, as permitted by law in a civil action in the nature of debt. Penalties collected shall be distributed in accordance with applicable law.

**23.7.2 Notice.** No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 23.5.1 (Notice of Violation) of this Article. If after receiving a notice of violation under Section 23.5.1 (Notice of Violation) of this Article, the owner or other violator fails to take corrective action within the prescribed period of time, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

**23.7.3 Responsible Parties.** The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

**23.7.4 Continuing Violation.** For each day thereafter (ten-day (10) notice and 15 days to pay penalty after notice), if the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

**23.7.5 Demand for Payment.** The Administrator, or designee shall make written demand for payment upon the property owner or the person in violation and shall set forth in detail a description of the violation for which the civil penalty has been imposed.



**23.7.6 Nonpayment.** If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty, reasonable attorney fees and court costs. Provided, however, if the civil penalty is not paid within the time prescribed, the Administrator may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to N.C.G.S. 14-4.

## **23.8 OTHER POWERS AND ACTIONS**

**23.8.1 State and Common Law Remedies.** In addition to other enforcement provisions contained in this Article, the Town Council may exercise any and all enforcement powers granted to it by state law or common law.

**23.8.2 Previous Enforcement.** Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

## **23.9 REMEDIES CUMULATIVE AND CONTINUOUS**

**23.9.1 Cumulative Violations.** All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

**23.9.2 Repeat Violations.** If an owner or occupant repeats the same violation, on the same parcel, within a five-year (5) period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

## **23.10 SUMMARY REMOVAL OF SIGNS/SIGN STRUCTURE; REMOVE ORDERS FOR SIGNS/SIGN STRUCTURE**

**23.10.1 Summary Removal.** Pursuant to N.C.G.S. 160A-193, the Town shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the Town determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be ascertained, by the property owner, and if not paid, there shall be a lien placed upon the land or premises where the nuisance arose, and it shall be collected as unpaid taxes.

**23.10.2 Prohibited Signs a Public Health Nuisance.** Pursuant to N.C.G.S. 160A-193 and 160A-296, any signs or sign structures prohibited by Article 17 – Sign Regulations of this Ordinance are hereby declared to be a public health nuisance in that they are dangerous or prejudicial to the public health or public safety and the Administrator shall have the authority to remove summarily the sign and/or sign structure.

**23.10.3 Remove Order.** The Administrator shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time prescribed by a notice of violation. Remove orders shall be issued to and served upon the sign/sign structure owner, or if the sign/sign structure owner cannot be ascertained, to and upon the property owner by the means set forth in section 23.5.1 (Notice of Violation) of this Article. The sign or sign structure shall be removed within 30 days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign or sign structure to be removed and the reason(s) for issuance of the remove order, including specific reference to the provisions of Article 17 – Sign Regulations of this ordinance that have been violated.

**23.10.4 Failure to Comply.** In the event of failure to comply with the requirements of a remove order, the Administrator may cause such sign or sign structure to be removed. The sign owner and property owner may be jointly and separately liable for the expense of removal. Notice of the cost of removal shall be served as set forth in section 23.5.1 (Notice of Violation) of this Article. If said sum is not paid within thirty (30) days thereafter, said sum, together with reasonable attorney fees and court costs, may be collected by the Town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of N.C.G.S. 14-4.